



City Council Chambers 214 SE 8th
Street, 2nd Floor Topeka KS 66603
<https://www.topeka.org>

Governing Body Agenda

December 13, 2022
6:00 PM

Mayor: Michael A. Padilla

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	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

City Manager: Stephen Wade

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. 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 the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the 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 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 the date of the meeting 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. OATH OF OFFICE: Council District 9

2. ROLL CALL:

3. APPOINTMENTS:

A. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Dene' Mosier to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023. *(Council District No. 6)*

B. Board Appointment - Topeka Housing Authority Advisory Board

BOARD APPOINTMENT recommending the appointment of Scott Brunner to the Topeka Housing Authority Advisory Board to fill unexpired term expiring on December 13, 2026. *(Council District No. 8)*

C. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the reappointment of Linda Shove-Morgan to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2024.

D. Board Appointment - Gage Park Improvement Authority

BOARD APPOINTMENT recommending the appointment of Tamra Cortez to the Gage Park Improvement Authority to fill a term ending December 13, 2025. *(Council District No. 6)*

E. Board Appointment - Gage Park Improvement Authority

BOARD APPOINTMENT recommending the appointment of Keith Warta to the Gage Park Improvement Authority to fill a term ending December 13, 2025. *(Council District No. 5)*

4. CONSENT AGENDA:

A. Resolution - Establishing City Boundaries

RESOLUTION introduced by City Manager Stephen Wade, declaring the entire boundary of the City of Topeka for 2023.

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

B. Professional Engineering Contract Amendment - Alfred Benesch and Company - 8th Ave Road Design Topeka Blvd to Madison St

APPROVAL of a Public Works Engineering Contract between the City of Topeka and Alfred Benesch and Company, in an amount not to exceed \$115,635 for engineering services.

(Approval will authorize the City Manager to sign and execute the contract amendment for an amount not to exceed \$115,635 for final design and plan generation, and bidding documents for the pavement, curb, and sidewalk ramps, and concrete and asphalt pavement patching, mill and overlay, and pavement marking installation on 8th Street between Topeka Blvd and SE Madison Street Project T-861010.02.)

C. MINUTES of the regular meeting of December 6, 2022

D. APPLICATIONS:

5. ACTION ITEMS:

A. Public Hearing and Ordinance - V22E/3 Agree Central LLC (1717 SW Wanamaker Road)

PUBLIC HEARING AND ORDINANCE introduced by City Manager Stephen Wade relating to the partial vacation of a 16 foot wide public sanitary sewer easement located within Lot 1, Block A, West Ridge Mall Subdivision No. 13 located at 1717 SW Wanamaker Road. (V220E/03) (Council District No. 9).

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will allow for the preferred alignment of a private sanitary sewer service line to facilitate the new construction of an automobile repair business located on the property.)

B. Ordinance - Capital City Downtown Business Improvement District (BID) - 2023 Service Fee

ORDINANCE introduced by City Manager Stephen Wade, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2023 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on downtown businesses for 2023.)

C. Ordinance - Topeka Tourism Business Improvement District (TBID) - 2023 Service Fee

ORDINANCE introduced by City Manager, Stephen Wade, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2023 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will continue the current service fee for 2023.)

D. Discussion and Possible Action - Ordinance - Civil Service Commission

DISCUSS and POSSIBLE ACTION of AN ORDINANCE introduced by City Manager Stephen Wade, concerning the Civil Service Commission, amending Section 2.120.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval would increase the number of Civil Service commissioners from five to seven and change the quorum requirement from three to four voting members.)

E. Public Hearing and Ordinance - 2022 Budget Amendments

PUBLIC HEARING and AN APPROPRIATION ORDINANCE introduced by City Manager Stephen Wade, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2022 and appropriating the amounts for the purpose as set forth therein.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the 2022 operating budget after considering public comment.)

6. NON-ACTION ITEMS:

A. Discussion - Proposed Utility Rate Increases

DISCUSSION concerning potential utility rate changes for infrastructure maintenance.

(Combined blended rate is 9.85% annually. The proposed rates include 11.8% increase for water in 2024 and 2025, and 11.5% increase in 2026; 8% increase for wastewater in 2024 and 2025, and 8.25% increase in 2026; 7.5% increase for stormwater in 2024, and 7% increase in 2025 and 2026.)

7. PUBLIC COMMENT:

Public comment for the meeting will be available via Zoom or in-person. 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 the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. Written public comment may also be considered to the extent it is personally submitted at the 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 the date of the meeting 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/>.

8. ANNOUNCEMENTS:

9. EXECUTIVE SESSION:

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

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

10. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Dene' Mosier to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023. (Council District No. 6)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza.

STAFF RECOMMENDATION:

The Mayor recommends appointment of Dene' Mosier to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023.

BACKGROUND:

The advisory board shall be comprised of seven members to be appointed by the Mayor with the consent of the Council. Five members shall be representatives from hotels that are current in the payment of their service fees. Two members shall be representatives from the travel and tourism industry.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

D. Mosier - Topeka TBID Appointment Application 2022

City of Topeka Boards and Commissions Application

Submission date: **17 October 2022, 9:08AM**
Receipt number: **96**
Related form version: **5**

Profile

First Name	Dené
Last Name	Mosier
Email Address	dmosier@kansasdiscovery.org
Street Address	3233 SW Westover
Suite or Apt	
City	Topeka
State	Kansas
Zip	66604
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 6
Pimary Phone	7852206954
Alternate Phone	
Employer	Kansas Children's Discovery Center
Job Title	CEO
Which Board would you like to apply for?	Topeka Tourism Business Improvement District Advisory Board
Are you a registered voter?	Yes

Are you currently a full or part-time employee of the City of Topeka? **No**

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? **No**

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? **No**

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? **No**

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

As a leader of a tourism organization and as a board member for Visit Topeka I am very interested in serving on the TBID advisory board and supporting the growth of tourism in our community.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have served as the President and CEO of the Kansas Children's Discovery Center since 2015. I serve on the Visit Topeka Board of Directors and will be the Board Chair for 2023.

I have both undergraduate and graduate degrees from Kansas State University.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

none

****Please upload a resume or any additional information** [DMosier Resume TBID.pdf](#)
you believe may be helpful in considering your
application.

Voluntary Self Identification

Ethnicity	Caucasian/Non-Hispanic
Gender	Female

Acknowledgements and Verification

Purpose of Information being submitted.	I Agree
---	---------

The information I am submitting is true and correct.	I Agree
--	---------

Your electronic signature



[Link to signature](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

“The playing adult steps sideward into another reality; the playing child advances forward to new stages of mastery.” *Erik H. Erikson*

Dené Mosier

Professional Experience

KANSAS CHILDREN’S DISCOVERY CENTER
President and CEO

Topeka, KS 2015 – Present

- Oversee management and operations, including all aspects of budgeting and financial management of \$1 million budget
- Led organization to 135% increase in revenue over a 5-year period from start of role in 2015 to 2020.
- Coordinated fundraising efforts leading to the elimination of all outstanding debt, including capital building debt within the first year of employment.
- Led organization through pandemic closure, while increasing operating reserves through successful fundraising.
- Designed and implemented community outreach programming ensuring services for children with life-threatening illnesses, children with incarcerated mothers, and regional foster families.
- Lead and develop work with constituent groups, including the board of directors, committees, volunteers, and external audiences.
- Present locally, regionally, and nationally about the Discovery Center and its strategic initiatives.
- Served as media spokesperson, building the Discovery Center’s brand, raising its recognition and profile within the community/region, and increased its media engagement through interviews, earned media and a commitment to innovative initiatives

Current Board Service

Association of Children’s Museums

Vice President of Initiatives

Present

Board of Directors

2019-2020

International Conference Co-Chair

2018-2019

“The playing adult steps sideward into another reality; the playing child advances forward to new stages of mastery.” *Erik H. Erikson*

Momentum 2022

Talent Development Workgroup

2019-2022

Momentum 2027

Steering Committee Member

2021-2022

Visit Topeka

Board of Directors

2019-present

Board Chair Elect

2022



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DATE: December 13, 2022
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Housing Authority Advisory Board PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Scott Brunner to the Topeka Housing Authority Advisory Board to fill unexpired term expiring on December 13, 2026. (Council District No. 8)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

The Topeka Housing Authority Advisory Board plans and studies the public housing needs of the City and to make recommendations to City officials.

STAFF RECOMMENDATION:

Mayor Padilla recommends the appointment of Scott Brunner for a term that would end December 13, 2026. (Council District No. 8)

BACKGROUND:

The board shall consist of five members appointed by the Mayor; one of which must be a client of the housing authority. Members shall serve four-year terms on volunteer basis. Council nominations are not required.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:**Description**

S. Brunner - THA - Appointment Application & Resume 2022

City of Topeka Boards and Commissions Application

Submission date: **17 October 2022, 2:24PM**
Receipt number: **97**
Related form version: **5**

Profile

First Name	Scott
Last Name	Brunner
Email Address	scbrunner2003@yahoo.com
Street Address	3510 SW Stonybrook Dr
Suite or Apt	
City	Topeka
State	Kansas
Zip	66614
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 8
Pimary Phone	17852317794
Alternate Phone	17855549569
Employer	State of Kansas-Department for Aging and Disability Services
Job Title	Deputy Secretary of Hospitals and Facilities
Which Board would you like to apply for?	Topeka Housing Authority Advisory Board
Are you a registered voter?	Yes

Are you currently a full or part-time employee of the City of Topeka? **No**

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? **No**

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? **No**

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? **No**

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

My career in state government has focused on health and health care for families with limited incomes and people with disabilities across Kansas. Working for the state Medicaid program and now with programs for people with mental illness and those needing long term care, I have seen the important contribution safe, affordable, and accessible housing has to a person's health. I have been learning about the intersection of health care, public housing and funding sources for housing, but would like do more applied learning while contributing to the operation of programs in my home town. Service on the Housing Authority Advisory Board would allow me to continue learning about housing programs while helping connect Topekans and the housing program staff with resources from the health care sector.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have a M.A. degree in American Government and Public Policy from the University of Nebraska-Lincoln and a B.A. in Political Science from Emporia State University.

I was a member of the 2008 Leadership Kansas class.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I do not have any professional licenses.

****Please upload a resume or any additional information you believe may be helpful in considering your application.**

[Scott Brunner resume 3_23_2022.docx](#)

Voluntary Self Identification

Ethnicity

Caucasian/Non-Hispanic

Gender

Male

Acknowledgements and Verification

Purpose of Information being submitted.

I Agree

The information I am submitting is true and correct.

I Agree

Your electronic signature



[Link to signature](#)

Alternative electronic signature

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If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

SCOTT C. BRUNNER

3510 SW Stonybrook ■ Topeka, KS 66614
Home 785-231-7794 ■ scbrunner2003@yahoo.com

EDUCATION

Master of Arts, American Government and Public Policy

August 1992 – May 1995

University of Nebraska – Lincoln

Bachelor of Arts, Political Science, Public Affairs, English Literature

August 1988 – May 1992

Emporia State University

PROFESSIONAL ACCOMPLISHMENTS

- Provided technical support to State Budget Director and managed State General Fund cash flow during revenue shortfall in 2002, leading to the first use of midyear budget cuts by a Kansas Governor.
- Managed provider concerns, Legislative contacts, and correction of system defects after implementing the Medicaid Management Information System in 2004. Successfully completed certification of the system to access \$300 million in enhanced federal funding.
- Developed technical specifications, implementation strategy, and regulatory documents for the hospital provider assessment program approved by the 2004 Legislature. Directed the federal approval process and the first payments to hospitals, enhanced rates for hospitals and physicians, and assessment collections.
- Led the transition of Medicaid staff and program authority from the Department of Social and Rehabilitation Services to the Division of Health Policy and Finance and the Kansas Health Policy Authority. The transitions occurred with advance federal approval and without interrupting services to beneficiaries or delaying provider payments.
- Wrote issue briefs and public presentations to describe the transition of Kansas Medicaid to a fully capitated managed care model through KanCare. Traveled to communities across the state to provide context for community providers, consumers and Medicaid family members to about the impact of managed care.
- Developed Aetna's national policy analysis program for Medicaid and created a monthly call to educate Aetna professionals about Medicaid policy trends.
- Served as a key team member preparing the successful bid for Aetna to secure its first Medicaid managed care contract in Kansas.
- Implemented a statewide Personal Protective Equipment purchasing portal for long term care facilities that struggled with funding and consistent supply chains during the COVID-19 pandemic.

PROFESSIONAL EXPERIENCE

Deputy Secretary of Hospitals and Facilities

January 2020 – present

Kansas Department of Aging and Disability Services

- Provide administrative oversight to State Hospitals for people with Intellectual and Developmental Disabilities and Mental Illness

- Provide administrative oversight to the Survey, Certification, and Credentialing Commission over skilled nursing facilities, state-licensed facilities, substance abuse and mental health facilities, and residential facilities.
- Part of the agency leadership team responsible for working across state agencies and stakeholders in mental health, nursing facilities and long-term care sectors.

Vice President for Stakeholder Relations

September 2018 – January 2020

Aetna Better Health of Kansas

- Lead community outreach for Medicaid managed care plan, including supervising four community-based team members.
- Direct outreach activities for Aetna Better Health of Kansas with provider, consumer, and stakeholder organizations.
- Coordinate with Aetna State Government Affairs and contract lobbyists with Kansas Legislature and state agencies.

Medicaid and CHIP Policy Analyst

September 2015 – September 2018

Aetna Medicaid

- Identify and distribute timely information about regulatory and legal developments in Medicaid and the Children's Health Insurance Program(CHIP) to Aetna business units.
- Host monthly Medicaid Policy Update teleconference for Aetna Medicaid and State Health Plan leadership on federal policy and state Medicaid innovations.
- Share applied research about Medicaid and CHIP relevant to Aetna business opportunities.
- Develop policy papers and supplemental materials to promote and support Aetna positions and recommendations.
- Represent Aetna Medicaid on policy committees of the Medicaid Health Plans of America and Managed Long-Term Services and Supports Association

Senior Analyst and Strategy Team Leader

October 2011 – September 2015

Kansas Health Institute

- Presented policymakers, providers, consumer advocates and other Kansans with data, research and policy analysis about health care and health insurance. Organized KHI research efforts surrounding public and private health insurance, access to health care services and disparities in health services.
- Contributed to KHI research efforts on state fiscal and health policy with a primary emphasis on state expenditures on health insurance programs including Medicaid and the Children's Health Insurance Program.

Director; Projections, Financing, and Estimation Group

July 2011 – October 2011

Kansas Department of Health and Environment

- Supervised division budget development, financial reporting, and federal reporting.
- Managed cash flow of federal Medicaid funds to the Department and other Medicaid-funded agencies.
- Oversaw projections of Medicaid expenditures and long-range estimates of future expenditures among multiple state agencies.

Chief Financial Officer

October 2006 – June 2011

Kansas Health Policy Authority

- Served on the agency's leadership team to set policy and strategic goals.
- Responsible for financial integrity of the agency, reporting directly to the Executive Director, Health Policy Authority Board, Finance and Audit Committee, Kansas Legislature, and Governor's Office.
- Supervised agency budget development, financial reporting, and federal reporting.
- Managed cash flow of federal Medicaid funds to the Authority and other Medicaid-funded agencies.
- Supervised agency human resources department.
- Supervised agency audit and program review functions.
- Supervised agency operations and information technology services.

Director of Medical Policy and Medicaid

January 2004 – June 2006

Kansas Department of Social and Rehabilitation Services

July 2006 – October 2006

Kansas Health Policy Authority

- Responsible for administration of Medicaid and State Children's Health Insurance Program.
- Coordinated activities of Medicaid funded state agencies and local education agencies.
- Primary liaison between Kansas and federal officials in the Centers for Medicare and Medicaid Services.
- Worked with providers and associations to ensure adequate network for needed medical services for underserved and underinsured populations.
- Ensured performance of contractors, including fiscal agent and eligibility enrollment and case maintenance clearinghouse.

Deputy Secretary for Operations

February 2003 – January 2004

Kansas Department of Social and Rehabilitation Services

- Served on the agency leadership team, setting the policy for human service programs.
- Agency executive responsible for administrative operations and support services.
- Supervised agency budget development, financial reporting, and federal reporting.
- Coordinated agency information technology resources and telecommunications support.
- Participated with agency leadership team to set strategic direction and legislative agenda.

Senior Budget Analyst

June 1999 – January 2003

Kansas Division of the Budget

- Analyzed expenditure and budget information submitted by state agencies, including the Department of Transportation, Department of Corrections, and the Department of Social and Rehabilitation Services.
- Developed budget recommendations for the Governor, Cabinet Secretaries, Legislators, and legislative staff.
- Maintained State General Fund cash flow models and had primary responsibility for expenditure planning.
- Participated in revenue estimating and projections of federal fund receipts.

Adjunct Instructor

June 1997 – May 1999

Central Texas College and Drury College
Ft. Leonard Wood, Missouri

- Taught American Government and Political Theory courses for adult and continuing education students.

- Developed materials and assessment tools based on course objectives set by both colleges.

Performance Auditor I

June 1995 – September 1996

Kansas Legislative Division of Post Audit

- Worked on collaborative teams to evaluate effectiveness and efficiency of state government programs.
- Gathered information on comparable statutes, regulations, policies, and programs from other states.
- Contributed to written reports for presentation to Legislative committees.

PROFESSIONAL ASSOCIATIONS

National Association of State Medicaid Directors

2004 – 2006

Executive Committee Representative of Midwestern States

Leadership Kansas 2008 Class, Kansas Chamber of Commerce

VOLUNTEER ACTIVITIES

Boy Scouts of America – Cub Scout Pack 249/478

2003 – 2012

Den Leader and Cubmaster

2010 – 2011

Jayhawk Council Audit Committee Member

Emporia State University

2013 – Present

Political Science Alumni Advisory Committee

Topeka Civic Theatre and Academy

2004 – Present

Front of House and Back Stage Volunteer

2014 -- 2017

Play Reading Committee Community Member



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DATE: December 13, 2022
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism PROJECT #:
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Linda Shove-Morgan to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2024.

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza.

STAFF RECOMMENDATION:

Mayor Padilla recommends the reappointment of Linda Shove-Morgan to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2024.

BACKGROUND:

The advisory board shall be comprised of seven members to be appointed by the Mayor with the consent of the Council. Five members shall be representatives from hotels that are current in the payment of their service fees. Two members shall be representatives from the travel and tourism industry.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:**Description**

L. Shove-Morgan - Reappointment Application 2022

City of Topeka Boards and Commissions Application

Submission date: **9 November 2022, 3:12PM**
Receipt number: **117**
Related form version: **5**

Profile

First Name	Linda
Last Name	Shove-Morgan
Email Address	linda@parrishhotels.com
Street Address	3208 S>E> Blackjack Circle
Suite or Apt	
City	Topeka
State	Kansas
Zip	66609
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 4
Pimary Phone	785/383-1908
Alternate Phone	
Employer	Parrish Hotel Corporation
Job Title	Director of Sales
Which Board would you like to apply for?	Topeka Tourism Business Improvement District Advisory Board
Are you a registered voter?	Yes

Are you currently a full or part-time employee of the City of Topeka? **No**

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? **No**

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? **No**

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? **No**

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I am interested in continuing to be a part of the Tourism Business Improvement District Advisory Board. I believe the growth of the City is enhanced by the efforts of this Board and the tourism entities in this City.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have been involved in the hotel/tourism industry for 40 years. I have been involved in working with numerous organizations throughout the years. I have been awarded Sales and Marketing Executive of the year for two years and awarded several honors with Holiday Inns, Inc. I am involved in Arab Shrine and raising money for the various shrine hospitals throughout the world.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

N/a

****Please upload a resume or any additional information you believe may be helpful in considering your application.**

Voluntary Self Identification

Ethnicity

Gender

Acknowledgements and Verification

Purpose of Information being submitted.

I Agree

The information I am submitting is true and correct.

I Agree

Your electronic signature

A handwritten electronic signature in black ink, appearing to read 'A. Mingo', is displayed on a light gray background.

[Link to signature](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Gage Park PROJECT #:
Improvement Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Tamra Cortez to the Gage Park Improvement Authority to fill a term ending December 13, 2025. (Council District No. 6)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

Whether to appoint Ms. Cortez to the Authority. The Gage Park Improvement Authority is responsible for administering, distributing and expending the proceeds from the new countywide sales tax.

STAFF RECOMMENDATION:

Mayor Padilla nominates and recommends the appointment of Tamra Cortez to the Gage Park Improvement Authority (GPJA) to fill a term ending on December 13, 2025.

BACKGROUND:

This is a statutory board which requires appointment of two individuals by the City Council. The Gage Park Improvement Authority consists of seven (7) members per State statute; One (1) shall be the Director of the Zoo or designee; One (1) shall be the Director of the Children's Discovery Center or designee; One (1) shall be the Director of Shawnee County Parks & Recreation or designee; Two (2) appointed by the Board of County Commissioners and Two (2) appointed by the Mayor and Governing Body to approve. Members shall be appointed for a term of three years (3) with no term limits, reside in Shawnee County; and be a registered voter according to 2022 Sen. Sub for HB 2239; Sec. 25(a).

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

T. Cortez - GPIA Application & Resume

City of Topeka Boards and Commissions Application

Submission date: **7 December 2022, 2:26PM**
Receipt number: **121**
Related form version: **5**

Profile

First Name	Tamra
Last Name	Cortez
Email Address	cortez@corteztc.com
Street Address	743 SW Webster Ave
Suite or Apt	
City	Topeka
State	Kansas
Zip	66606
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 6
Primary Phone	7852318992
Alternate Phone	7852335466
Employer	Cortez Transportation Company, Inc.
Job Title	Office Manager
Which Board would you like to apply for?	Gage Park Improvement Authority Board
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? **No**

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? **No**

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? **No**

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I have a passion for our city. I am excited to see the renewed interest in investing in Gage Park. I would love to be a part of the process of refining and executing a well prepared strategic plan for the area which will afford it the opportunity to create an even greater economic impact on our community. Outside of the economic impact, improvements and additions to Gage Park are the perfect opportunity to improve Topeka and Shawnee County as a great place to live, prosper, learn and belong.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Worked with high level executives for over 20 years and currently manage the largest passenger transportation company in the area. Both provided me with a wide variety of experience with budgets, processes and people. Our company supports numerous charities through donations of services. We received the 2015 Mona de Topeka Economic Development award and the 2019 Minority Owned Business of Distinction award from Greater Topeka Partnership. I'm a member of the IAAP, GTP and the NLA.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

N/A

****Please upload a resume or any additional information you believe may be helpful in considering your application.** [Cortez Resume.pdf](#)

Voluntary Self Identification

Ethnicity

Caucasian/Non-Hispanic

Gender

Female

Acknowledgements and Verification

Purpose of Information being submitted.

I Agree

The information I am submitting is true and correct.

I Agree

Your electronic signature



[Link to signature](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

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Tamra J. Cortez

743 SW Webster Avenue ☐Topeka, KS 66606 ☐(785) 231-8992

PROFILE

- 22 years of administrative assistant experience at the senior executive level
- Highly motivated with a proactive and positive attitude
- Excellent organizational skills and the ability to adapt to change
- Ability to handle multiple projects and meet deadlines under pressure
- Self motivated and capable of working independently or on a team
- Proficient in Microsoft Office products, such as Word, Excel, PowerPoint as well as Outlook

EXPERIENCE

CORTEZ TRANSPORTATION COMPANY, INC., Topeka, KS

Office Manager

April 2015 to present

- Manage day-to-day operations including taking reservations, dispatching chauffeurs, coordinating detailing staff, and supervising office assistant.
- Conduct accounting functions including accounts receivable, accounts payable and payroll
- Coordinate website updates as well as manage all marketing efforts
- Manage annual general liability and automotive insurance renewal process
- Insure all state and federal filings are accurately and timely submitted

KaMMCO Health Solutions, Topeka, KS

Executive Assistant / Operations Manager

September 2017 to July 2019

- Provided executive administrative support to KHS / KHIN leadership team
- Organized meetings, conferences, and department activities for all members of department
- Maintained department budget, by supervising administrative staff reviewing payables and receivables and accumulating data for financial statements
- Coordinated Board of Director meetings and sub-committee meetings by developing agendas, preparing supporting documents, presentations, minutes, meeting packets, and communication with Board members
- Maintained and updated contracts, pricing terms and assisted with developing boilerplates for member participation as well as with sub-contractors and vendors
- Developed and maintained company policies, procedures, and workflows

PAYLESS SHOESOURCE, Topeka, KS

Executive Assistant, January 2000 to September 2017

Buying Support Associate, *Women's Buying*; January 2000 to August 2001

Distribution Support Associate, *Merchandise Distribution*; September 1999 to January 2000

AP Control Associate, *Finance*; August 1993 to September 1999

Financial Services Clerk C, *Finance*; May 1992 to August 1993

UNITED STATES DEPARTMENT OF AGRICULTURE

Soil Conservation Aid – GS-2, *USDA*; Soil Conservation Service; Osage City, KS; May 1988 to May 1992

Soil Conservation Aid – GS-1, *USDA*; Soil Conservation Service; Osage City, KS; October 1987 to May 1988

Office Clerk, *USDA*; Agricultural Stabilization and Conservation Service; Lyndon, KS; March 1987 to June 1987

EDUCATION

10 credit hours towards the Business Administration degree program at *Allen County Community College*; Burlingame, KS



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December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Gage Park PROJECT #:
Improvement Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Keith Warta to the Gage Park Improvement Authority to fill a term ending December 13, 2025. (Council District No. 5)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

Whether to appoint Mr. Warta to the Authority. The Gage Park Improvement Authority is responsible for administering, distributing and expending the proceeds from the new countywide sales tax.

STAFF RECOMMENDATION:

Mayor Padilla nominates and recommends the appointment of Keith Warta to the Gage Park Improvement Authority (GPJA) to fill a term ending on December 13, 2025.

BACKGROUND:

This is a statutory board which requires appointment of two individuals by the City Council. The Gage Park Improvement Authority consists of seven (7) members per State statute; One (1) shall be the Director of the Zoo or designee; One (1) shall be the Director of the Children's Discovery Center or designee; One (1) shall be the Director of Shawnee County Parks & Recreation or designee; Two (2) appointed by the Board of County Commissioners and Two (2) appointed by the Mayor and Governing Body to approve. Members shall be appointed for a term of three years (3) with no term limits, reside in Shawnee County; and be a registered voter according to 2022 Sen. Sub for HB 2239; Sec. 25(a).

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

K. Warta - GPIA Application & Resume

City of Topeka Boards and Commissions Application

Submission date: **9 December 2022, 1:01PM**
Receipt number: **125**
Related form version: **6**

Profile

First Name	Keith
Last Name	Warta
Email Address	keith.warta@bartwest.com
Street Address	901 SE OAKRIDGE LN
Suite or Apt	
City	TOPEKA
State	Kansas
Zip	66609
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 5
Pimary Phone	7852243636
Alternate Phone	
Employer	
Job Title	
Which Board would you like to apply for?	Gage Park Improvement Advisory Board
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? **No**

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? **No**

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? **No**

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

One of the main focus areas of our community strategy is to make Topeka/Shawnee County even more family friendly. Gage Park is the most logical spot for us to invest to accomplish this goal. With the additional funds provided by the sales tax, we can make the zoo, discovery center and rest of the park a jewel of the Midwest.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

As the leader of a local business, I've appreciated the progress we've made to improve the likeability of our community. Its good for the current citizens and its good for those who we are trying to attract. I also understand the financial responsibility of the members of the Authority having dealt with financials for decades. Finally, as a design and construction professional, I am suited to review planned improvements to the park.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I am currently a licensed engineer in Kansas.

****Please upload a resume or any additional information [Bio - Keith Warta - August 22.docx](#) you believe may be helpful in considering your application.**

Voluntary Self Identification

Ethnicity	Caucasian/Non-Hispanic
Gender	Male

Acknowledgements and Verification

Purpose of Information being submitted.	I Agree
The information I am submitting is true and correct.	I Agree

Your electronic signature

Alternative electronic signature	Keith Warta
----------------------------------	-------------

Notification to applicants for City Board/Commissions	Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act. If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.
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KEITH WARTA



Education

- M.S. in Civil Engineering, University of Kansas
- B.S. in Civil Engineering, Kansas State University

Registrations

- Professional Engineer – Kansas, Texas, Michigan

Keith is currently serving as Chairman of the Bartlett & West Board of Directors. He formerly held several positions with the company including CEO for more than 13 years. Bartlett & West, Inc. is a Midwest employee-owned engineering, architecture, technology and construction company focused on improving communities by positively affecting every organization, every person, that comes within its footprint.

Bartlett & West delivers unique value to clients throughout the country and was previously named one of the 175 largest design companies in the US by the Engineering News Record. Zweig-White, an industry consultant, has also listed Bartlett & West as one of the Hot 100 Firms in the country for four years in a row.

Every employee at Bartlett & West participates in ownership and the company promotes involvement of all employees in important company decisions like charitable giving, strategy development, and their purpose and core values statement.

In previous roles with Bartlett & West, Keith's focus was on the design and management of major flood control and transportation projects. His technical expertise is in hydrology and hydraulics associated with urban infrastructure. As part of his graduate work, Keith authored a study that examined design storm assumptions and the impact that they have on flood control system costs.

Keith has a passion for community improvement at the grass roots level. He has volunteered for leadership positions in organizations providing senior services, education and community economic development. Keith co-chaired committees that developed and implemented Topeka/Shawnee County's first holistic community strategic plan and chaired Midland Care's board of directors during the integration of Meals-On-Wheels into Midland's senior services.



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December 13, 2022

DATE:	December 13, 2022	
CONTACT PERSON:	Matt Broxterman, Manager of ROW and Surveys	DOCUMENT #:
SECOND PARTY/SUBJECT:	City of Topeka Boundaries 2023	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Stephen Wade, declaring the entire boundary of the City of Topeka for 2023.

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

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to comply with Kansas law which requires the governing body to declare the boundary of the City when territory has been added.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the resolution as part of the consent agenda.

BACKGROUND:

State law requires that the City declare its boundaries if the City annexed property during the year. In 2022, the City annexed property in the vicinity of (1) SE 39th Street and SE Croco Road and (2) Miller's Reserve located near SW 21st Street and SW Indian Hills Road.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

Map of City Limits with Annexations

Ordinance 20387 - Annexing Land Miller's Reserve Sub (SW 21st Street/Indian Hills Road)

Ordinance 20392 - Annexing Land near SE 39th and SE Croco Road

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Stephen Wade, declaring the entire boundary of the City of Topeka for 2022.

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

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

WHEREAS, in 2022, the City annexed property.

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

A. Corporate Limits and Boundaries as Follows to Wit:

Beginning at the intersection of the West line of the Southeast Quarter of Section 34, Township 11 South, Range 16 east of the 6th PM in Shawnee County, Kansas, with a line which is 40 feet north of the South line of said Southeast Quarter; thence North 88°31'07" East, North American Datum 1983, Kansas North Zone, parallel with the South line of said Southeast Quarter, and on the North line of SE 6th St and its extension, 182.36 feet; thence North 0°24'32" West on the North line of SE 6th St, 13.00 feet; thence North 88°31'07" East on the North line of SE 6th St, 180.38 feet; thence easterly on a curve concave northerly being the North line of SE 6th St, having a radius measure of 11,394.16 feet and an arc length of 262.22 feet and a chord which bears North 87°51'34" East, 262.22 feet; thence North 80°50'48" East on the North line of SE 6th St, 45.29 feet; thence North 87°11'07" East on the North line of SE 6th St, 73.07 feet; thence North 0°24'32" West on the North line of SE 6th St, 130.12 feet; thence North 87°11'07" East on the North line of SE 6th St, 96.46 feet; thence South 33°51'23" East on the North line of SE 6th St, 145.99 feet; thence North 88°58'29" East on the North line of SE 6th St, 351.46 feet; thence North 88°31'07" East on the North line of SE 6th St, 100.00 feet; thence North 77°12'31" East on the North line of SE 6th St, 101.98 feet; thence North 37°10'42" East on the North line of SE 6th St, 28.62 feet; thence North 0°01'45" West, 188.19 feet; thence South 88°31'07" West, 100.00 feet; thence North 0°01'45" 1642.61 feet; thence North 88°41', 34" East parallel with the North line of said Southeast Quarter, 300.00 feet; thence South 0°01'45" East, 399.15 feet; thence North 88°37'58" East, 922 49 feet to the West line of Croco Rd; thence South 0°01'45" East, on the West line of Croco Rd, and parallel with the East line of said Southeast Quarter, 816.04 feet; thence South 88°31'07" West on the West line of Croco Rd, 15.00 feet; thence South 0°01'45" East on the West line of Croco Rd and its extension,

725.24 feet to an intersection with the North line of the Northeast Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.; thence South 0°28'27" East parallel with the East line of said Northeast Quarter, 40.01 feet to an intersection with a line which is 40 feet south of the North line of said Northeast Quarter; thence South 88°31'07" West, parallel with the North line of said Northeast Quarter, on the South line of SE 6th St, 280.62 feet; thence South 0°25'53" West on the South line of SE 6th St, 10.00 feet to the Northeast corner of Lot 2, Block "A" in England Mobile Home Estates Subdivision; thence southerly, on the East line of said Lot 2, 477.03 feet; thence easterly, to a point which is 527.03 feet south of and 12.5 feet west of the Northeast corner of the Northeast quarter of said Section 3; thence on an assumed bearing of South 00°21'23" East, parallel with the East line of said Northeast Quarter, 1248.45 feet; thence South 88°38'12" West, 40 feet; thence southerly, on a line which is 52.50 feet west of the East line of the last said Northeast Quarter, 535.29 feet; thence easterly 2.50 feet; thence southerly, on the East line of the last said Lot 1, and its extension, 360.00 feet, to an intersection with the South line of the Northeast Quarter of Section 3, Township 12 south, Range 16 east; thence South 88°38'15" West, 25.89 feet; thence South 09°10'00" West, 156.20 feet; thence South 50°49'00" West, 907.50 feet; thence South 74°51'00" West, 547.39 feet to the East line of the West Half of the Southeast Quarter of said Section 3; thence southerly on said East line to the South Right-of-Way Line of U.S. Highway 40 as condemned in Case Number 91169; thence northeasterly on said South Right-of-Way Line and on a curve to the left that has a radius of 3969.83 feet, an arc distance of 443.15 feet; thence on an assumed bearing of North 83°34'24" East, on said South Right-of-Way Line, 820.00 feet to a point 80.00 feet west of the East line of said Southeast Quarter; thence south-southeasterly, 325.00 feet to a point that is 10.00 feet east of the Northeast corner of Lot 1, Altair Heights Subdivision; thence westerly 10.00 feet to the Northeast corner of Lot 1, Altair Heights Subdivision, being a point on the West Right-of-Way Line of Croco Road; thence southerly on the West line of Croco Road on an assumed bearing of South 02°34'12" West, 222.94 feet; thence west 300.00 feet; thence south 587.42 feet; thence South 32°26'30" West, 203.21 feet; thence South 61°42'24" West, 671.80 feet; thence South 74°32'18" West, 89.94 feet; thence South 88°25'06" West, 194.71 feet, to a point 30.00 feet north of the Southeast corner of the West Half of the Southeast Quarter of Section 3; thence south to the Northeast corner of the West Half of the Northeast Quarter of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of the Northeast Quarter of said Section 10, 158.83 feet to the North line of the Kansas Turnpike Right-of-Way; thence South 63°15'40" West, on said right-of-way line, 790.86 feet; thence South 69°36'00" West, continuing on said right-of-way line, 452.77 feet; thence North 70°46'40" West, continuing on said right-of-way line, 337.69 feet to the Easterly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly to the intersection of the Westerly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority, and the Northerly Right-of-Way line of the Kansas Turnpike; thence southwesterly approximately 290 feet on the Northerly Right-of-Way line of the Kansas Turnpike to a point which intersects with a line bearing North 27°15'56" West, extended from the most Northerly corner of Lot 24, Block "N", Aquarian Acres Subdivision; thence South 27°15'56" East, 300 feet, more or less, to said most Northerly corner of Lot 24; thence easterly on the Southerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of Section 10, also

85 being the Northeast corner of Aquarian Acres Subdivision; thence on an assumed bearing
86 of North 62°16'17" East, on the north line of Capricorn Woods Subdivision No. 2, 308.09
87 feet, to the North corner of Lot 11, Block 'C' in said subdivision; thence North
88 08°05'50" West, on the West line of Capricorn Woods Subdivision No. 3, a record distance
89 of 462.28 feet to the most westerly West corner of Lot 11, Block A in said subdivision;
90 thence North 51°49'07" East, on a North line of Capricorn Woods Subdivision No. 3,
91 399.13 feet; thence North 64°31'42" East, on a North line of Capricorn Woods Subdivision
92 No. 3, a record distance of 896.71 feet to a point on the East line of the West Half of the
93 Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.;
94 thence South 00°19'45" West, on an East line of Capricorn Woods Subdivision No.3,
95 728.46 feet to the Northwest corner of Lot 1, Block "AA" in Shawnee Gardens Subdivision;
96 thence North 89°29'35" East, 1283.60 feet, to the Northeast corner of Lot 6, Block "B" in
97 said subdivision; thence easterly, on the North line of Shawnee Gardens Subdivision, to an
98 intersection with a line which is 30 feet west of the East line of the Northeast Quarter of
99 Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed
100 bearing of North 00°29'01" East, parallel with the East line of said Northeast Quarter, to an
101 intersection with a line which is an extension of the South line of the North 792.0 feet of the
102 Northwest Quarter of Section 11, Township 12 South, Range 16 east of the 6th P.M.;
103 thence North 89°47'56" East, parallel with the North line of said Northwest Quarter,
104 1356.93 feet, to a point which is 6.99 feet west of the East line of the Northwest Quarter of
105 the Northwest Quarter of said Section 11; thence South 00°27'04" West, 537.79 feet, to a
106 point on the South line of the Northwest Quarter of the Northwest Quarter of said Section
107 11, which is 5.50 feet west of the Southeast corner of the Northwest Quarter of the
108 Northwest Quarter of said Section 11; thence South 89°58'08" West, on the South line of
109 the Northwest Quarter of the Northwest Quarter of said Section 11, 1287.20 feet, to the
110 Northwest corner of Lot 1, Block 'E' in Belhaze Subdivision No. 2; thence southerly, to the
111 Northwest corner of Lot 8, Block 'D' in Belhaze Subdivision No. 2; thence westerly, to the
112 Northeast corner of Lot 1, Block "D" in Shawnee Gardens Subdivision; thence on an
113 assumed bearing of South 00°15'33" West, parallel with the East line of the Northeast
114 Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Southeast
115 corner of Lot 4, Block "D" in Shawnee Gardens Subdivision; thence North 89°44'27" West,
116 275.00 feet, to an East corner of Lot 15, Block "D" in said subdivision; thence South
117 00°15'33" West, 215.00 feet, to the most Easterly Southeast corner of Lot 16, Block "D" in
118 said subdivision; thence South 89°44'27" East, 275.00 feet to the Northeast corner of Lot
119 27, Block "D" in said subdivision; thence South 00°15'33" West, 362.57 feet to the
120 Southeast corner of Lot 12, Block "E" in said subdivision; thence North 89°26'55" East, on
121 the North line of the Southeast Quarter of Section 10, to an intersection with a line which is
122 30 feet west of the East line of said Southeast quarter; thence southerly on the West line of
123 Croco Road, 1432.51 feet; thence south on said West line of Croco Road 1176.40 feet to
124 the North Right-of-Way Line of S.E. 29th Street; thence westerly on the North Right-of-Way
125 Line of 29th Street to the East Right-of-Way Line of Wittenberg Road; thence northerly on
126 the East Right-of-Way Line of Wittenberg Road to a point 1689.93 feet north of the South
127 line of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence westerly
128 parallel with and 1689.93 feet north of the South line of said Section 10 to the West line of
129 Section 10; thence northerly on the West line of Section 10 to its intersection with the North

Right-of-Way Line of the Kansas Turnpike; thence southwesterly on the Northerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of the West Half of Section 16, Township 12 South, Range 16 east of the 6th P.M.; thence south to the Northeast corner of the West Half of the Southwest Quarter of said Section 16; thence easterly, on the North line of said Southwest Quarter, 1324.26 feet, to the Northeast corner of said Southwest Quarter; thence on an assumed bearing of 00°05'54" East on the West line of the Northeast Quarter of said Section 16, 1771.63 feet to an intersection with the Southeast right of way line of United States Interstate Highway 470/335, also known as Kansas Turnpike Tract No. 27-70; thence on said Southeast right of way line, being a curve concave northwesterly, having a radius measure of 5879.58 feet and an arc length of 1005.83 feet, the chord of which bears North 45°01'09" East, 1004.60 feet; thence North 40°07'06" East on said Southeast right of way line, 5.75 feet to the Southwest corner of Kansas Turnpike Tract 27-20E; thence North 84°56'53" East on the South line of said Turnpike Tract 27-20E, 524.39 feet; thence North 60°49'13" East on a South line of said Turnpike Tract 27-20E, 80.71 feet to an intersection with the South right of way line of SE 29th Street; thence South 89°28'02" East on the South right of way line of SE 29th Street, being 50.00 feet south of the North line of the West Half of said Northeast Quarter, 28.16 feet to a point on the East line of said West Half; thence South 00°15'13" West on the East line of said West Half, to a point on a line which is 300.00 feet south of the North line of the Northeast Quarter of Section 16; thence easterly, parallel with the North line of said Northeast Quarter, to the Southwest corner of Franklin Subdivision; thence northerly on the West line of said subdivision to the Northwest corner of Lot 1, Block A in Franklin Subdivision; thence easterly, to the Northeast corner of Lot 9, Block "J" in Shawnee Estates Subdivision; thence southerly, on the East line of Lot 9, to an intersection with a line which is 50 feet south of the North line of the Northeast Quarter of said Section 16, said line being the South line of Southeast 29th Street; thence easterly, parallel with the North line of said Northeast Quarter, to an intersection with a line which is 20 feet west of the East line of said Northeast Quarter, said line being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the North line of Lakeview Subdivision; thence westerly, on the North line of Lakeview Subdivision, to the Northeast corner of Lot 1 in said subdivision; thence southerly, to the Southeast corner of Lot 28 in Lakeview Subdivision; thence easterly, to an intersection with a line which is 20 feet west of the East line of the Northeast Quarter of said Section 16, said line also being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the South line of said Northeast Quarter; thence westerly, on the South line of said Northeast Quarter, to the Northeast corner of Lot 9, Block "D" in Lake Shawnee Subdivision "C"; thence southerly to the Southeast corner of Lot 19, Block "H" in Lake Shawnee Subdivision "C"; thence westerly, on the North line of S.E. 35th Street Terrace, and its extension, to an intersection with the West line of Shoreline Drive; thence southerly on the West line of Shoreline Drive to the Southeast corner of Lot 10, Block N in Shawnee Lake Subdivision 'C'; thence westerly to the Southwest corner of Block K in Shawnee Lake Subdivision 'C'; thence southerly on the East line of the Southwest Quarter of said Section 16 to an intersection with a line 30.00 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter to a point 100 feet easterly distant from the West line of the East Half of said Southwest Quarter; thence northerly to the Southeast corner of Lot

176 1 in Rolling Meadows Subdivision No.2; thence westerly to the Southwest corner of said
177 Lot 1; thence southerly to the Southwest corner of the East Half of the Southwest Quarter
178 of said Section 16; thence continuing Southerly on the East line of the West Half of the
179 Northwest Quarter of Section 21, Township 12 South, Range 16 East of the 6th P.M. to
180 Southeast corner of the Southwest Quarter of said Northwest Quarter of Section 21;
181 thence westerly along the South line of said Northwest Quarter to the Southwest corner of
182 said Northwest Quarter; thence Northerly on the West line of said Northwest Quarter
183 660.00 feet; thence South 88°21'14" West, 1648.96 feet; thence North 01°40'19" West
184 661.21 feet; thence South 88°21'35" West, on the South line of the North Half of the
185 Northeast Quarter of said Section 20, to the Northeast corner of the Southeast Quarter of
186 the Northwest Quarter of said Section 20; thence southerly, 1320.35 feet, to the Northeast
187 corner of the Southwest Quarter of Section 20, Township 12 South, Range 16 east of the
188 6th P.M.; thence on an assumed bearing of North 88°21'37" East, 2186.81 feet along the
189 South line of the Northeast Quarter of Section 20, to the Southwest corner of Lot 1, Block
190 'A' KPL Substation Subdivision; thence Northerly to the Northwest corner of said Lot 1;
191 thence Easterly along the North line of said Lot 1 to a point on the Westerly right of way
192 line of existing California Avenue, said point being 30 feet West of the East line of said
193 Northeast Quarter; thence Northerly along said right of way line 463 feet; thence Easterly
194 30 feet to the East line of said Northeast Quarter of Section 20; thence Southerly along
195 said East line 660 feet to the Northeast corner of the Southeast Quarter of Section 20, said
196 point also being the Northwest corner of the Southwest Quarter of Section 21, Township 12
197 South, Range 16 east of the 6th P.M.; thence easterly on the North line of said Southwest
198 Quarter, 275.30 feet; thence southerly, on a line which is 275.30 feet east of the West line
199 of said Section 21, 516.00 feet; thence west 8.90 feet; thence southerly, on a line which is
200 266.40 feet east of the West line of Section 21, 553.00 feet; thence easterly 75.40 feet;
201 thence southerly on a line which is 341.80 feet east of the West line of Section 21, 216.50
202 feet; thence westerly on the North line of the South Half of the Southwest Quarter of
203 Section 21, Township 12 South, Range 16 east of the 6th P.M., to a point on a line which is
204 30 feet east of the West line of the Southwest Quarter of Section 21; thence southerly,
205 parallel with the West line of said South Half, 210.00 feet; thence easterly on a north line of
206 Stone Crest Subdivision, to the Northwest corner of Lot 4, Block 'E' in Stone Crest
207 Subdivision; thence northerly to the Northwest corner of Lot 22, Block 'E' in Stone Crest
208 Subdivision; thence easterly on the North line of the South Half of the Southwest Quarter of
209 said Section 21, to the East corner of Lot 9, Block 'H' in Stone Crest Subdivision; thence
210 southerly on the East line of the South Half of the Southwest Quarter of said Section 21, to
211 the Southeast corner of Lot 1, Block 'I' in Stone Crest Subdivision; thence westerly on the
212 North line of S.E. 45th Street and its extension, to the Southwest corner of Lot 9, Block 'D'
213 in Stone Crest Subdivision; thence northerly at a right angle to the Northwest corner of Lot
214 4, Block 'D' in Stone Crest Subdivision; thence westerly parallel with the South line of the
215 Southwest Quarter of said Section 21, to a corner of Stone Crest Subdivision on the East
216 line of Lot 8, Block 'C' in said subdivision; thence southerly on the East line of Block 'C' and
217 its extension, in Stone Crest Subdivision, to an intersection with a line which is 50 feet
218 south of the North line of the Northwest Quarter of Section 28, Township 12 South, Range
219 16 east of the 6th P.M.; thence South 88°35'26" West, North American Datum 1983,
220 Kansas North Zone, 527.09 feet to a point 662.59 feet east of the West line of said
221 Northwest Quarter; thence South 1°43'10" East, 610.78 feet; thence South 88°37'51"

222 West, 662.61 feet to an intersection with the West line of said Northwest Quarter, said
223 intersection also being the Southeast corner of Marlatte Center Subdivision; thence South
224 88°20'31" West on the South line of Marlatte Center Subdivision to the Southwest corner of
225 said subdivision; thence northerly, on the Westerly line of said subdivision and its
226 extension, to an intersection with a line which is 45 feet north of the North line of Section
227 29; thence westerly parallel with the South line of Section 20, to the West line of the East
228 Half of said Section 20; thence on an assumed bearing of South 1°23'17" West, on the
229 East line of the Southwest Quarter of said Section 20, 40.00 feet to the Northeast corner of
230 the Northwest Quarter of Section 29, Township 12 South, Range 16 east of the 6th P.M.;
231 thence South 1°52'43" East on the East line of said Northwest Quarter, 1650.18 feet;
232 thence South 88°25'22" West, 1594.70 feet; thence North 2°08'17" West, 1692.12 feet to a
233 point on a line which is 40.00 feet north of the South line of the Southwest Quarter of said
234 Section 20; thence westerly on a line which is 40.00 north of the South line of the
235 Southwest Quarter of said Section 20, to the East line of Section 19; thence continuing
236 westerly to a point 30.00 feet west of the East line of Section 19, also being the West line
237 of Adams Street; thence westerly parallel with and 40.00 feet north of the South line of
238 Section 19, to a point that is 40.00 feet north of the Northeast corner of the West Half of
239 the Northeast Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.;
240 thence southerly 2694.79 feet on the East line of South Village Subdivision, to the
241 Southeast corner of said subdivision; thence westerly, on the South line of said subdivision
242 to the Northeast corner of the Southwest Quarter of Section 30, Township 12 South,
243 Range 16 east of the 6th P.M.; thence southerly on an assumed bearing of South
244 02°24'27" East, on the East line of said Southwest Quarter, to a point which is 44.20 feet
245 north of the Southeast corner of Terra Heights Subdivision, said point also being on the
246 Southwesterly line of the right of way of the former Missouri Pacific Railroad Company;
247 thence South 56°03'19" East on the Southwesterly line of said right of way, 1304.94 feet;
248 thence southeasterly, southerly and southwesterly on said right of way line, on a curve
249 concave westerly having a radius measure of 419.28 feet and an arc length of 1020.97
250 feet, the chord of which bears South 20°32'28" West, 786.78 feet; thence South 88°10'41"
251 West on said right of way line, 132.83 feet; thence westerly on said right of way line, on a
252 curve concave southerly having a radius measure of 613.69 feet and an arc length of
253 207.93 feet, the chord of which bears South 78°26'03" West, 206.93 feet, to a point on a
254 line which is 45 feet north of the South line of said Southeast Quarter; thence South
255 88°10'41" West parallel with the South line of said Southeast Quarter, 407.12 feet; thence
256 South 88°35'12" West on a line which is 45 feet north of the South line of said Southwest
257 Quarter, 2224.75 feet to a point on the East line of Topeka Boulevard; thence North
258 02°07'29" West on the East line of Topeka Boulevard, 602.47 feet; thence North 01°34'34"
259 West on the East line of Topeka Boulevard, 878.59 feet; thence northerly on the East line
260 of Topeka Boulevard, to an intersection with the North line of the Southwest Quarter of said
261 Section 30; thence westerly, on the South line of the Northwest Quarter of Section 30 to
262 the Southeast corner of the Northeast Quarter of Section 25, Township 12 South, Range
263 15 east of the 6th P.M.; thence northerly, on the East line of said Northeast Quarter, 20.00
264 feet, to the North line of S.W. 49th Street, extended from the west; thence westerly, on a
265 line which is 20.00 feet north of the South line of the Northeast Quarter of said Section 25,
266 to an intersection with the West line of the right of way of the Burlington Northern Santa Fe
267 Railway Company; thence southerly, on the West line of said right of way, to the Northeast

268 corner of Lot 1, Block "A" in Laird Noller Subdivision; thence westerly, to the Northwest
269 corner of said Lot 1; thence southerly, to the Southwest corner of said Lot 1; thence
270 westerly, 33.00 feet, to a corner of Lot 1, Block "A" in S.W. 57th Street Distribution Center
271 Subdivision; thence southerly on the most westerly East line of the last said Lot 1, and its
272 extension, to an intersection with a line which is 30 feet south of the North line of the
273 Southeast Quarter of said Section 36; thence westerly, on an assumed bearing of South
274 88°03'15" West, parallel with the North line of the Southeast Quarter of said Section 36, to
275 an intersection with a line which is 40 feet west of the East line of the Northwest Quarter of
276 the Southeast Quarter of said Section 36; thence southerly, parallel with the East line of
277 the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with
278 a line which is 50 feet south of the North line of said Southeast Quarter; thence South
279 88°03'15" West, 280.00 feet; thence southerly, parallel with the East line of the Northwest
280 Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is
281 60 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, to
282 a point which is 535.10 feet east of the Northwest corner of the Southeast Quarter of said
283 Section 36, and 60.00 feet south of the North line of said Southeast Quarter, as measured
284 on the North line of, and normal from the North line of said Southeast Quarter; thence
285 South 76°44'39" West, 101.98 feet; thence South 88°03'15" West, 400.00 feet; thence
286 South 61°29'21" West, 55.90 feet; thence South 88°03'13" West, 1535.10 feet; thence
287 North 87°38'30" West, 199.78 feet; thence North 01°56'47" West, normal to the North line
288 of the Southwest Quarter of said Section 36, 90.00 feet, to an intersection with said North
289 line at a point which is 893.59 feet east of the Northwest corner of said Southwest Quarter;
290 thence continuing North 01°56'47" West, 90.00 feet; thence South 88°03'13" West, parallel
291 with the South line of the Northwest Quarter of said Section 36, 358.12 feet; thence North
292 07°53'08" East, 679.72 feet; thence North 23°43'11" East, 509.21 feet; thence North
293 14°17'25" East, 517.29 feet; thence North 00°04'32" West, 210.05 feet; thence northerly,
294 on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc
295 length of 719.40 feet, the chord of which bears North 06°17'43" East, 718.95 feet, to an
296 intersection with the South line of the Southwest Quarter of said Section 25; thence
297 northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet
298 and an arc length of 547.79 feet, the chord of which bears North 00°16'44" West, 547.59
299 feet; thence North 01°48'09" West, 1517.06 feet; thence North 02°03'30" East, 514.28 feet;
300 thence North 01°48'02" West, normal to the South line of the Northwest Quarter of said
301 Section 25, 80.00 feet, to an intersection with said South line at a point which is 1149.74
302 feet east of the Southwest corner of said Northwest Quarter; thence continuing North
303 01°48'02" West, to an intersection with a line which is 20 feet north of the South line of the
304 Northwest Quarter of said Section 25; thence westerly, on a line which is 20 feet north of
305 the South line of the Northwest Quarter of said Section 25, to an intersection with the East
306 line of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence continuing
307 westerly, parallel with and 20.00 feet north of the South line of the North Half of said
308 Section 26 to the East line of Burlingame Road; thence northerly on the East line of
309 Burlingame Road to an intersection with the North line of S.W. 45th Street, extended from
310 the west, said North line of S.W. 45th Street being 30.00 feet north of the South line of
311 Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, parallel
312 with and 30.00 feet north of the South line of said Section 23 to an intersection with the
313 West line of the East Half of the Southeast Quarter of Section 23; thence northerly on the

314 West line of the East Half of the Southeast Quarter of Section 23, to an intersection with
315 the North line of the Southeast Quarter of said Section 23; thence westerly, on the North
316 line of said Southeast Quarter, to the Northeast corner of the Southwest Quarter of Section
317 23, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of
318 South 87°44'36" West, on the North line of said Southwest Quarter, to the Northeast
319 Quarter of Lot 4, Block 'B' in Misty Harbor Estates No. 2 Subdivision; thence South
320 08°11'25" West, 149.95 feet; thence on a curve concave southerly, having a radius
321 measure of 537.50 feet and an arc length of 22.92 feet, the chord of which bears South
322 80°35'17" East, 22.92 feet; thence South 10°38'02" West, 250.08 feet; thence South
323 88°30'14" East, 53.58 feet; thence South 71°00'42" East, 57.83 feet; thence South
324 01°29'46" East, 281.87 feet; thence South 88°30'14" West, 75.00 feet; thence South
325 01°28'50" East, 522.53 feet; thence South 88°30'14" West, 27.13 feet; thence South
326 01°29'46" East, 130.00 feet, to the Northeast corner of Lot 1, Block 'E' in Misty Harbor
327 Estates No. 2 Subdivision; thence North 88°30'14" East, 580.41 feet; thence on a curve
328 concave easterly, having a radius measure of 500.00 feet and an arc length of 5.01 feet,
329 the chord of which bears North 3°32'39" West, 5.01 feet; thence North 88°31'10" East,
330 449.05 feet to a point on the East line of said Southwest Quarter; thence South 1°28'50"
331 East on the East line of said Southwest Quarter, 894.93 feet; thence South 1°28'50" East,
332 on the East line of said Southwest Quarter, 1280.18 feet to the Northeast corner of the
333 Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M.;
334 thence South 00°09'12" East, on the East line of said Northwest Quarter, 1299.00 feet;
335 thence South 56°16'49" West, 720.00 feet; thence South 00°09'12" East, parallel with the
336 East line of said Northwest Quarter, 919.99 feet; thence South 89°02'19" West, on a line
337 which is 45 feet north of the South line of said Northwest Quarter, 708.43 feet; thence
338 westerly, on a curve concave southerly, having a radius measure of 447.50 feet and an arc
339 length of 35.26 feet, the chord of which bears South 86°46'54" West, 35.25 feet, to a point
340 which is 16.84 feet north of the Southeast corner of Lot 9 Block "G", in Colly Creek
341 Subdivision No. 6; thence on an assumed bearing of South 00°13'06" East, on the East
342 line of the West Half of the Northwest Quarter of Section 26, Township 12 South, Range
343 15 east of the 6th P.M., 16.84 feet, to the Southeast corner of Lot 9, Block "G" in Colly
344 Creek Subdivision No. 6; thence on a 460.00 foot radius curve to the right, 264.29 feet;
345 thence North 79°51'05" West, 493.87 feet; thence on a 540.00 foot radius curve to the left,
346 410.24 feet; thence South 56°37'15" West, 38.90 feet; thence on a 460.00 foot radius
347 curve to the right, 206.79 feet; thence South 82°22'40" West, 261.54 feet; thence North
348 83°24'11" West, 163.01 feet; thence westerly, 80 feet south of and parallel with the South
349 line of the Northeast Quarter of Section 27, Township 12 South, Range 15 east of the 6th
350 P.M., 429.69 feet; thence North 73°38'13" West, 382.80 feet; thence North 00°20'44"
351 West, 139.53 feet; thence North 89°44'11" East, 217.86 feet; thence North 00°15'49"
352 West, 400.00 feet; thence South 89°44'11" West, 85.12 feet; thence North 00°15'49" West,
353 200.00 feet; thence South 89°44'11" West, 58.01 feet; thence North 00°15'49" West,
354 200.00 feet; thence South 89°44'11" West, to an intersection with the East line of S.W.
355 Gage Boulevard; thence North 00°39'50" West, 860.02 feet; thence North 89°44'11" East,
356 250.39 feet; thence North 00°15'39" West, 200.00 feet; thence South 89°44'11" West,
357 251.79 feet; thence North 00°39'50" West, 636.15 feet, to a point on the South line of
358 Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said

359 line 11.76 feet to the Southwest corner of Lot 4 in said Section 22; thence continuing
360 westerly on said South line, to an intersection with a line which is 30 feet west of the East
361 line of Lot 5 in said Section 22; thence northerly, on a line which is 30 feet west of the East
362 line of Lots 5, 6 and 7 in said Section 22, to a point which is 502.00 feet north and 30 feet
363 west of the Southeast corner of said Lot 7; thence westerly, on the South line of S.W. 40th
364 Street, and its extension, to the Southwest corner of Blackburn Subdivision; thence
365 northerly, to the Northwest corner of Lot 1, Block 'A' in Blackburn Subdivision; thence
366 easterly, on the North line of Blackburn Subdivision, and its extension, to an intersection
367 with a line which is 30 feet west of the East line of said Lot 7; thence northerly, on a line
368 which is 30 feet west of the East lines of Lots 7 and 8 in said Section 22 to an intersection
369 with the North line of Section 22; thence west on the North line of Section 22 to a point
370 527.20 feet east of the Northeast corner of the Northwest Quarter of Section 22, Township
371 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South
372 00°47'14" West, 1321.98 feet; thence North 89°29'14" West, 527.19 feet; thence North
373 89°23'29" West, 2650.19 feet, to an intersection with the West line of Section 22; thence
374 southerly on the West line of said section to the East Quarter corner of Section 21,
375 Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of
376 South 88°46'43" West, on the North line of the Southeast Quarter of said Section 21,
377 464.91 feet; thence South 54°02'14" West, 363.09 feet; thence South 50°29'18" West,
378 44.16 feet; thence southwesterly, on a curve concave northwesterly, having a radius
379 measure of 1030.00 feet and an arc length of 710.30 feet, the chord of which bears South
380 70°14'39" West, 696.31 feet; thence South 90°00'00" West, 8.57 feet; thence
381 northwesterly, on a curve concave northeasterly, having a radius measure of 810.00 feet
382 and an arc length of 272.67 feet, the chord of which bears North 80°21'22" West, 271.39
383 feet; thence North 70°42'44" West, 708.74 feet; thence northwesterly, on a curve concave
384 southwesterly, having a radius measure of 966.50 feet and an arc length of 348.32 feet,
385 the chord of which bears North 81°02'12" West, 346.44 feet; thence South 88°38'20" West,
386 332.17 feet; thence South 86°43'47" West, 180.10 feet; thence South 88°38'20" West,
387 35.22 feet; thence South 01°21'40" East, 51.49 feet; thence South 34°56'17" West, 344.26
388 feet; thence South 03°56'09" West, 122.53 feet; thence South 11°52'54" West, 231.70
389 feet; ; thence South 89°06'31" East, 71.26 feet; thence South 67°46'48" East, 126.07 feet;
390 thence South 49°59'15" East, 218.99 feet; thence South 28°03'34" East, 130.00 feet;
391 thence South 00°23'53" East, 154.39 feet; thence South 76°03'46" West, 147.76 feet;
392 thence southerly, on a curve concave westerly, having a radius measure of 412.00 feet and
393 an arc length of 155.03 feet, the chord of which bears South 00°28'07" West, 154.12 feet;
394 thence South 70°02'14" East, 187.76 feet; thence South 86°46'44" East, 149.34 feet; ;
395 thence South 67°24'25" East, 163.14 feet; thence South 42°41'52" East, 80.40 feet; thence
396 South 24°46'56" East, 142.36 feet; thence South 68°32'44" East, 173.53 feet; thence
397 South 32°54'02" East, 129.08 feet; thence South 00°32'09" East, 213.07 feet; thence
398 South 16°50'03" West, 30.00 feet; thence westerly, on a curve concave southerly, having a
399 radius measure of 530.00 feet and an arc length of 124.82 feet, the chord of which bears
400 North 79°54'45" West 124.53 feet; thence South 03°20'26" West, 60.00 feet; thence
401 westerly, on a curve concave southerly, having a radius measure of 470.00 feet and an arc
402 length of 28.84 feet, the chord of which bears North 88°25'02" West, 28.83 feet; thence
403 South 00°38'39" East, 149.80 feet; thence South 89°27'34" West, 645.28 feet; thence

404 North 00°40'39" West, 224.59 feet; thence South 89°28'25" West, 896.92 feet; thence
405 North 00°30'03" West, 462.09 feet; thence South 87°33'24" West, 826.16 feet; to the
406 northeast corner of Elevation Hill Subdivision; thence South 88°36'57" West, 227.50 feet;
407 thence North 01°10'51" West, on a line which is 52.50 feet east of the west line of the
408 southwest quarter of said Section 21, to an intersection with a line which is 30.00 feet north
409 of the South line of the North Half of the Southeast Quarter of Section 20, Township 12
410 South, Range 15 east of the 6th P.M.; thence westerly, on said extension, to an intersection
411 with the East line of said Southeast Quarter; thence westerly, on a line which is 30.00 feet
412 north of the South line of the North Half of said Southeast Quarter, 100.00 feet; thence
413 southerly, parallel with the East line of said Southeast Quarter, to an intersection with the
414 South line of the North Half of said Southeast Quarter; thence on an assumed bearing of
415 South 89°28'33" West, on the South line of the North Half of said Southeast Quarter,
416 726.34 feet, to the Northeast corner Lot 4, Block 'D' in Brian's Addition No. 3; thence South
417 25°50'40" East 202.34 feet to the East corner of Lot 5, Block 'D' in Brian's Addition No. 3;
418 thence southwesterly on a curve concave southeasterly, having a radius measure of
419 280.00 feet and an arc length of 55.87 feet, the chord of which bears South 58°22'32"
420 West, 55.78 feet; thence southwesterly on a curve concave northwesterly, having a radius
421 measure of 220.00 feet and an arc length of 23.68 feet, the chord of which bears South
422 55°44'31" West, 23.67 feet; thence South 31°09'29" East, 312.31 feet to the most northerly
423 East corner of Lot 1, Block 'E' in Brian's Addition No. 3; thence South 00°49'39" East 78.55
424 feet to the Southeast corner of Brian's Addition No. 3; thence North 89°28'53" East on the
425 North line of Lauren's Bay Villas No.2, to the Northeast corner of Lot 15, Block A in said
426 subdivision; thence South 0°54'31" East on a line which is 60.00 feet west of the East line
427 of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M.,
428 to an intersection with the South line of said Southeast Quarter; thence South 0°18'18"
429 East, on a line which is 60.00 feet west of the East line of the Northeast Quarter of Section
430 29, Township 12 South, Range 15 east of the 6th P.M., to the Southeast corner of Lot 30,
431 Block B in Lauren's Bay Villas No. 2; thence North 89°45'29" West, 375.60 feet to the
432 Southwest corner of Lot 29, Block B in said subdivision; thence South 0°18'18" East,
433 200.00 feet to the Southeast corner of Lot 7 in Block B in said subdivision; thence North
434 89°45'29" West on the South line of the Pottawatomie Reserve, 820.94 feet to the
435 Northwest corner of Lot 1, Block E in Woodland Heights 2nd Subdivision; thence South
436 0°15'48" East on the West line of Woodland Height 2nd Subdivision, 405.65 feet; thence
437 South 0°10'48" East on the West lines of Woodland Heights Subdivision No. 3 and
438 Woodland Heights 2nd Subdivision, 220.00 feet; thence North 89°39'50" East on the South
439 line of SW 46th Terrace, formerly SW 47th Street Terrace as platted in Woodland Heights
440 2nd Subdivision, 195.70 feet; thence South 0°17'38" East on the West line of Lot 2, Block
441 "G" in Woodland Heights 2nd Subdivision, 155.00 feet; thence North 89°42'22" East on the
442 South line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 244.57 feet; thence
443 South 0°18'26" East on a West line of Woodland Heights 2nd Subdivision, 214.07 feet;
444 thence North 89°40'25" East on a South line of a public street platted in Woodland Heights
445 2nd Subdivision, 107.64 feet; thence northeasterly on a South line of a public street platted
446 in Woodland Heights 2nd Subdivision, on a curve concave northwesterly, having a radius
447 measure of 282.00 feet and an arc length of 168.26 feet, the chord of which bears North
448 72°34'49" East, 165.78 feet; thence South 34°33'36" East on the Southwest line of Lot 5,

449 Block "C" in Woodland Heights 2nd Subdivision, 261.85 feet; thence South 30°20'26" East,
450 182.33 feet; thence North 89°45'39" East, 44.40 feet; thence South 30°23'44" East, 59.89
451 feet to a point on the South line of Algonquin Trafficway as platted in Woodland Heights
452 Subdivision; thence North 59°44'00" East on the South line of Algonquin Trafficway, 31.97
453 feet; thence northeasterly on the South line of Algonquin Trafficway on a curve concave
454 southeasterly, having a radius measure of 222.00 feet and an arc length of 116.20 feet, the
455 chord of which bears North 75°02'50" East, 114.89 feet; thence North 89°41'27" East on the
456 South line of Algonquin Trafficway, 40.04 feet to an intersection with a line which is 60 feet
457 west of the East line of said Northeast Quarter; thence South 0°19'43" East parallel with
458 the East line of said Northeast Quarter, 386.19 feet to a point on the North line of
459 Algonquin Trafficway as platted in Woodland Heights Subdivision; thence South 89°40'16"
460 West on the North line of said Algonquin Trafficway, 40.00 feet; thence westerly on the
461 North line of said Algonquin Trafficway, on a curve concave northerly, having a radius
462 measure of 792.00 feet and an arc length of 142.16 feet, the chord of which bears North
463 84°50'50" West, 141.97 feet to an intersection with an extension of the West line of Block
464 D in Woodland Heights Subdivision; thence South 10°30'07" West on the West line of said
465 Block D and its extension, 636.35 feet to the Southwest corner of Lot 3 in said Block D;
466 thence South 89°16'56" West on the South line of said Northeast Quarter, 398.96 feet;
467 thence South 0°15'47" East parallel with the East line of the Southeast Quarter of said
468 Section 29, 1128.48 feet to a point 198.0 feet north of the South line of the Northeast
469 Quarter of said Southeast Quarter; thence North 88°57'31" East, 99.94 feet; thence South
470 0°17'00" East, 198.12 feet to a point on the South line of the Northeast Quarter of said
471 Southeast Quarter which is 660.00 feet west of the Southeast corner of the Northeast
472 Quarter of said Southeast Quarter; thence North 89°11'00" East on the North line of the
473 Southeast Quarter of the Southeast Quarter of said Section 29, 620.00 feet to an
474 intersection with a line which is 40.00 feet west of the East line of said quarter-quarter
475 section; thence South 0°15'52" East, parallel with the East line of said quarter-quarter
476 section, 1189.27 feet; thence South 16°46'48" West, 53.30 feet to a point which is 85.00
477 feet north of the South line of the Southeast Quarter of the Southeast Quarter of said
478 Section 29 and 55.62 feet west of the East line of said quarter-quarter section; thence
479 South 77°37'36" West, 80.57 feet to a point which is 69.00 feet north of the South line of
480 said quarter-quarter section; thence South 0°57'05" East, 29.00 feet; thence South
481 89°02'55" West on a line which is 40.00 feet north of the South line of said quarter-quarter
482 section, 335.89 feet; thence South 0°57'05" East, 15.00 feet; thence South 89°02'55" West
483 on a line which is 25.00 feet north of the South line of the Southeast Quarter of the
484 Southeast Quarter of said Section 29, 848.08 feet to an intersection with the West line of
485 said quarter-quarter section; thence North 0°19'05" West on the West line of said quarter-
486 quarter section, 1303.00 feet to the Northwest corner of the Southeast Quarter of the
487 Southeast Quarter of said Section 29; thence South 89°11'00" West on the South line of
488 the North Half of the Southeast Quarter of said Section 29, 1319.04 feet to the Southwest
489 corner of the Northwest Quarter of the Southeast Quarter of said Section 29; thence North
490 0°30'27" West on the West line of the North Half of the Southeast Quarter of said Section
491 29, 1329.04 feet to the Northwest corner of the Southeast Quarter of said Section 29;
492 thence South 89°19'02" West, on the South line of the Southeast Quarter of the Northwest
493 Quarter of said Section 29, 1319.13 feet; thence North 0°30'32" West on the West line of
494 the Southeast Quarter of the Northwest Quarter of said Section 29 and on the West line of

495 the East Half of Lot 2 in the Northwest Quarter of said Section 29, 1693.97 feet; thence
496 North 89°49'59" East, 676.36 feet; thence North 0°32'21" West, 673.72 feet to a point on
497 the North line of Lot 2 in the Northwest Quarter of said Section 29, also being the
498 Southwest corner of Lot 3, Block C in Bridle Path Acres Subdivision; thence North
499 89°51'00" East on the North line of Lot 2 in the Northwest Quarter of said Section 29,
500 650.24 feet to the Northeast corner of said Lot 2; thence North 00°25'18" West, on the
501 West line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the
502 6th P.M., 308.95 feet, to the Southwest corner of the Southeast Quarter of said Section 20;
503 thence North 00°39'49" West, 1314.81 feet, to the Northwest corner of the Southwest
504 Quarter of said Southeast Quarter; thence northerly, on the West line of said Southeast
505 Quarter, also being on the West line of Monarch Meadow Subdivision, 1320.79 feet, to the
506 Northwest corner of said Southeast Quarter; thence on an assumed bearing of North
507 00°39'56" West, on the West line of the Northeast Quarter of said Section 20, 1321.86
508 feet, to the Northwest corner of Lot 8, Block "B" in South Branch Subdivision; thence on an
509 assumed bearing of North 00°39'11" West, 376.40 feet; thence South 57°47'36" East,
510 129.93 feet; thence North 18°16'12" East, 45.99 feet; thence North 89°19'37" East, 91.26
511 feet; thence South 07°42'39" West, 111.46 feet to the front common lot corner of Lots 9
512 and 10, Block "A", Glenwood Subdivision also being on the North line of S.W. 38th Place;
513 thence southerly and easterly on said North line and its extension across S.W. Arvon
514 Place to the Southwest corner of Lot 28, Block "B", Glenwood Subdivision; thence North
515 00°40'23" West, on the West lines of Lots 28 through 15, Block "B" to the Northwest corner
516 of said Lot 15, being on the South line of S.W. 37th Street; thence easterly on said South
517 line, to an intersection with the West line of Shadywood West Subdivision, when extended
518 southerly; thence northerly on said extension to the North line of S.W. 37th Street; thence
519 North 00°47'12" West, 1280.10 feet; thence North 00°13'15" East, 529.59 feet; thence
520 South 89°20'15" West, 340.00 feet; thence North 00°13'15" East, 200.00 feet to the South
521 line of S.W. 34th Terrace; thence South 89° 20'15" West, 100.00 feet; thence North
522 00°13'15" East, 270.02 feet; thence North 89°20'15" East, 100.00 feet; thence North
523 00°13'15" East, 321.13 feet, to the North line of the Southeast Quarter of Section 17,
524 Township 12 South, Range 15 east of the 6th P.M.; thence easterly on the North line of
525 said Southeast Quarter, 1424.63 feet; thence on an assumed bearing of South 00°17'23"
526 East, 208.71 feet; thence North 89°20'50" East, to the West line of S.W. Wanamaker
527 Road; thence northerly on the West line of Wanamaker Road to the South line of
528 Crestridge Square Subdivision No. 2; thence on an assumed bearing of South 89°37'17"
529 West, to the Southwest corner of Lot 9, Block "A" of said subdivision; thence westerly, on
530 the South line of Mission Center Subdivision No. 1, to the Southwest corner of said
531 subdivision also being on the West line of the Northeast Quarter of Section 17; thence
532 northerly, on said West line to the Southeast corner of the Southwest Quarter of Section 8,
533 Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of
534 said Southwest Quarter, to the Southeast corner of Lot 19, Block "A", Southwest Meadows
535 Subdivision; thence westerly, on the North line of S.W. 29th Street, and its extensions to
536 the Southeast corner of Lot 1, Block "A", Mission Woods Subdivision No. 2; thence
537 westerly on a line which is 50 feet north of the South line of the Southwest Quarter of
538 Section 8, Township 12 South, Range 15 east of the 6th P.M. to a point which is 738.59
539 feet east of the Southwest corner of said Southwest Quarter; thence westerly on the North

540 line of S.W. 29th Street, to an intersection with an extension of the East line of Sherwood
541 Estates Subdivision No. 23; thence southerly on the East line of Sherwood Estates
542 Subdivision No. 23, and its extension, to the Southeast corner of said subdivision; thence
543 westerly on the South line of said subdivision to an intersection with the East line of S.W.
544 Urish Road, being a line which is 40 feet east of the West line of the Northwest Quarter of
545 Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, parallel
546 with the West line of the Northwest Quarter of said Section 17 to an intersection with the
547 North Line of said Northwest Quarter; thence northerly on a line which is 40 feet east of the
548 West line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the
549 6th P.M., to an intersection with an extension of the North line of SW 29th Street from the
550 East, also being a line which is 50 feet north of the South line of said Southwest Quarter;
551 thence westerly parallel with the South line of the Southwest Quarter of said Section 8 to
552 an intersection with the West line of said Southwest Quarter; thence west-southwesterly to
553 the intersection of the West line of Urish Road and the North line of SW 29th Street, being
554 an intersection of a line which is 40 feet west of the East line of the Southeast Quarter of
555 Section 7, Township 12 South, Range 15 east of the 6th P.M. with a line which is 40 feet
556 north of the South line of said Southeast Quarter; thence northerly on said West line of
557 Urish Road to the Southeast corner of Lot 1, Block "A", Good Shepherd Lutheran Church
558 Subdivision; thence westerly on the South line of said Lot 1, 458.98 feet, to the East line of
559 Lot 2, Block "A", of said subdivision; thence southerly on the East line of said Lot 2 to the
560 North line of S.W. 29th Street; thence westerly on said North line to the Southwest corner
561 of Lot 1, Block "A", Tallgrass Subdivision; thence northerly on the West line of said Lot 1,
562 1268.94 feet, to an intersection with the South line of the North Half of the South Half of
563 Section 7, Township 12 south, Range 15 East of the 6th P.M.; thence westerly on the
564 South line of the North Half of said South Half to a point that is 694.00 feet easterly of the
565 West line of the Southwest Quarter of said Section 7; thence northerly, parallel with said
566 West line, 200.00 feet; thence westerly parallel with the South line of the North Half of the
567 Southwest Quarter, 654.00 feet, more or less, to an intersection with a line which is 25 feet
568 east of the West line of said Southwest Quarter; thence southerly, parallel with the West
569 line of said Southwest Quarter, to an intersection with the South line of the North Half of
570 said Southwest Quarter; thence westerly on the South line of the North Half of said
571 Southwest Quarter, to the Northeast corner of the South Half of the Southeast Quarter of
572 Section 12, Township 12 South, Range 14 east of the 6th P.M.; thence westerly on the
573 North line of the South Half of said Southeast Quarter, to an intersection with a line which
574 is 52.50 feet west of the East line of said Southeast Quarter; thence on an assumed
575 bearing of South 00°01'43" West, on a line which is parallel with the East line said
576 Southeast Quarter, also being the West line of S.W. Indian Hills Road, to the most
577 southerly Northeast corner of Lot 9, Block "D" in Sherwood Park Subdivision; thence South
578 05°44'27"West, 120.60 feet to an East corner of Lot 8, Block "D" in Sherwood Park
579 Subdivision; thence South 00°01'43" West, 161.79 feet to an East corner of Lot 7, Block
580 "D" in Sherwood Park Subdivision; thence South 45°31'42" West, 39.25 feet to a South
581 corner of said Lot 7; thence North 88°58'19" West, 11.79 feet to a South corner of said Lot
582 7; thence South 87°12'50" West, 180.40 feet to a South corner of Lot 6, Block "D" in
583 Sherwood Park Subdivision which is 50.50 feet east of the Southwest corner of said Lot 6;
584 thence North 88°58'19" West, on a line which is 52.50 feet north of the South line of said
585 Southeast Quarter, to an intersection with the West line of said Southeast Quarter; thence

586 on an assumed bearing of North 88°58'19" West, on a line which is 52.50 feet north of the
587 Southwest Quarter of said Section 12, 748.83 feet to the Southwest corner of Lot 4, Block
588 'A' in Sherwood Park Subdivision No. 8; thence North 01°01'41" East, 1290.30 feet to the
589 Northwest corner of Lot 31, Block 'A' in said subdivision; thence North 88°58'19" West,
590 64.07 feet to the Southwest corner of S.W, 27th Street in Sherwood Park Subdivision No. 8;
591 thence North 00°09'46" East, 227.81 feet to the Northwest corner of Lot 1, Block 'C' in said
592 subdivision; thence North 89°50'11" West 291.66 Feet; thence North 61°14'14" West,
593 478.62 feet; thence North 00°09'49" East, 900.00 feet to an intersection with the North line
594 of said Southwest Quarter; thence South 89°01'00" East on the North line of said
595 Southwest Quarter, 1494.56 feet to the Northwest corner of the Southeast Quarter of said
596 Section 12; thence North 89°47'32" East, North American Datum 1983, Kansas North
597 Zone, on the North line of said Southeast Quarter to the Southwest corner of the East Half
598 of the Northeast Quarter of said Section 12; thence North 00°01'14" East, on the West line
599 of said East Half, 2593.22 feet; to a point on a line which is 52.50 feet south of the North
600 line of said Northeast Quarter; thence North 89°33'47" East, parallel with the North line of
601 said Northeast Quarter, 765.65 feet; thence South 00°26'13" East, 38.58 feet; thence
602 southeasterly, on a curve concave northeasterly, having a radius measure of 100.00 feet
603 and an arc length of 78.54 feet, the chord of which bears South 22°56'13" East, 76.54 feet;
604 thence South 45°26'13" East, 193.72 feet; thence southeasterly, on a curve concave
605 southwesterly, having a radius measure of 200.00 feet and an arc length of 107.09 feet,
606 the chord of which bears South 30°05'49" East, 105.82 feet; thence South 14°45'26" East,
607 41.00 feet; thence southeasterly, on a curve concave northeasterly, having a radius
608 measure of 200.00 feet and an arc length of 110.34 feet, the chord of which bears South
609 30°33'47" East, 108.95 feet; thence South 46°22'07" East, 168.38 feet; thence North
610 88°37'53" East, 110.00 feet, to a point on a line which is 52.50 feet west of the East line of
611 said Northeast Quarter, thence South 01°22'07" East, parallel with the East line of said
612 Northeast Quarter, 329.06 feet; thence North 87°04'11" East, 52.52 feet, to the Southwest
613 corner of the North 966.50 feet of the Northwest Quarter of Section 7, Township 12 South,
614 Range 15 east of the 6th P.M.; thence on an assumed bearing of North 88°26'14" East, on
615 the South line of said North 966.50 feet, to an intersection with the West line of the
616 Northeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence
617 northerly on the West line of the Northeast Quarter of said Section 7 to the Northwest
618 corner of said Northeast Quarter; thence northerly to the Southwest corner of Tract 16 in
619 Busby Subdivision; thence easterly to the Southwest corner of Tract 2 in Busby
620 Subdivision; thence northerly to the Northwest corner of said Tract 2; thence easterly on
621 the North line of Busby Subdivision, and its extension, to an intersection with a line which is
622 30 feet east of the West line of the Southwest Quarter of Section 5, Township 12 South,
623 Range 15 east of the 6th P.M.; thence southerly parallel with the West line of said
624 Southwest Quarter to the Southwest corner of Lot 45 in Broadview Acres; thence westerly
625 on an extension of the South line of said Lot 45 to an intersection with a line which is 25
626 feet east of the West line of said Southwest Quarter; thence southerly parallel with the
627 West line of said Southwest Quarter to an intersection with a line which is 30 feet north of
628 the South line of said Southwest Quarter; thence easterly parallel with the South line of
629 said Southwest Quarter to an intersection with an extension of the East line of Lot 4, Block
630 "D" in Brookfield West Subdivision No. 3; thence southerly on said extension to the North

631 line of the Northwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th
632 P.M.; thence southerly on said extension and on the East line of said Lot 4, 268.00 feet;
633 thence east 163.00 feet; thence northerly on the West lines of Lots 10 and 11, Block "D" in
634 Brookfield West Subdivision No. 3, to the Northwest corner of said Lot 11; thence easterly
635 on a line which is 50 feet south of the North line of said Northwest Quarter to an
636 intersection with an extension of the West line of the East Half of the East Half of the
637 Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence
638 North 0°1'15" East, North American Datum 1983, Kansas North Zone, on the West line of
639 the East Half of the East Half of said Southwest Quarter, to a point on the South line of SW
640 17th Street, 52.56 feet southerly distant from the Northwest corner of the East Half of the
641 East Half of said Southwest Quarter; thence South 87°43'46" West on a line which is 52.50
642 feet south of the North line of said Southwest Quarter, also being the South line of SW 17th
643 Street, to an intersection with the West line of Lot 20 in Broadview Acres; thence northerly
644 on the West line of Lot 20 to a point 15.02 feet southerly distant from the Northwest corner
645 of said lot; thence westerly on a line which is 15 feet south of the North line of Lot 38 in
646 Broadview Acres, and its extension, to a point 105.00 feet westerly distant from the East
647 line of Lot 38; thence North 65°05'26" East, 32.84 feet to the North line of Lot 38; thence
648 westerly on the North line of Lots 38 and 39 in Broadview Acres to a point which is 65.00
649 feet easterly distant from the Northwest corner of Lot 39; thence South 36°58'08" West,
650 47.74 feet; thence South 16°29'26" West, 52.37 feet to a point on a line which is 52.5 feet
651 east of the West line of said Southwest Quarter; thence North 0°43'59" East parallel with
652 the West line of said Southwest Quarter, to an intersection with the South line of the
653 Northwest Quarter of said Section 5; thence North 0°53'14" East, on a line which is 52.5
654 feet east of the West line of said Northwest Quarter, 1589.09 feet; thence North 87°53'48"
655 East parallel with the North line of said Northwest Quarter, 1601.67 feet to a point on the
656 West line of Lot 1, Block A, Arbor Valley Subdivision; thence North 0°39'21" West on the
657 West line of said Lot 1, to a point on a line which is 30 feet south of the North line of said
658 Northwest Quarter; thence South 87°53'48" West on a line which is 30 feet south of the
659 North line of the Northwest Quarter of said Section 5, 1601.44 feet to a point on a line
660 which is 25 feet east of the West line of said Northwest Quarter; thence North 00°53'14"
661 East, parallel with the West line of said Northwest Quarter, 30.04 feet to a point on the
662 North line of said Northwest Quarter; thence North 01°50'24" West, on a line which is 25
663 feet east of the West line of the Southwest Quarter of Section 32, Township 11 South,
664 Range 15 east of the 6th P.M., 552.48 feet; thence North 87°53'51" East, 620.82 feet;
665 thence north-northeasterly on a curve concave easterly, having a radius measure of 288.50
666 feet and an arc length of 236.75 feet, the chord of which bears North 22°25'24" East,
667 230.03 feet; thence North 37°31'27" East, 73.75 feet; thence North 87°53'51" East, 67.65
668 feet; thence South 61°37'24" East, 93.15 feet; thence North 87°18'00" East, 381.34 feet to
669 a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section
670 32; thence South 01°46'12" East on the West line of the Southeast Quarter of the
671 Southwest Quarter of said Section 32, 111.59 feet to the Northwest corner of the South
672 Half of the Southeast Quarter of the Southwest Quarter of said Section 32; thence North
673 87°54'38" East on the North line of said South Half, 1316.47 feet to a point on the West
674 line of the Southeast Quarter of said Section 32; thence North 01°41'55" West on the West
675 line of the Southeast Quarter of said Section 32, 666.05 feet, to the Northwest corner of
676 the South Half of the Southeast Quarter of Section 32; thence easterly on the North line of

677 the South Half of said Southeast Quarter, 186.92 feet, to the Westerly right-of-way line of
678 U.S. Interstate Highway 470; thence northwesterly, on said Westerly right-of-way line, to a
679 point on the North line of S.W. 10th Street; thence westerly on the North line of S.W. 10th
680 Street, to an intersection with an extension of the East line of Red Oaks Place; thence on
681 an assumed bearing of South 01°35'05" East, on the East line of Red Oaks Place, and its
682 extension, 1367.31 feet, to the Southeast corner of Red Oaks Place; thence South
683 87°55'48" West, 1090.50 feet, to the East line of Urish Road; thence North 01°50'38" West,
684 on the East line of Urish Road, and its extensions, 1327.96 feet, to an intersection with the
685 North line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of
686 the 6th P.M.; thence South 87°57'54" West, on the North line of said Southwest Quarter, to
687 the Southeast corner of the Northeast Quarter of Section 31, Township 11 South, Range
688 15 east of the 6th P.M.; thence South 87°16'57" West on the South line of said Northeast
689 Quarter, 40.01 feet; thence North 01°42'41" West parallel with the East line of said
690 Northeast Quarter, 40.01 feet to the Southeast corner of Lot 1, Block 'A' in Gail
691 Subdivision; thence South 87°16'57" West on the South line of Lot 1, 418.68 feet; thence
692 South 89°11'01" West on the North line of SW 10th Street, 509.17 feet; thence North
693 70°28'23" West on the North line of SW 10th Street, 251.06 feet to the West corner of Lot
694 12, Block 'A' in Gail Subdivision; thence North 58°39'21" West, 60.29 feet to the South
695 corner of Lot 2, Block 'A' in Gail Subdivision; thence northwesterly on the Southwest line of
696 Lot 2 being a curve concave northeasterly, having a radius measure of 527.96 feet and an
697 arc length of 130.17 feet, the chord of which bears North 43°36'28" West, 129.84 feet;
698 thence North 01°04'20" West on the West line of Gail Subdivision, 631.43 feet to the
699 Northwest corner thereof; thence North 87°24'52" East on the North line of Gail
700 Subdivision, 835.00 feet; thence South 89°30'42" East on the North line of Gail
701 Subdivision, 375.50 feet to a point on the West line of SW Urish Road; thence South
702 11°48'27" East on the West line of Urish Road, 409.64 feet; thence North 88°17'19" East,
703 75.00 feet to an intersection with a line which is 25 feet east of the West line of the
704 Northwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.;
705 thence North 01°42'41" West, parallel with the West line of said Northwest Quarter, to an
706 intersection with the North line of said Northwest Quarter; thence North 87°45'17" East,
707 2613.78 feet, to the Northwest corner of the Northeast Quarter of Section 32, Township 11
708 South, Range 15 east of the 6th P.M.; thence easterly, on the South line of the Southeast
709 Quarter of Section 29, Township 11 South, Range 15 east of the 6th P.M., 134.78 feet;
710 thence northerly, at a right angle, 30.00 feet; thence westerly, parallel with the South line of
711 said Southeast Quarter, 134.33 feet; thence Northerly, on the West line of said Southeast
712 Quarter, to the Northwest corner of Lot 15, Block 'A' in River Hill Residential Subdivision;
713 thence westerly on the North line of the South Half of the Southwest Quarter of said
714 Section 29, to the most westerly Southwest corner of Lot 13, Block 'A' in River Hill
715 Residential Subdivision; thence northerly to the Northwest corner of said Lot 13; thence
716 easterly, to the Northeast corner of Lot 11, Block 'A' in River Hill Residential Subdivision;
717 thence southerly, to the Northwest corner of Lot 10, Block 'A' in River Hill Residential
718 Subdivision; thence on an assumed bearing of North 87°45'41" East, on a North line of
719 River Hill Residential Subdivision, 996.42 feet; thence North 00°42'20" West, 39.40 feet;
720 thence North 87°45'41" East, on a North line of River Hill Residential Subdivision, 330.00
721 feet, to an intersection with the West line of the Southwest Quarter of Section 28,

Township 11 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North 01°23'09" East, on the West line of the last said Southwest Quarter, to the Southwest corner of the Northwest Quarter of said Section 28; thence North 00°27'26" East, on the West line of said Northwest Quarter, to the Northwest corner of Lot 1, Block A in Menninger Subdivision; thence easterly, on the North line of said Lot 1, to the Northeast corner of said Lot 1; thence northerly, on the West line of the Northeast Quarter of said Section 28, to the South bank of the Kansas River; thence continuing northerly on the West lines of the East Halves of Sections 28 and 21, Township 11 south, Range 15 east of the 6th P.M., to the North line of Lower Silver Lake Road; thence east on the North line of Lower Silver Lake Road to the East line of Menoken Road; thence northerly on the East line of Menoken Road, 1281.10 feet; thence easterly on the North line of Sun Valley Subdivision No. 2 to the Northeast corner thereof; thence southerly on the East line of said subdivision, 1279.38 feet, to the North line of Lower Silver Lake Road; thence easterly on said North line to the West line of Kaw Half-Breed Reserve No. 1; thence north on the West line of Kaw Half-Breed Reserve No. 1, to the Northwest corner of said Reserve No. 1; thence northeasterly to the intersection of the North right-of-way line of U.S. Highway No. 24 and the West line of the Southwest Quarter of Section 14, Township 11 South, Range 15 east of the 6th P.M. said point being 100.00 feet north of the Centerline of U.S. Highway 24; thence on an assumed bearing of North 00°25'08" West, 1065.79 feet, to a point which is 287.2 feet south of the Northwest corner of said Southwest Quarter, being an intersection with the Northwest line of US Highway 75; thence South 52°13'52" West, on the Northwest line of US Highway 75, 25.16 feet; thence North 00°25'08" West, on a line which is 20 feet west of the East line of Lot 3 in Section 15, Township 11 South, Range 15 east of the 6th P.M., 302.19 feet, to a point on the North line of said Lot 3; thence North 01°18'04" East, on a line which is 20 feet west of the East line of Lot 2 in said Section 15, 18.96 feet; thence North 88°12'36" East, on a line which is 30 feet north of the Centerline of Northwest 25th Street, 1010.99 feet; thence North 01°47'24" West, 92.55 feet; thence North 37°59'36" East on the Southeast line of US Highway 75, 364.65 feet to the Northwest corner of Lot 1, Block A in ADR Industrial Park; thence North 38°01'44" East on the Southeast line of US Highway 75, 266.26 feet to the North corner of said Lot 1; thence South 51°59'33" East on the Northeast line of Lot 1, 89.98 feet to the Northeast corner of said lot; thence North 38°03'02" East on a West line of Lot 4, Block A in ADR Industrial Park, 89.91 feet; thence North 51°59'33" West on a West line of said Lot 4, 90.03 feet; thence North 37°44'54" East on a West line of Lot 4, 15.74 feet; thence North 4°25'54" West on the East line of US Highway 75, 367.87 feet; thence North 3°20'43" East on the East line of US Highway 75, 87.90 feet to a corner of Lot 7, Block A in ADR Industrial Park; thence South 86°36'56" East on a West line of said Lot 7, 89.99 feet; thence North 3°26'25" East on a West line of Lot 7, 89.99 feet; thence North 86°36'56" West on a West line of Lot 7, 90.12 feet; thence North 3°30'12" East, 189.43 feet to the most westerly Northwest corner of Lot 7; thence South 79°14'42" East on the North line of Lot 7, 165.81 feet; thence North 28°08'28" East on a West line of Lot 7, 224.70 feet; thence North 46°43'13" East on a Northwest line of Lot 7, 53.39 feet; thence South 85°46'45" East, 24.67 feet to the Northeast corner of Lot 7; thence South 2°00'04" East, on the East line of Lot 7, 82.48 feet to the Northwest corner of Lot 8, Block A in ADR Industrial Park; thence South 41°23'22" East, 645.35 feet to the most easterly Northeast corner of Lot 9, Block A in ADR Industrial Park; thence South 1°42'26" East, 988.68 feet to the Southeast corner of

768 Lot 11, Block A in ADR Industrial Park; thence South 1°41'17" East, 37.50 feet to an
769 intersection with the South line of the Northwest Quarter of said Section 14; thence
770 continuing on South 1°41'17" East to the South line of NW 25th Street; thence South
771 89°49'44" West on a line which is 30 feet south of the Centerline of NW 25th Street, also
772 being the South line of NW 25th Street, 437.89 feet; thence South 75°49'43" West on the
773 South line of NW 25th Street, 163.8 feet; thence South 84°49'43" West on the North line of
774 Lot 1, Block "A" in Midwest Subdivision No. 2, 136.9 feet to the Northwest corner of said
775 lot; thence South 87°12'27" West, 200.66 feet to the Northeast corner of Lot 1, Block 'A' in
776 BRB Subdivision No. 2; thence South 04°20'53" East, 375.00 feet; thence South 11°14'02"
777 West, 519.20 feet; thence South 41°56'26" West, 471.70 feet, to the south corner of BRB
778 Subdivision No.2; thence Easterly on a line which is 150.00 feet north of the Centerline of
779 existing US Highway 24 to the Southwest corner of Lot 3 of Six Zero North Subdivision;
780 thence Northerly along the West line of said Lot 3 to the Northwest corner of said Lot 3;
781 thence Easterly along the North line of said Lot 3 to the Northeast corner of said Lot 3, also
782 being a point on the West line of Lot 2 of said Six Zero North Subdivision; thence Northerly
783 along the West lines of said Lot 2 and Lot 1 of said Six Zero North Subdivision to the North
784 line of Government Lot 4 of Fractional Section 14, Township 11 South, Range 15 East of
785 the 6th P.M.; thence Easterly along the North line of said Government Lot 4 to the
786 Northwest corner of Government Lot 5 of said Fractional Section 14; thence continue
787 Easterly along the North line of said Government Lot 5 to the Northeast corner of said
788 Government Lot 5; thence Southerly along the East line of said Government Lot 5 to said
789 line which is 150.00 feet north of the Centerline of existing US Highway 24; thence Easterly
790 along said line to the East right-of-way line of the Chicago Rock Island and Pacific
791 Railroad; thence northerly on the East right-of-way line of said railroad to its intersection
792 with the West line of Section 18, Township 11 south, Range 16 east of the 6th P.M.;
793 thence north on the West line of said Section 18 to the South line of Menninger Road;
794 thence west on the South line of Menninger Road to its intersection with the West line of
795 Green Hills Road; thence north on said West line to its intersection with the South line of
796 the Southeast Quarter of Section 12, Township 11 South, Range 15 East of the 6th P.M.;
797 thence westerly on said South line to the East right-of-way line of the Chicago Rock Island
798 and Pacific Railroad; thence northwesterly on said East line to the South line of N.W. 35th
799 Street; thence easterly on said South line to the Northeast corner of Lot 1, Block "D",
800 Forest Hills Estates Subdivision; thence southerly on the East lines of Lots 1 and 2, Block
801 "D" in said subdivision to the Southeast corner of Lot 2, Block "D" in said subdivision;
802 thence easterly, 242.00 feet south of and parallel with the North line of said Southeast
803 Quarter, to an intersection with the East line of Green Hills Road; thence southerly on the
804 said East line of Green Hills Road to an intersection with a line which is 20 feet north of the
805 South line of the Southwest Quarter of Section 7, Township 11 South, Range 16 east of
806 the 6th P.M.; thence easterly, parallel with the South line of the Southwest Quarter of said
807 Section 7, to an intersection with an the West line of Daisy Brown Martin Subdivision;
808 thence northerly, to the Southwest corner of Lot 11 in said subdivision; thence easterly, on
809 the North line of Menninger Road, to the Southeast corner of Lot 36 in Daisy Brown Martin
810 Subdivision; thence southerly, on an East line of Daisy Brown Martin Subdivision, to an
811 intersection with a line which is 20 feet north of the South line of the Southwest Quarter of
812 said Section 7; thence easterly, on an assumed bearing of North 88°20'01" East, parallel
813 with the South line of the Southwest Quarter of said Section 7, to an intersection with the

814 West line of Rochester Cemetery; thence North 00°51'36" West, 1467.73 feet; thence
815 North 89°40'29" East, on the North line of Rochester Cemetery, 98.5 feet to the Southeast
816 corner of Lot 49 in Daisy Brown Martin Subdivision; thence North 01°24'25" West, 323.50
817 feet, to the Northeast corner of said Lot 49; thence South 86°51'36" West, 434.00 feet, to
818 the Northwest corner of said Lot 49; thence North 01°24'25" West, parallel with the West
819 line of the Southwest Quarter of said Section 7, 467.64 feet; thence South 88°05'43" West,
820 parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence
821 North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section
822 7, 300.0 feet; thence North 88°05'43" East, parallel with the North line of the Southwest
823 Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, 60.0 feet, to an
824 intersection with a line which is 20 feet south of the North line of the Southwest Quarter of
825 said Section 7; thence North 88°05'43" East, parallel with the North line of the Southwest
826 Quarter of said Section 7, 970.09 feet; thence South 01°26'37" East, parallel with the East
827 line of said Southeast Quarter, 580.0 feet; thence North 88°05'43" East, parallel with the
828 North line of said Southwest Quarter, 179.50 feet, to an intersection with the West line of
829 the Southeast Quarter of said Section 7; thence North 88°17'11" East, parallel with the
830 North line of the Southeast Quarter of said Section 7, 200.0 feet; thence South 01°26'37"
831 East, parallel with the West line of the Southeast Quarter of said Section 7, 1739.28 feet;
832 thence South 88°01'54" West, parallel with the South line of said Southeast Quarter, 200
833 feet; thence South 01°26'37" West, on the West line of said Southeast Quarter, 289.97
834 feet, to an intersection with a line which is 20 feet north of the South line of the Southeast
835 Quarter of said Section 7, also being the North line of Menninger Road; thence easterly,
836 parallel with the South line of said Southeast Quarter, to an intersection with an extension
837 of the West line of Lot 2A in Tolin Subdivision; thence northerly, to the Southwest corner of
838 Lot 2A in Tolin Subdivision; thence easterly, to the Southeast corner of Lot 1A in Tolin
839 Subdivision; thence southerly, on an extension of the East line of Lot 1A in Tolin
840 Subdivision to an intersection with a line which is 20 feet north of the South line of the
841 Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said
842 Southeast Quarter, to an intersection with the West line of Ward Lot Subdivision; thence
843 northerly, to the Southwest corner of Ward Lot; thence easterly, to the Southeast corner of
844 Ward Lot; thence southerly, on the East line of Ward Lot Subdivision, to an intersection
845 with a line which is 20 feet north of the South line of the Southeast Quarter of said Section
846 7; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection
847 with the Centerline of Rochester Road; thence northerly on the Centerline of Rochester
848 Road, to an intersection with a line which is 50 feet north of the South line of the Southeast
849 Quarter of said Section 7; thence easterly parallel with the South line of said Southeast
850 Quarter, to an intersection with the West line of the Southwest Quarter of Section 8,
851 Township 11 South, Range 16 east of the 6th P.M.; thence northerly to the Southwest
852 corner of Lot 1 in Dale Lots; thence easterly, to the Southeast corner of Lot 2 in Dale Lots;
853 thence southerly, on an extension of the East line of Dale Lots subdivision, to an
854 intersection with a line which is 50 feet north of the South line of the Southwest Quarter of
855 said Section 8; thence easterly, parallel with the South line of said Southwest Quarter, to
856 an intersection with the West line of the East Half of said Southwest Quarter; thence
857 southerly, to an intersection with a line which is 8 feet north of the South line of said
858 Southwest Quarter; thence easterly, parallel with the South line of said Southwest Quarter,

859 to a point which is 496 feet east of the Southwest corner of the East Half of the Southwest
860 Quarter of said Section 8, as measured on and normal from said South line; thence east-
861 northeasterly, to an intersection with a line which is 20 feet north of the South line of the
862 East Half of said Southwest Quarter, at a point which is 678 feet east of the Southwest
863 corner of the East Half of said Southeast Quarter, as measured on and normal from said
864 South line; thence easterly, parallel with the South line of the East Half of said Southwest
865 Quarter, to an intersection with the West line of the Southeast Quarter of said Section 8;
866 thence easterly, on a line which is 20 feet north of the South line of said Southeast Quarter,
867 to an intersection with a line which is 30 feet east of the West line of said Southeast
868 Quarter; thence southerly, parallel with the West Line of said Southeast Quarter, to an
869 intersection with the North line of Section 17, Township 11 south, Range 16 east of the 6th
870 P.M.; thence easterly, on the North line of said Section 17, to the East Right-of-way line of
871 Soldier Creek Cutoff and Channel Improvement; thence southerly and easterly on said
872 right-of-way line to the East line of Kaw Half-Breed Reserve No. 5; thence southerly,
873 592.92 feet on said East line to its intersection with the Centerline of Indian Creek, the
874 same being the Northwest corner of Hillyers Subdivision; thence in an easterly direction,
875 following the meandering of said Indian Creek, to a point which is 17.00 chains west of the
876 East line and 14.13 chains north of the Southeast corner of the Northeast Quarter of Kaw
877 Half-Breed Reserve No. 6; thence southerly, parallel with the East line of said Kaw Reserve
878 No. 6 about 51.50 chains distance to the North Bank of the Kansas River; thence
879 northwesterly on the said Kansas River bank to the intersection with the East line of
880 Oakland Addition when extended north; thence southerly, on said extension of the East
881 line of Oakland Addition to the Northeast corner of said addition; thence continuing
882 southerly on the East line of said addition, to a point 2657.77 feet north of the Southwest
883 corner of Section 22; thence on an assumed bearing of North 88°34'44" East, 139.90 feet;
884 thence South 47°09'21" East, 1915.20 feet; thence North 00°12'26" East, 2260.65 feet;
885 thence South 61°49'02" East, 353.78 feet; thence South 53°47'05" East, 788.21 feet;
886 thence South 74°58'05" East, 119.87 feet, to the West line of N.E. Lahr Avenue; thence
887 South 00°06'44" East, on the West line of Lahr Avenue, 1569.01 feet, to the South line of
888 the North Half of the Southwest Quarter of said Section 22; thence easterly on said South
889 line, 30.00 feet, to the Northeast corner of the South Half of the Southwest Quarter of said
890 Section 22; thence southerly, 1320 feet, more or less, to the Southeast corner of the
891 Southwest Quarter of said Section 22; thence easterly, on the North line of Section 27,
892 Township 11 South, Range 16 east, of the 6th P.M., to the Northeast corner of said
893 section; thence southerly, on the East line of said Section 27, 2656.13 feet, to the
894 Southwest corner of the Northwest Quarter of Section 26, Township 11 South, Range 16
895 east, of the 6th P.M.; thence easterly 35 rods to the East Bank of the Shunganunga Creek
896 (old channel); thence northeasterly on said East Bank, 35 rods; thence northwesterly, at
897 right angles to the East Bank, to the Centerline of said creek; thence northeasterly, easterly
898 and southeasterly down the Centerline of said creek and along its meandering to its
899 intersection with the North line of the South Half of the Southwest Quarter of said Section
900 26; thence east on the North line of the South Half of the Southwest Quarter to the West
901 line of N.E. Kincaid Road; thence southerly, on the West line of N.E. Kincaid Road,
902 1279.71 feet to the North line of Seward Avenue; thence westerly on the North line of
903 Seward Avenue to the West line of Section 26, also being the East line of Section 27;
904 thence on an assumed bearing of South 88°31'13" West, on a line which is 40.00 feet

north of the South line of said Section 27, 195.00 feet; thence North 00°07'48" East, 869.29 feet; thence North 47°02'26" West, 599.73 feet, to a point on the North line of the South Half of the Southeast Quarter of Section 27; thence west on the North line of the South Half of the Southeast Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M., 97.87 feet; thence southerly 664.53 feet, to the North line of the South Half of the South Half of the Southeast Quarter of said Section 27; thence westerly 200.00 feet; thence southwesterly 640.00 feet, more or less, to a point 330 feet north of the South line of Section 27; thence westerly, on a line 330 feet north of and parallel with the South line of said Section 27, 750.00 feet, more or less; thence south to the North line of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence west 464.21 feet to the Northeast corner of the Northwest Quarter of said Section 34; thence southerly, to the Northeast corner of the Southwest Quarter of said Section 34; thence southerly, to the point of beginning.

EXCEPTION I:

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

EXCEPTION II:

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

EXCEPTION III:

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

EXCEPTION IV:

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

EXCEPTION V:

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

B. Outer Corporate Boundary:

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

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

Also: Beginning at a point which is 40.00 feet south and 40.00 feet east of the Northwest corner of the Northwest Quarter of Section 14, Township 12 south, Range 16 east of the 6th P.M.; thence easterly, parallel with and 40.00 feet south of the North line of said section, 1290.45 feet to the Northwest corner of Lot 1, Block "A", Fair Meadows Subdivision also being the East line of the West half of the said Northwest Quarter Section; thence southerly on the said East line to the Southeast corner of said West half; thence Westerly on the South line of said Northwest Quarter Section 1328.94 feet to the Southwest corner of said Northwest Quarter Section; thence North along the West line of said Northwest Quarter Section 581.38 feet; thence on a bearing of North 89 degrees 01 minute 39 seconds East(as depicted on plat for Shawnee Woods Subdivision No. 2) 436.00 feet; thence North 01 degree 08 minutes 58 seconds West, 300.00 feet to the South line of Shawnee Woods Subdivision; thence Westerly on the said South line of Shawnee Woods Subdivision to the West line of said Northwest Quarter Section; thence North 00°23'05" West(as depicted on plat for Shawnee Woods Subdivision), on the West line of said Northwest Quarter, 440.65 feet; thence North 89°51'12" East, 40.00 feet; thence northerly, parallel with and 40.00 feet east of the West line of said Northwest Quarter, 1278.42 feet, to the point of beginning.

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

Subdivision, 900.22 feet; thence North 86°16'27" East, on said Southerly line of Forbes Field Subdivision, 1053.80 feet; thence North 55°11'33" East, on said Southerly line of Forbes Field Subdivision, 910.15 feet to a point on the East line of said Southeast Quarter of Section 8; thence South 02°32'18" East, on the East line of said Southeast Quarter, 1318.30 feet to the Southeast corner of the Southeast Quarter of said Section 8; thence South 88°14'08" West, on the South line of said Southeast Quarter, 2612.01 feet to the Southwest corner of said Southeast Quarter; thence South 88°19'21" West, on the South line of said Southwest Quarter of Section 8, 2621.19 feet to the Southwest corner of said Southwest Quarter; thence South 02°22'39" East, on the East line of said Northeast Quarter of Section 18, 2638.05 feet to the Southeast corner of said Northeast Quarter of Section 18; thence South 02°22'27" East, on the East line of said Southeast Quarter of Section 18, 1318.96 feet, to the Southeast corner of the North Half of said Southeast Quarter of Section 18; thence South 88°00'15" West on said South line of the North Half of said Southeast Quarter of Section 18, 2638.04 feet to the Southwest corner of said North Half of the Southeast Quarter of Section 18; thence North 02°18'32" West, on the West line of said Southeast Quarter of Section 18, 1319.82 feet to the Northwest corner of said Southeast Quarter; thence North 02°18'22" West, on the West line of said Northeast Quarter of Section 18, 2629.66 feet to the Northwest corner of said Northeast Quarter; thence South 88°23'32" West, on the South line of the Southwest Quarter of Section 7, 2146.71 feet, thence on a bearing of North 01°52'44" West, parallel with the West line of said Southwest Quarter of Section 7, 361.50 feet; thence South 88°23'32" West, parallel with the South line of said Southwest Quarter of Section 7, 216.30 feet, to the Southeast corner of Quality Oil Subdivision No. 3; thence North 01°52'44" West, on the East line of said Quality Oil Subdivision No. 3, and parallel with the West line of said Southwest Quarter of Section 7, 299.83 feet (300.00 feet plat) to the Northeast corner of said Quality Oil Subdivision No. 3; thence South 88°23'32" West, on the North line of said Quality Oil Subdivision No. 3, and parallel with the South line of said Southwest Quarter of Section 7, 94.74 feet, to the Northwest corner of said Quality Oil Subdivision No. 3; thence North 01°55'59" West, on the Easterly Right of Way line of former US Highway 75, 906.14 feet; thence North 88°07'18" East, on the Easterly Right of Way line of said highway and parallel with the North line of said Southwest Quarter of Section 7, 9.90 feet; thence North 04°18'42" East, on said Easterly Right of Way line, 288.60 feet; thence North 06°49'42" East, on said Easterly Right of Way line, 813.00 feet to the point of beginning. Contains 689.944 acres, more or less.

A tract of land in the North Half of the Southwest Quarter of Section 9, Township 13 south, Range 16 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at the Southwest corner of said North Half of said Southwest Quarter; thence on an assumed bearing of North 33°02'55" East, on the Southerly line of Forbes Field Subdivision, 484.30 feet; thence North 26°33'23" East, on said Southerly line, 580.54 feet; thence North 02°21'27" East, on said Southerly line, 412.03 feet to a point on the North line of the North Half of said Southwest Quarter; thence North 88°27'10" East, on said North line, 2064.05 feet to the Northeast corner of the North Half of said Southwest Quarter; thence South 00°19'58" East, on the East line of the North Half of said Southwest Quarter, 1325.13 feet to the Southeast corner of the North Half of said Southwest Quarter; thence South

88°31'16" West, on the South line of the North Half of said Southwest Quarter, 2658.73 feet to the point of beginning. Contains 69.093 acres, more or less.

A tract of land in the Southwest Quarter of Section 10, Township 12 south, Range 16 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at a point which is 250.00 feet east and 50.00 feet north of the Southwest corner of said Southwest quarter, thence on an assumed bearing of North 89°04'15" East, on the North line of 29th Street, 365.00 feet; thence North 00°00'00" East, 32.64 feet measured (35.00 feet described); thence on a curve to the left, having a radius measure of 146.09 feet measured (146.11 described) an arc distance of 229.48 feet measured (229.51 feet described); thence South 00°00'00" East, 35.28 feet; thence North 56°00'00" West, 264.00 feet; thence South 00°00'00" West, 297.00 feet to the point of beginning. Contains 1.62 acres.

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

A tract in the South Half of the Northwest Quarter of Section 23, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01° 31' 24" West a distance of 1319.87 feet to the Northwest corner of the South Half of said Northwest Quarter; thence North 88° 49' 34" East a distance of 2658.83 feet to the Northeast corner of said South Half; thence South 01° 37' 51" East a distance of 1324.46 feet to the Southeast corner of said Northwest Quarter; thence South 88° 55' 28" West a distance of 2661.35 feet to the point of beginning. Contains 80.48 acres, more or less.

A tract in the Southwest Quarter and in the Southeast Quarter of Section 12, and in the Northwest, Northeast, Southeast and Southwest Quarters of Section 13, all in Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas, described as: Beginning at the Southwest corner of the Southwest Quarter of said Section 12; thence on an assumed bearing of North 1°51'46" West, on the West line of said Southwest Quarter, 599.36 feet to a point on the Centerline of Gary Ormsby Drive; thence North 61°43'34" East

on said Centerline, 1339.14 feet; thence northeasterly on a curve concave northwesterly, being the Centerline of Gary Ormsby Drive, having a radius measure of 1640.42 feet and an arc length of 643.64 feet, the chord of which bears North 50°29'09" East, 639.51 feet; thence North 39°14'48" East on said Centerline, 837.48 feet; thence northeasterly and easterly on a non-tangential curve concave southeasterly, being the Centerline of Gary Ormsby Drive, having a radius measure of 1312.33 feet and an arc length of 858.20 feet, the chord of which bears North 57°56'40" East, 843.00 feet to a point on the North line of the Southeast Quarter of said Section 12; thence North 88°31'48" East on the North line of said Southeast Quarter, 2113.26 feet to an intersection with the West line of the 100 feet wide strip of the Burlington North Santa Fe Railway Company; thence South 16°11'04" West on the West line of said 100 feet wide strip, 2824.31 feet to a point on the South line of said Southeast Quarter; thence continuing on South 16°11'04" West on the West line of said 100 feet wide strip, 1180.97 feet; thence continuing south-southwesterly on the West line of said 100 feet wide strip being a curve concave westerly, having a radius measure of 2722.53 feet and an arc length of 565.36 feet, the chord of which bears South 22°08'01" West, 564.34 feet; thence South 28°04'57" West on the West line of said 100 feet wide strip, 1149.58 feet to an intersection with the South line of the Northeast Quarter of said Section 13 at a point 422.07 feet easterly distant from the Southwest corner of said Northeast Quarter; thence continuing on South 28°04'57" West on the West line of said 100 feet wide strip, 644.33 feet; thence continuing southwesterly on the West line of said 100 feet wide strip being a curve concave easterly, having a radius measure of 3869.83 feet and an arc length of 211.12 feet, the chord of which bears South 26°31'11" West, 211.09 feet to an intersection with the West line of the Southeast Quarter of said Section 13 at a point 746.69 feet southerly distant from the Northwest corner of the last said Southeast Quarter; thence continuing southwesterly on the West line of said 100 feet wide strip being a curve concave easterly, having a radius measure of 3869.83 feet and an arc length of 311.50 feet, the chord of which bears South 22°39'03" West, 311.42 feet to an intersection with the East right of way line of US 75 Highway; thence North 42°32'49" West on said East right of way line, 510.92 feet; thence North 38°07'05" West on said East right of way line, 803.03 feet to an intersection with the North line of the Southwest Quarter of said Section 13 at a point 937.10 feet westerly distant from the Northeast corner of the last said Southwest Quarter; thence North 36°49'35" West on said East right of way line, 600.40 feet; thence North 41°50'35" West on said East right of way line, 401.50 feet; thence North 35°42'46" West on said East right of way line, 1981.44 feet to an intersection with the West line of the Northwest Quarter of said Section 13; thence North 1°43'56" West on the West line of said Northwest Quarter, 208.94 feet to the point of beginning. Contains 405.17 acres, more or less.

A tract in the Southeast Quarter of Section 12 and in the Northeast Quarter of Section 13, all in Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas, described as: Commencing at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 1°52'42" East on the East line of said Northeast Quarter, 61.94 feet; thence South 88°07'18" West, 180.74 feet to the Northeast corner of Lot 1, Block 'A' in Williamsport Subdivision as recorded in Plat Book 40, page 67 in the Office of the Shawnee County Register of Deeds, said Northeast corner of Lot 1 being the point of beginning; thence North 79°08'42" West on the North line of said Lot 1, 292.24 feet to the

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

Contains 21.90 acres, more or less.

The area within the corporate limits is 62.380 square miles, more or less.

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

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

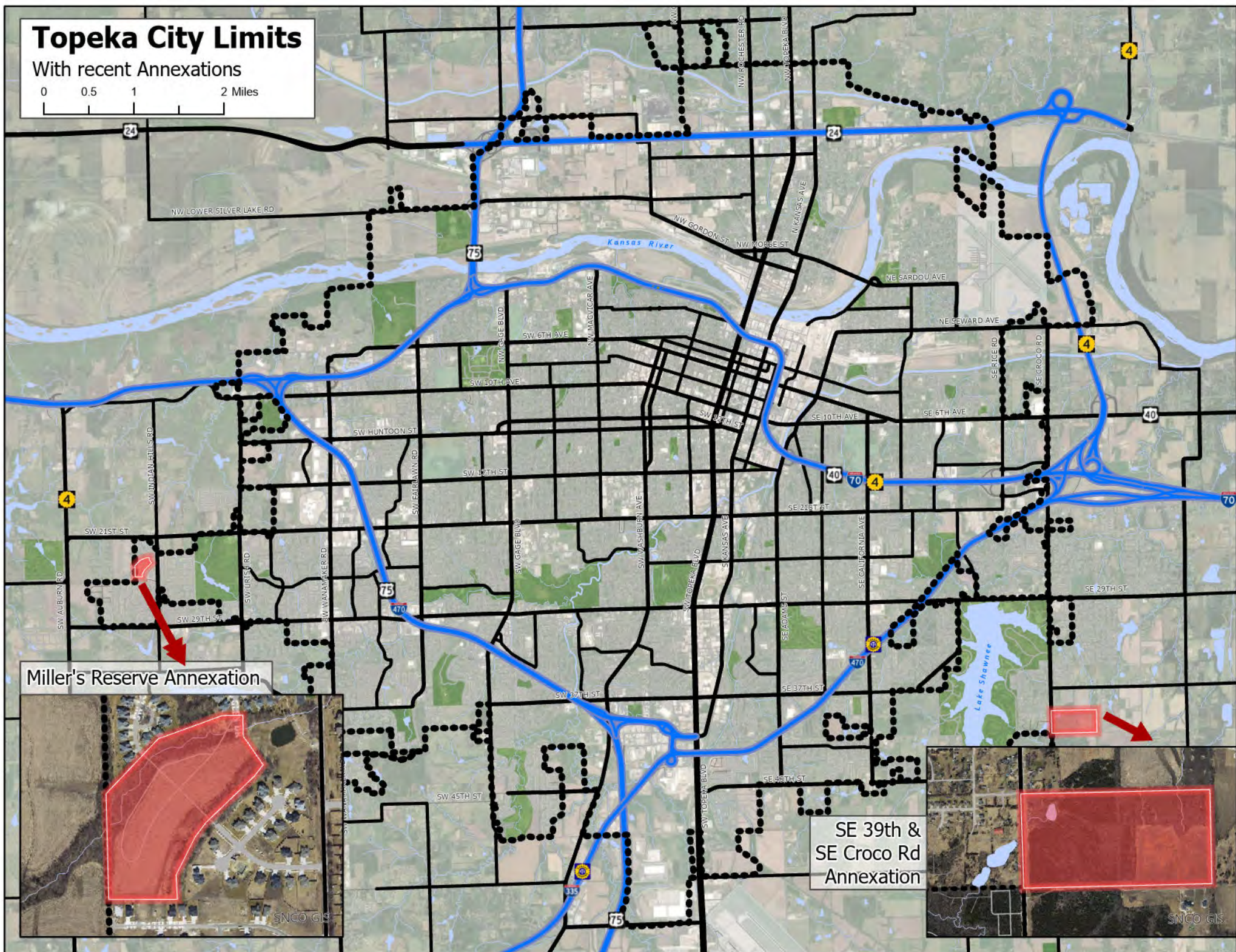
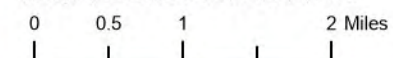
Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

With recent Annexations

0 0.5 1 2 Miles



(Published in the Topeka Metro News November 21, 2022)

ORDINANCE NO. 20387

AN ORDINANCE introduced by City Manager Stephen Wade annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located approximately 450 feet west of SW Indian Hills Road, approximately 1,175 feet south of SW 21st Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. **(A22/1) (Council District No. 8)**

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

Section 1. That the following described land, meeting the conditions for annexation

prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

A tract of land in the East half of the Northeast Quarter of Section 12, Township 12 South, Range 14 East of the 6th P.M., in Shawnee County, Kansas, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South along the East line of said Quarter on an assumed bearing of S00°01'32"W, a distance of 1339.23 feet; thence N89°58'28"W, a distance of 192.50 feet along the North line and its extension thereof, of Lot 14, Block A, Miller's Reserve Subdivision; thence continuing along the North line of said Lot 14, N83°32'44"W, a distance of 178.62 feet; thence continuing along said North line, N89°58'28"W, a distance of 105.00 feet to the Northwest corner of said Lot, said point also being the POINT OF BEGINNING; thence along the West line of said Lot 14, S33°27'18"E, a distance of 212.84 feet to the Southwest corner of said Lot; thence along the West line of said Miller's Reserve Subdivision, S39°16'09"W, a distance of 86.96 feet; thence continuing along the West line of said Miller's Reserve Subdivision, S47°35'05"W, a distance 411.41 feet; thence continuing along the West line of said Miller's Reserve Subdivision, S38°32'22"W, a distance of 108.14 feet; thence continuing along the West line of said Miller's Reserve Subdivision, S28°02'18"W, a distance of 263.84 feet; thence continuing along the West line of said Miller's Reserve Subdivision, S01°32'26"E, a distance of 153.41 feet to the Southwest corner of Lot 8, Block B, Miller's Reserve Subdivision, said point being on the North line of Sherwood Village Subdivision; thence N88°48'49"W, a distance of 421.33 feet to the Northwest corner of Lot 19, Block A, Sherwood Village Subdivision, said point also being on the West line of the East Half of said Northeast Quarter of Section 12; thence along said West line N00°04'11"E, a distance of 649.64 feet to the Southwest corner of Lot 1, Block A, Miller's Glen Subdivision; thence along the South line of said Lot 1, N45°01'32"E, a distance of 438.76 feet, measured (438.80 feet, described); thence N64°08'46"E, a distance of 118.13 feet to a point on the South line of said Miller's Glen Subdivision; thence continuing along the South line of said Miller's Glen Subdivision, N71°26'12"E, a distance of 324.41 feet; thence continuing along the South line of said Miller's Glen Subdivision, S89°58'28"E, a distance of 125.00 feet; thence S00°01'32"W a distance of 130.00 feet to the POINT OF BEGINNING. Containing 14.76 acres more or less.

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

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

approval and publication in the official city newspaper.

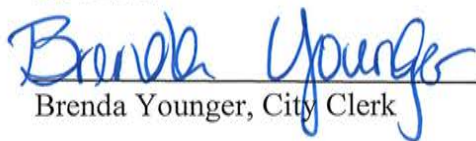
Section 4. Upon passage and publication, the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election Commissioner.

PASSED AND APPROVED by the Governing Body of the City of Topeka, November 15, 2022.



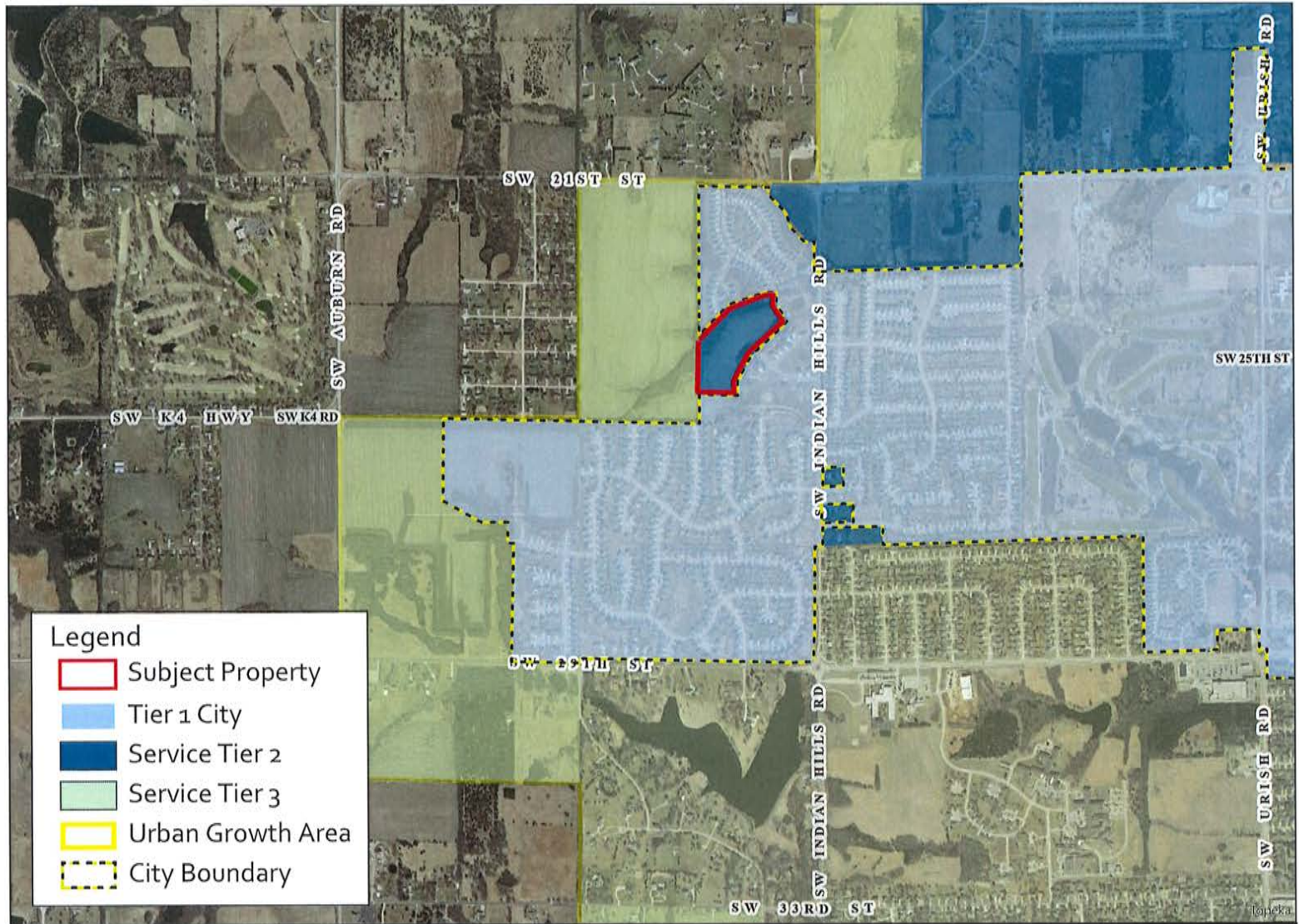
Michael A. Padilla, Mayor

ATTEST:



Brenda Younger, City Clerk





Topeka Planning Department

A22-01 Miller's Reserve No. 2

Oct. 4, 2022

1 (Published in the Topeka Metro News December 12, 2022)

2
3 ORDINANCE NO. 20392
4

5 AN ORDINANCE introduced by City Manager Stephen Wade annexing land to the City of
6 Topeka, Kansas, in accordance with K.S.A 12-520c, generally located at
7 on the east side of SE Croco Road and approximately 1,300' south of
8 SE 37th Street within unincorporated Shawnee County, Kansas and
9 assigning the annexed land to Council District No. 4. (A22/02)

10
11 WHEREAS, the land identified in Section 1 below and shown on attached Map 1 is
12 located in Shawnee County, Kansas; and

13 WHEREAS, the land does not adjoin the City; and

14 WHEREAS, the owner of the land has consented, in writing, to the annexation of
15 such land; and

16 WHEREAS, on October 6, 2022, the Board of County Commissioners for Shawnee
17 County determined that the annexation of such land will not hinder or prevent the proper
18 growth and development of the area or that of any other incorporated city located within
19 Shawnee County; and

20 WHEREAS, the Governing Body of the City of Topeka, Kansas, finds it advisable to
21 annex such land.

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

24 Section 1. That the following described land is hereby annexed and made a part
25 of the City of Topeka, Kansas:

26 The South Half of the Northwest Quarter of Section 23, Township 12 South, Range
27 16 East of the 6th P.M., Shawnee County, Kansas, more particularly described as
28 follows: Beginning at the Southwest corner of said Northwest Quarter; thence North
29 01° 31' 24" West a distance of 1319.87 feet to the Northwest corner of the South
30 Half of said Northwest Quarter; thence North 88° 49' 34" East a distance of 2658.83
31 feet to the Northeast corner of said South Half; thence South 01° 37' 51" East a

distance of 1324.46 feet to the Southeast corner of said Northwest Quarter; thence South 88° 55' 28" West a distance of 2661.35 feet to the point of beginning.

Section 2. That all land described in Section 1 and shown on attached Map 1 is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 4.

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

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

PASSED and APPROVED by the Governing Body on December 6, 2022.

CITY OF TOPEKA, KANSAS



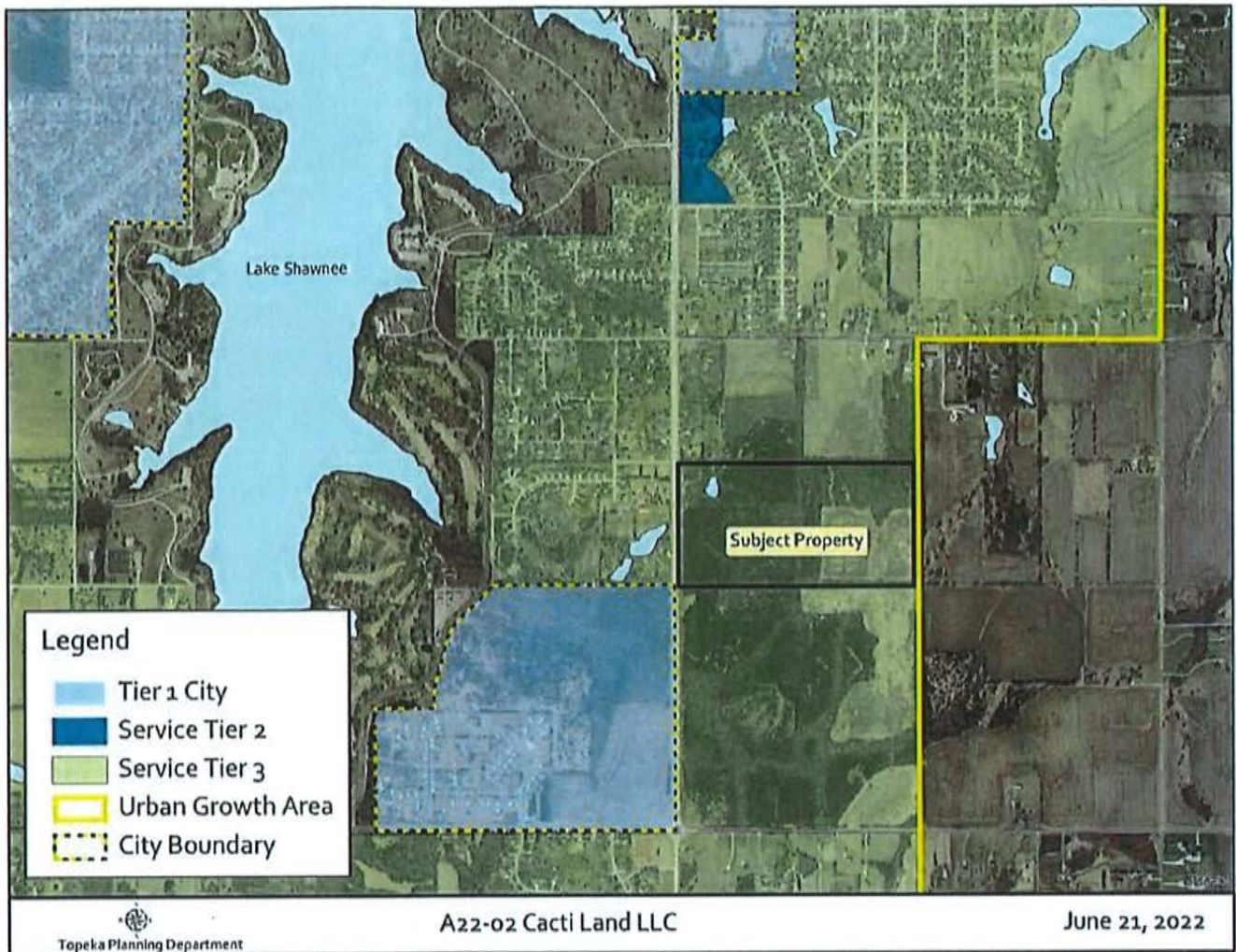
ATTEST:

Brenda Younger
Brenda Younger, City Clerk

Michael A. Padilla

Michael A. Padilla, Mayor

MAP 1





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Braxton Copley DOCUMENT #:
SECOND PARTY/SUBJECT: Alfred Benesch and Company PROJECT #: T-861010.02
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 005 Professional Services
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Public Works Engineering Contract between the City of Topeka and Alfred Benesch and Company, in an amount not to exceed \$115,635 for engineering services.

(Approval will authorize the City Manager to sign and execute the contract amendment for an amount not to exceed \$115,635 for final design and plan generation, and bidding documents for the pavement, curb, and sidewalk ramps, and concrete and asphalt pavement patching, mill and overlay, and pavement marking installation on 8th Street between Topeka Blvd and SE Madison Street Project T-861010.02.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the contract for professional services. Pursuant to TMC 3.30.010, all contracts for professional services exceeding \$50,000 must be approved by the Governing Body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the contract as part of the consent agenda.

BACKGROUND:

Pursuant to TMC 3.30.010, all contracts for professional services exceeding \$50,000 must first be approved by the Governing Body. Professional Services include architects, engineers, appraisers, land surveyors, management and systems analysts, financial and accounting firms, attorneys, information technology consultants, land use planners, project management, and other similar services requiring specialized knowledge or certification in a particular field.

Whereas on September 27, 2021, the City of Topeka and Alfred Benesch and Company entered into City of Topeka Contract No 49798 to perform professional engineering services on T-861010.02, 8th Ave Road Diet Improvements from SW Topeka Blvd to SE Madison St. Services to include providing transportation and traffic engineering, and design consultant services for the section of 8th Street; and as outlined in Contract No 49798 Scope of Services ATTACHMENT A.

BUDGETARY IMPACT:

Original Contract No 49798 \$40,700.00
Addition Amendment Requested \$74,935.00
Total Contract \$115,635.00

SOURCE OF FUNDING:

RES 8888
Countywide
2018 CIP T-861010.02

ATTACHMENTS:

Description

Proposed Contract (Amending Contract 49798) Alfred Benesch and Company T-861010.02
Contract 49798 (Approved Sept. 27, 2021)
Project Funding (2018-2027 CIP T-861010.02 Bikeways Master Plan)
TMC Section 3.30.010

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT NO. 1 TO CITY OF TOPEKA CONTRACT NO. 49798

THIS AMENDMENT No. 1 to City Of Topeka Contract No. 49798 is entered into this _____ day of _____, _____, by and between the City of Topeka, Kansas, a duly organized municipal corporation, hereinafter referred to as "City" and _____ Alfred Benesch & Company., hereinafter referred to as "Engineer."

WHEREAS, City and Engineer entered into Contract No. 49798 on 9/27/2021, for the purpose of Phase I Services: designing road diet improvements (T-861010.02) on 8th Avenue from SW Topeka Boulevard to SE Madison Street; and

WHEREAS, City desires Engineer to perform certain additional consulting work, Phase II Services.

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

1. The total amount of compensation set forth in Attachment B of Contract No. 49798 shall increase by \$ 74,935.00 for a total not to exceed amount of \$ 115,635.00. The payment for the additional services to be performed under this amendment shall be based on the 2022 Benesch Schedule of Hourly Charges. See Attachment F-22.

2. The Scope of Services set forth in Attachment A of Contract No. 49798 shall be amended to include additional scope items as noted below:

Phase II Services: Final Design / Plan Generation and Bidding Services.

- a. Prepare and submit to the owner Field Check, Office Check and Final Plans (Bid Documents) per City of Topeka standards and format as PDF files.

Design is continuation on approved Concept Plans submitted under the original contract except with reduced project limits (from Topeka Blvd. to Quincy St.).

- a. Submit final plans to KDOT for approval. No other coordination with KDOT is anticipated or included in this contract amendment.
- b. Detailed design of ADA ramps, including elevation information.
- c. Traffic signal modifications design (does not include interconnect or bicycle detection):
 - i. Remove existing outside thru-lane signal heads for east/westbound at Harrison, Jackson, Kansas, and Quincy.
 - ii. Upgrade pedestrian signal heads at Harrison.
 - iii. Add new push-buttons to Harrison and Jackson.
- b. Attend one public meeting organized by the Owner.
- c. Prepare additional concept cost estimates for various adjustments to the project length to assist the Owner's budgeting funds.
- d. Attend up to three additional design meetings with the Owner. Including one site visit.
- e. Provide limited bidding assistance including response to contractor's questions and preparation of items for inclusion in Addenda; given the unknown level of effort, these services are assumed to be limited to 2 hours.
- f. Printing up to two hard copies (11"x17") at each of the plan submittal stages.
- g. Additional Field Visit with Owner's geotechnical engineer to review borings and pavement condition.

- h. Finalize previously contracted traffic study for 8th Avenue corridor. This will include revising the final report to reflect the updated limits of the project from Topeka Blvd. to Quincy Street.
- i. Attend Preconstruction Conference conducted by the Owner.
- j. Preparation of As-Built plans in PDF format from redline markups provided by the Owner's inspector.
- k. Quality control review will be competed for the three plan submittals.
- l. Send Field Check Plans and Final Plans to the utility owners. No meetings or further coordination is anticipated or included in this contract amendment.

3. The Schedule set forth in Attachment E of Contract No. 49798 shall be amended to include the following submittals:

- Field Check Plans and Estimate within 45 days from Notice to Proceed by Owner.
- Office Check Plans, Project Manual and Estimate within 30 days after Notice to Resume Work is given by the Owner following Field Check.
- Bid Documents within 15 days after Notice to Resume Work is given following Office Check.
- As-Built Plans - Engineer will submit as-built plans within 30 calendar days after marked-up plans are returned to the Engineer, from the Owner or within 30 calendar days after all punch list items have been completed if the Engineer's firm provided construction inspection services for the project.

Note: Assuming Notice to Proceed on or before December 15, 2022 and 2-week review periods by the city for Targeting April 2023 bid letting per KDOT's expectations.

4. All other terms and conditions of City of Topeka Contract No. 49798 not specifically amended herein shall remain in full force and effect.

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

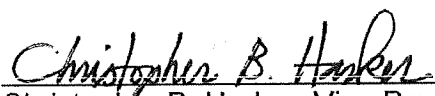
CITY OF TOPEKA, KANSAS

Stephen Wade, City Manager

ATTEST:

Brenda Younger, City Clerk

Alfred Benesch & Company



Christopher B. Harker, Vice President

ATTEST:



Michael J. Stewart

Associate
(Title)

ATTACHMENT F-22**2022 EMPLOYMENT CLASSIFICATION AND RATE SCHEDULE**

<u>CLASSIFICATION</u>	<u>BILLABLE RATE</u>
Project Manager I	\$154.00
Project Manager II	\$179.00
Senior Project Manager	\$205.00
Project Principal	\$254.00
Technical Manager I	\$150.00
Technical Manager II	\$165.00
Senior Technical Manager	\$188.00
Project Engineer I	\$132.00
Project Engineer II	\$146.00
Senior Project Engineer	\$169.00
Construction Representative I	\$93.00
Construction Representative II	\$108.00
Construction Representative III	\$122.00
Construction Tech Representative I	\$85.00
Construction Tech Representative II	\$99.00
Resident Project Manager I	\$145.00
Resident Project Manager II	\$165.00
Senior Resident Project Manager	\$183.00
Designer I	\$99.00
Designer II	\$118.00
Senior Designer	\$150.00
Technologist I	\$66.00
Technologist II	\$94.00
Senior Technologist	\$127.00
Technical Specialist I	\$113.00
Technical Specialist II	\$118.00
Senior Technical Specialist	\$143.00
Intern	\$66.00
Office Assistant	\$57.00
Project Assistant I	\$61.00
Project Assistant II	\$75.00

Rates are good until December 31, 2022



ALFRBEN-01

CMURPHY

CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
5/25/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ames & Gough 859 Willard Street Suite 320 Quincy, MA 02169	CONTACT NAME: PHONE (A/C, No, Ext): (617) 328-6555 FAX (A/C, No): (617) 328-6888 E-MAIL ADDRESS: boston@amesgough.com														
INSURED Alfred Benesch & Company 11010 Haskell Avenue Suite 200 Kansas City, KS 66109	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A : Charter Oak Fire Insurance Company A++ (XV)</td> <td>25615</td> </tr> <tr> <td>INSURER B : Travelers Property Casualty Company of America</td> <td>25674</td> </tr> <tr> <td>INSURER C : Phoenix Insurance Company A++, XV</td> <td>25623</td> </tr> <tr> <td>INSURER D : Berkshire Hathaway Specialty Insurance Company</td> <td>22276</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Charter Oak Fire Insurance Company A++ (XV)	25615	INSURER B : Travelers Property Casualty Company of America	25674	INSURER C : Phoenix Insurance Company A++, XV	25623	INSURER D : Berkshire Hathaway Specialty Insurance Company	22276	INSURER E :		INSURER F :	
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INSURER D : Berkshire Hathaway Specialty Insurance Company	22276														
INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☒ LOC OTHER:			630-0D870755	5/31/2022	5/31/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			BA-0N614884	5/31/2022	5/31/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0			CUP-9R47920A	5/31/2022	5/31/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☒ Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		UB-5K723986	5/31/2022	5/31/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liab			47EPP30529705	5/31/2022	5/31/2023	Per Claim \$ 1,000,000
D				47EPP30529705	5/31/2022	5/31/2023	Aggregate \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 If All box is checked, GL Endt Form# CGD604, Auto Endt Form# CAT499 to the extent provided therein applies and all coverages are in accordance with the policy terms and conditions.

RE: 8th Avenue Road Diet Improvements - Cit of Topeka project no. T- 861010.02; Project Manager Name: Brad Johnson; Benesch Project Nbr:P2213026.00

CERTIFICATE HOLDER**CANCELLATION**

City of Topeka, Engineering Division
 620 SE Madison, 2nd Floor
 Topeka, KS 66607

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

gared maxwell

ADMINISTRATIVE ACTION FORM

Contact Person: Kristi Ericksen *KE*
 Department/Division: Engineering - ENGR
 Document Type: Contract/Agreement

Date: 9/15/2021Document #: 49798Category/Subcategory: 007 Contracts and Amendments / 002 Capital Projects - ConsultantSubject: 8th Avenue Road Design ImprovementsSecond Party: Alfred Benesch & Company

Start Date: _____

CIP Project: YesIT Impact: No

End Date: _____

Project #: 861010.02Requested Action: Approve and Execute DocumentOpen Record Exception: No

Financial Implications

Financial Impact: YesIncluded in Budget: YesBond Funded: NoTotal Contract Cost: 40,700.00One-Time Cost: 0On-going/Annual Cost: 0

Financial Summary

Project Budget: \$264,461.00 (no expenses or encumbrances)

*See page 2 for accounting unit/project/activity information

Description

This project is to complete design services in a phased approach for 8th Avenue between SW Topeka Boulevard and SE Madison Street. The project will include visual evaluation of pavement, curb, and sidewalk ramps, and bridge deck conditions and identify repair quantities and strategies. The project will also include, both concrete and asphalt pavement patching, mill and overlay and pavement marking installation consistent with the recommendations identified in the 8th Avenue Traffic Operations memo and KDOT Cost Share application submitted in Spring 2021.

Form Approval Routing

Department Director James A. JacksonDate 9/23/2021Contracts & Procurement Lyn BabinDate 9/24/2021Legal HeidiDate 9/24/2021Finance Stephen WadeDate 9/24/2021City Clerk Brenda YoungerDate 9/27/2021

Dept Reviewers

*KE**PM**KB*

*Requires City Manager Signature

Funding Details

Total: 40,700.00

Project# /Activity #	861010.02	Project# /Activity #	
Accounting Unit:	8008013800	Accounting Unit:	
Account:	52203	Account:	
Funding Allocation	40,700.00	Funding Allocation	
Project# /Activity #		Project# /Activity #	
Accounting Unit:		Accounting Unit:	
Account:		Account:	
Funding Allocation		Funding Allocation	
Project# /Activity #		Project# /Activity #	
Accounting Unit:		Accounting Unit:	
Account:		Account:	
Funding Allocation		Funding Allocation	
Project# /Activity #		Project# /Activity #	
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Project# /Activity #		Project# /Activity #	
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Funding Allocation		Funding Allocation	
Project# /Activity #		Project# /Activity #	
Accounting Unit:		Accounting Unit:	
Account:		Account:	
Funding Allocation		Funding Allocation	

49798

Contract No. _____
Project No. T-861010.02

**CITY OF TOPEKA
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**

**STANDARD AGREEMENT
FOR
ENGINEERING SERVICES**

THIS AGREEMENT, is between the City of Topeka, Kansas (Owner) and Alfred Benesch & Company (Engineer);

WITNESSETH:

WHEREAS, the Owner wishes to employ the Engineer to perform professional engineering services on T-861010.02, 8th Avenue Road Diet Improvements from SW Topeka Boulevard to SE Madison Street. These services include providing transportation and traffic engineering and design consultant services for the this section of 8th Avenue (the Project); and,

WHEREAS, the Owner requires certain engineering services in connection with the Project (the Services);
and,

WHEREAS, the Engineer is prepared to provide the Services;

NOW THEREFORE, in consideration of the promises contained in this Agreement, the Owner and Engineer.
agree to the following:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be September 27, 2021

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Kansas and the codes of the City of Topeka.

Contract No. _____
Project No. T-861010.02

ARTICLE 3 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services, in accordance with applicable sections of the City of Topeka Design Criteria and Drafting Standards of latest revision.

ARTICLE 4 - COMPENSATION

Owner shall pay Engineer in accordance with the Attachment B, Compensation.

ARTICLE 5 – OWNER’S RESPONSIBILITIES

Owner shall be responsible for all matters described in Attachment C, Owner's Responsibilities.

ARTICLE 6 - SUPPLEMENTAL AGREEMENTS

The provisions set forth in Attachment D, Supplemental Agreements shall be incorporated into this Agreement.

ARTICLE 7 - PROJECT SCHEDULE

The provisions set forth in the Attachment E, Project Schedule shall be incorporated into this Agreement.

ARTICLE 8 - STANDARD OF CARE

Engineer shall exercise the same degree of care, skill, and diligence in the performance of Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances.

ARTICLE 9 - INDEMNIFICATION AND INSURANCE

Engineer hereby agrees to fully indemnify and hold harmless Owner and any of its departments, divisions, agencies, officers, employees and elected officials from all loss, damage, cost, or expenses specifically including reasonable attorneys' fees and other expenses of litigation incurred by or on behalf of the Owner and any of its officers, employees or elected officials to the extent caused by Engineer's negligent performance of Services under this Agreement. Engineer specifically agrees that this duty to indemnify and hold harmless will apply to the following:

- a. Claims, suits, or action of every kind and description to the extent such suits or actions are caused by the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

Contract No. _____

Project No. T-861010.02

- b. Injury or damages received or sustained by any party to the extent caused by the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

Engineer shall purchase and maintain during the life of this Agreement, insurance coverage which will satisfactorily insure him against claims and liabilities which arise because of the execution of this Agreement.

The insurance coverages are as follows:

- (1) Commercial General Liability Insurance, with a limit of \$1,000,000 for each occurrence and \$2,000,000 in the general aggregate.
- (2) Automobile Liability Insurance, with a limit of \$1,000,000 for each accident, combined single limit for bodily injury and property damage.
- (3) Worker's Compensation Insurance and Employer's Liability Insurance, in accordance with statutory requirements, with a limit of \$500,000 for each accident.
- (4) Professional Liability Insurance, with a limit of \$1,000,000 for each claim and aggregate.

Prior to issuance of the Notice to Proceed by Owner, Engineer shall have on file with Owner certificates of insurance acceptable to Owner. Said certificates of insurance shall be filed with Owner within ten (10) days of renewal or may be submitted with each agreement.

Engineer shall also maintain valuable papers insurance to assure the restoration of any plans, drawings, field notes or other similar data relating to the work covered by this agreement, in the event of their loss or destruction, until such time as the work has been delivered to the Owner.

Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

Contract No. _____
Project No. T-861010.02

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project, (2) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services. Notwithstanding anything contained herein to the contrary, in recognition of the relative risks and benefits of the Project to both Owner and Engineer, the risks have been allocated such that the Owner agrees, to the fullest extent permitted by law, to limit the liability of Engineer to the Owner (and anyone that claims through it) for any and all claims, losses, costs, damages of any nature whatsoever (whether arising in negligence, professional errors or omissions, strict liability, breach of contract or otherwise) and claim expenses from any cause or causes, so that the total aggregate liability of Engineer shall not exceed the limits of insurance. Owner and Engineer agree that to the fullest extent permitted by law neither party shall be liable to the other for any special, indirect, or consequential damages whatsoever, whether caused by either party's negligence, errors, omissions, strict liability, breach of contract, breach of warranty, or other cause or causes.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project construction schedules, Engineer's opinion of probable construction costs and of construction schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project construction costs will not vary from Engineer's cost estimates or that actual construction schedules will not vary from Engineer's projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Engineer pursuant to the Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project. Any

Contract No. _____

Project No. T-861010.02

reuse without prior written verification or adaptation by Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer. Any verification or adaptation requested by Owner shall entitle Engineer to compensation at rates to be agreed upon by Owner and Engineer.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by Engineer as part of the Services shall become the sole property of Owner upon receipt of payment by Engineer of amounts due and owing under this Agreement, however, that both Owner and Engineer shall have the unrestricted right to their use. Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of Engineer. Owner shall have the unlimited right to the use of intellectual property developed, utilized, or modified in the performance of the Services at no additional cost to the Owner.

ARTICLE 14 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure reasonably acceptable to the other party. Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all Services performed prior to the date of the termination notice. Upon restart, an adjustment acceptable to Owner and Engineer shall be made to Engineer's compensation. Neither Engineer, nor its subconsultants shall be responsible for errors or omissions in documents which are incomplete as a result of an early termination under this Agreement.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of the Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonconforming party. For purposes of this Agreement, such

Contract No. _____
Project No. T-861010.02

circumstances include abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, or other civil disturbances; sabotage, judicial restraint, and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement. Should such circumstances occur, the nonconforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of the Agreement.

For delays in performance by Engineer, as set forth in Attachment E, Project Schedule, which are caused by circumstances which are within its control, such delays shall be documented on the Engineer's Project Performance Evaluation form. Said form shall be completed at the conclusion of Project and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects.

In the event Engineer is delayed in the performance of Services because of delays caused by Owner, Engineer shall have no claim against Owner for damages or contract adjustment other than an extension of time.

ARTICLE 16 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer: Bradley D. Johnson, PE
Alfred Benesch & Company
123 SE 6th, Suite 200
Topeka, KS 66603
(785) 409-6507

Owner: Kristi Ericksen
City of Topeka Engineering Division
620 SE Madison, 2nd Floor
Topeka, KS 66607
(785) 368-3842

Nothing contained in the Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

Contract No. _____
Project No. T-861010.02

ARTICLE 17 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 18 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 19 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. All prior and contemporaneous communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of this Agreement, as set forth in Attachment D, Supplemental Agreements are hereby incorporated into and shall become a part of this Agreement.

ARTICLE 20 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party of this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

Contract No. _____
Project No. T-861010.02

ARTICLE 21 - ASSIGNMENT

Neither Owner nor Engineer shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Engineer from employing independent consultants, associates, and subcontractors to assist in the performance of the Services; however, other agreements to the contrary notwithstanding, in the event Engineer employs independent consultants, associates, and subcontractors to assist in performance of the Services, Engineer shall be solely responsible for the negligent performance of the independent consultants, associates, and subcontractors so employed.

ARTICLE 22 - THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Engineer.

ARTICLE 23 – RELATIONSHIP OF PARTIES

Nothing contained herein shall be construed to hold or to make the Owner a partner, joint venturer, or associate of Engineer, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

Contract No. _____
Project No. T-861010.02

IN WITNESS WHEREOF, Owner and Engineer have executed this Agreement.

CITY OF TOPEKA

Owner

Brent Trout

By: Brent Trout

City Manager

Title

9/27/2021

Date:

Attest:

Brenda Younger

City Clerk, Brenda Younger

Alfred Benesch & Company

Engineer

Bradley J. Waller

By: Bradley J. Waller, PE

Vice President, Kansas Area Manager

Title

08/16/2021

Date:

Attest:

BDJ

Bradley D. Johnson



Contract No. _____

Project No. T-861010.02

**ATTACHMENT A
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Topeka, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: T-861010.02, 8th Avenue Road Diet Improvements

SCOPE OF SERVICES

BASIC SERVICES

The project is specifically defined below:

This project is to complete design services in a phased approach for 8th Avenue between SW Topeka Boulevard and SE Madison Street. The project will include visual evaluation of pavement, curb, and sidewalk ramps, and bridge deck conditions and identify repair quantities and strategies. The project will also include, both concrete and asphalt pavement patching, mill and overlay and pavement marking installation consistent with the recommendations identified in the 8th Avenue Traffic Operations memo and KDOT Cost Share application submitted in Spring 2021.

The Engineer agrees to provide the following services.

Services will be completed in phases in an attempt to identify overall needs for the corridor and plan for needed repairs versus budget available.

Phase I Services will include the following:

Task 1: Project Administration

1. Project Meetings: Benesch will attend up to two (2) project coordination meetings with the City to discuss results of field work and conceptual plans with approximate quantities identified to determine final scope items to proceed to Phase II (design).
2. Project Administration: Benesch will provide project management and oversight of the project, review of invoices and communications with the client. A quality control plan will also be developed and QA/QC reviews completed at each submittal stage of the project.

Task 2: Field Data Collection

1. Site Visit: Benesch will make a site visit to walk the corridor with the owner to identify and paint/mark areas for repair of curb and gutter, pavement, and sidewalk ramps, and bridge deck.
2. Survey: Benesch will coordinate the collection of survey data for the following items:
 - a. Setting vertical and horizontal control for the project.
 - b. Setting of targets for control in preparation for the drone flight.

Contract No. _____

Project No. T-861010.02

- c. Collection of survey data at ADA ramp locations that are determined to be in need of replacement from the site visit.
3. Drone Flight: A drone flight will be completed for the entire length of the corridor (SW Topeka Boulevard to SE Madison Street) and approach roadways (1 block each direction east and west for roadway transitions) for location of curb and gutter, sidewalk ramp, pavement repairs and bridge deck repairs.
 - a. Drone flight will be conducted after the site visit is made and repair areas are identified with paint marks for display on plan sheets.
 - b. Drone flight imaging will ultimately be used for generation of plan sheets and support quantity calculations.
4. Bridge Deck Inspection
 - a. A bridge deck inspection will be necessary to determine approximate patch areas in advance of the planned bridge deck polymer overlay.

Task 3: Prepare Preliminary Plans

1. Develop Title Sheet, Typical Sections, and General Notes Sheet.
2. Mill and Overlay Plan layout with drone aerial background and paint markings for repair areas of curb and gutter, curb inlet tops, pavement patch areas, and ADA ramps as determined during field visit.
3. Pavement Marking layout for Road Diet with parking, bike lanes, buffer areas and intersection markings consistent with the 8th Avenue Corridor Study. Shall also include preliminary transitional pavement marking adjustments needed for one block east and west of main study area.
4. Preliminary I-70 Bridge pavement layouts with curb additions and/or flexible delineators for physical separation of pedestrian and bicycle traffic from vehicles.
5. Preliminary Traffic Signal recommendations for head placement, signal interconnections, pushbuttons, and detection. Design of these modifications are not included, but an itemized recommendations list will be generated as part of this scope.
6. Investigation and recommendation for replacement of medians just north of Capitol considering pedestrian refuge, etc.

SUPPLEMENTAL SERVICES

Any work requested by the Owner that is not included in the Basic Services will be classified as Supplemental Services. Supplemental Services shall include, but are not limited to, the following.

- Survey beyond necessary ADA ramps that need replaced based on our field visit.
- Sidewalk assessment (except for ADA ramps) is beyond the limits of this Phase I scope of Services. May be added at a later date.
- No storm sewer or utility analysis or design is included in this scope of services.
- Final Design / Plan Generation and Bidding Services are not included in this Phase I Scope of Services. Final design element decisions will be made upon completion of the Phase I assessment and will be based on grant dollars and other funding availability.
- Public Meeting Involvement is not included in this Phase I scope of Services.
- Detailed design of ADA ramps, including elevation information is not included in this Phase I scope of Services.
- Boundary Survey, Legal Descriptions or Easement/R/W acquisition services.
- Roadway Profile.

Contract No. _____

Project No. T-861010.02

- Roadway and curb geometric improvements beyond the median recommendations stated in the scope of services.
- Structural analysis or details
- Geotechnical analysis and Pavement Design.
- Landscaping/Streetscaping
- Utility Coordination.
- KDOT Coordination is not included in this Phase I scope of Services.

Contract No. _____
Project No. T-861010.02

**ATTACHMENT B
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Topeka, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: T-861010.02, 8th Avenue Road Diet Improvements

COMPENSATION

For the services covered by this Agreement, the Owner agrees to pay the Engineer as follows:

- A. For the Basic Services described in Attachment A, a time and materials basis in the amount of **\$40,700.00**. Payments shall be made monthly in amounts which are consistent with the amount of engineering services provided, as determined by the Engineer.
- B. Compensation for Supplemental Services shall be made as defined below, when authorized in writing by the Owner. The maximum limit for each item of additional service shall be established individually and specifically agreed to by the Owner as stated below, unless the service is included in a subsequent agreement.

Hourly rates for each classification as defined by the Engineer's rate schedule, see Attachment F. Hourly charge rates are subject to adjustment annually on January 1. Overtime, when authorized by the Owner, will be billed at 1.5 times the rates listed (non-engineer time only).

Reimbursable charges will be considered the amount of actual costs of expenses or charges, including such items as staking materials, equipment rental, equipment hourly charges, mileage, toll telephone calls, reproduction and similar project related expenses.

- D. The entire amount of each statement shall be due and payable upon receipt by the Owner.
- E. It is understood and agreed:
 - 1. That the Engineer shall start the performance of Services within 10 days of receipt of a notice to proceed and shall complete the work in accordance with the contract times set forth in Attachment E, Project Schedule.
 - 2. That the Engineer shall keep records on the basis of generally accepted accounting practice of costs and expenses which records shall be available for inspection at all reasonable times.

Contract No. _____
Project No. T-861010.02

**ATTACHMENT C
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Topeka, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: T-861010.02, 8th Avenue Road Diet Improvements

OWNER'S RESPONSIBILITIES

The Owner will furnish, as required by the work and not at the expense of the Engineer, the following items:

1. Make available to the Engineer all records, reports, maps, and other data pertinent to provision of the services required under this contract, upon which Engineer may reasonably rely.
2. Examine all plans, specifications and other documents submitted by the Engineer and render decisions promptly to prevent delay to the Engineer.
3. Designate one City of Topeka employee as the Owner representative with respect to all services to be rendered under this agreement. This individual shall have the authority to transmit instructions, receive information and to interpret and define the Owner's policies and decisions pertinent to the Engineer's services.
4. Issue notices to proceed to the Engineer for each phase of the design services.

Contract No. _____
Project No. T-861010.02

**ATTACHMENT D
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Topeka, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: T-861010.02, 8th Avenue Road Diet Improvements

SUPPLEMENTAL AGREEMENTS

Owner and Engineer agree that the following communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of the Agreement are hereby incorporated into and shall become a part of the Agreement as set forth in ARTICLE 19 - INTEGRATION.

Contract No. _____

Project No. T-861010.02

**ATTACHMENT E
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Topeka, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: T-861010.02, 8th Avenue Road Diet Improvements

PROJECT SCHEDULE

Owner and Engineer recognize that time is of the essence of the Agreement and that Owner will suffer financial loss if the work is not completed within the times stipulated herein, plus any extensions thereof. Accordingly, Engineer shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project, and has established time intervals, in calendar days, for submittals at various stages of the project as detailed below. As each actual submittal date occurs, Engineer shall meet with Owner to discuss the progress of the work and the actual submittal date shall be documented. If project is behind schedule, the reason shall be recorded. Engineer shall not be responsible for the time required by Owner's representative to review Engineer's submittal. When review is complete, Owner shall, in writing, authorize Engineer to proceed to the next submittal date. After final submittal date, Engineer and Owner shall meet to evaluate Engineer's performance with regard to design schedule. An Engineer's Project Performance Evaluation form shall be completed and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects. Past performance shall be accounted for on the evaluation sheet used to rank consultants during the interview process.

1. Schedule: Engineer will make plan submittals to Owner based on the following schedule:

Site Walk complete – 30 days after NTP.

Drone Flight complete – 45 days after NTP.

Preliminary Plans with quantities complete - 90 days after NTP.



2021 Employment Classification and Rate Schedule

<u>Classification</u>	<u>Billable Rate</u>
Project Manager I	\$146.00
Project Manager II	\$171.00
Senior Project Manager	\$195.00
Project Principal	\$235.00
Project Engineer I	\$120.00
Project Engineer II	\$135.00
Senior Project Engineer	\$160.00
Resident Project Manager I	\$141.00
Resident Project Manager II	\$146.00
Senior Resident Project Manager	\$165.00
Construction Representative I	\$84.00
Construction Representative II	\$98.00
Construction Representative III	\$122.00
Construction Technical Representative I	\$80.00
Construction Technical Representative II	\$91.00
Construction Technical Representative III	\$113.00
Designer I	\$99.00
Designer II	\$118.00
Senior Designer	\$143.00
Technologist I	\$66.00
Technologist II	\$94.00
Senior Technologist	\$121.00
Technical Specialist I	\$101.00
Technical Specialist II	\$113.00
Senior Technical Specialist	\$122.00
Project Scientist I	\$99.00
Project Scientist II	\$122.00
Project Scientist III	\$132.00
Senior Project Scientist	\$148.00
Office Assistant	\$60.00
Project Assistant II	\$72.00
Intern	\$60.00



ALFRBEN-01

MDONOVAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/16/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ames & Gough 859 Willard Street Suite 320 Quincy, MA 02169	CONTACT NAME: PHONE (A/C, No, Ext): (617) 328-6555 FAX (A/C, No): (617) 328-6888 E-MAIL ADDRESS: boston@amesgough.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Charter Oak Fire Insurance Company A++ (XV) 25615	
INSURER B: Travelers Property Casualty Company of America 25674	
INSURER C: Phoenix Insurance Company A++, XV 25623	
INSURER D: Berkshire Hathaway Specialty Insurance Company 22276	
INSURER E:	
INSURER F:	

INSURED
 Alfred Benesch & Company
 11010 Haskell Avenue
 Suite 200
 Kansas City, KS 66109

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☒ LOC ☐ OTHER:			630-0D870755	5/31/2021	5/31/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			BA-0N614884	5/31/2021	5/31/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 0			CUP-9R47920A	5/31/2021	5/31/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☒ Y ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	UB-5K723986	5/31/2021	5/31/2022	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liab			47EPP30529704	5/31/2021	5/31/2022	Per Claim 1,000,000
D				47EPP30529704	5/31/2021	5/31/2022	Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

If AI box is checked, GL Endt Form# CGD604, Auto Endt Form# CAT474 to the extent provided therein applies and all coverages are in accordance with the policy terms and conditions.

RE: 8th Avenue Road Diet Improvements - Cit of Topeka project no. T- 861010.02; Project Manager Name: Brad Johnson; Benesch Project Nbr:P2213026.00

CERTIFICATE HOLDER

CANCELLATION

City of Topeka, Engineering Division
 620 SE Madison, 2nd Floor
 Topeka, KS 66607

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jared Maxwell

Certificate Of Completion

Envelope Id: E181F6EC3BFD4945B76D43EA22F6335E

Status: Completed

Subject: DocuSign: Contracts/Amendment AA 861010.02 Alfred Benesch & Company

Document Type: Contract/Agreement/Addendums/Renewals

Department: Public Works

Source Envelope:

Document Pages: 20

Signatures: 7

Envelope Originator:

Certificate Pages: 7

Initials: 5

Krystle Williams

AutoNav: Enabled

Stamps: 1

kwilliams@topeka.org

Enveloped Stamping: Enabled

IP Address: 208.68.250.46

Time Zone: (UTC-06:00) Central Time (US & Canada)

Record Tracking

Status: Original

Holder: Krystle Williams

Location: DocuSign

9/15/2021 10:34:14 AM

kwilliams@topeka.org

Signer Events

Krystle Williams

Signature**Timestamp**

kwilliams@topeka.org

Completed

Sent: 9/15/2021 11:05:24 AM

City of Topeka

Using IP Address: 208.68.250.46

Viewed: 9/15/2021 11:05:36 AM

Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Kristi Ericksen

KE

Sent: 9/15/2021 11:18:41 AM

kericksen@topeka.org

Viewed: 9/20/2021 5:28:23 AM

Traffic Engineer III

Signed: 9/20/2021 5:30:31 AM

City of Topeka

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 208.68.250.46

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Mark Schreiner

MS

Sent: 9/20/2021 5:30:33 AM

MSchreiner@Topeka.org

Viewed: 9/23/2021 8:55:05 AM

Engineer III

Signed: 9/23/2021 8:56:34 AM

City of Topeka

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 208.68.250.46

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

James A. Jackson

James A. Jackson

Sent: 9/23/2021 8:56:36 AM

jjackson@topeka.org

Viewed: 9/23/2021 9:55:41 AM

Public Works Director

Signed: 9/23/2021 9:56:24 AM

City of Topeka

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication (None)

Using IP Address: 208.68.250.46

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Signer Events

Kathleen Burrows

kburrows@topeka.org

Business Services Manager

City of Topeka

Signing Group: AA - C&P Review

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Leigha Boling

LThomas@topeka.org

Business Services Manager

City of Topeka

Signing Group: AA - C&P

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Mary Feighny

mfeighny@Topeka.org

Deputy City Attorney

City of Topeka

Signing Group: AA - Legal

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 6/25/2021 10:59:11 AM
ID: 9d631941-2a56-4864-bd21-5b6e7a8ce151

Rachelle Mathews

rmathews@topeka.org

Manager of Accounting Operations

City of Topeka

Signing Group: AA - Finance Review

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Stephen Wade

swade@topeka.org

Budget and Performance Manager

Carahsoft OBO City of Topeka

Signing Group: AA - Finance Director

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Keya Downing

kdowning@Topeka.org

Signing Group: AA - City Clerk Review

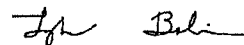
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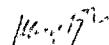
Signature



Signature Adoption: Pre-selected Style
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Signature Adoption: Uploaded Signature Image
Using IP Address: 208.68.250.46



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Using IP Address: 208.68.250.46



Signature Adoption: Pre-selected Style
Using IP Address: 208.68.250.46



Signature Adoption: Pre-selected Style
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Timestamp

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Viewed: 9/24/2021 10:14:18 AM

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Viewed: 9/24/2021 12:28:20 PM

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Viewed: 9/24/2021 3:23:30 PM

Signed: 9/24/2021 3:24:29 PM

Signer Events

Brent Trout

btrout@topeka.org

City Manager

City of Topeka

Signing Group: AA - City Manager

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Signature

Brent Trout

Signature Adoption: Pre-selected Style
Using IP Address: 208.68.250.46

Timestamp

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Signed: 9/24/2021 3:39:48 PM

Brenda Younger

BYounger@topeka.org

City Clerk

City of Topeka

Signing Group: AA - City Clerk

Security Level: Email, Account Authentication
(None)

Brenda Younger



Signature Adoption: Pre-selected Style
Using IP Address: 184.179.98.72

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Electronic Record and Signature Disclosure:
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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Keya Downing

kdowning@Topeka.org

Signing Group: AA - City Clerk Review

Security Level: Email, Account Authentication
(None)

Using IP Address: 208.68.250.46

VIEWED

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Viewed: 9/24/2021 3:20:16 PM

Completed: 9/24/2021 3:22:07 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Brenda Younger

BYounger@topeka.org

City Clerk

City of Topeka

Signing Group: AA - City Clerk

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 8/17/2021 1:09:56 PM
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VIEWED

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Completed: 9/27/2021 9:34:19 AM

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Envelope Sent
Certified Delivered
Signing Complete
Completed

Status

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

Timestamps

9/15/2021 11:05:24 AM
9/27/2021 9:36:34 AM
9/27/2021 9:36:52 AM
9/27/2021 9:36:52 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure



City of Topeka

Capital Improvement Project Summary

1. Project Title: Bikeways Master Plan 2. Project #: T-861010.00
 3. Dept/Div: Public Works -- Engineering / Planning 4. Project Year(s): 2018, 2020, 2022
 5. Type: Repair/Replace 6. Project Location: Various
 7. Contact Name: Terry Coder 8. Contact Phone: 368-3029

9. Project Description: This project will construct bikeway routes identified in the Topeka Bikeways Master Plan. The project will improve the bicycle network across the City by providing such features as side paths, shared routes, connecting links, and bike lanes. The project will be funded by an extension of the Countywide Half Cent sales tax to take effect January 1, 2017. The project will be constructed in phases every other year starting in 2018.

10. Previous Funding: \$ - Total Funding: \$ 1,500,000.00 Future Funding: \$ 1,000,000.00

11. Project Schedule and Estimate

	<u>Year</u>	<u>Amount</u>
a. Design/Administrative Fees	2018, 2020, 2022	\$ 112,500
b. Right-of Way		\$ -
c. Construction/Service Fees	2018, 2020, 2022	\$ 1,275,000
d. Contingency	2018, 2020, 2022	\$ 112,500
e. Technology		\$ -
f. Financing Costs (Temp Notes)		\$ -
g. Cost of Issuance (Rev/GO Bonds)		\$ -
h. Debt Reserve Fund (Rev Bonds)		\$ -
i. Capitalized Interest		\$ -
Project Total		\$ 1,500,000

Estimated Life of Item (years): 10-30 years

Source of Estimate/Year: Eng. Div. -- 2015

12. Estimated Annual Operating Cost

Basis for Cost Estimate and Funding Source:
 Operating costs include replacing pavement markings and signs. The primary funding source is Motor Fuel Tax.

13. Amount by source of financing

	1. Countywide Half Cent Sales Tax	2.	3.	4.	5.	TOTAL
2018	500,000					\$500,000
2019						\$0
2020	500,000					\$500,000
2021						\$0
2022	500,000					\$500,000
5 Year Total:	\$1,500,000	\$0	\$0	\$0	\$0	\$1,500,000

3.30.010 Authority of City Manager to sign certain contracts – Professional service contracts.

(a) Pursuant to Charter Ordinance No. 94, Section 22 (Appx. [A](#), Section [A2-55](#)), the City Manager is hereby authorized to sign all contracts binding the City, unless:

- (1) Governing Body approval of the contract or the subject matter of the contract is required by City ordinance or resolution;
- (2) Governing Body approval of the contract or the subject matter is required by State or Federal law; or
- (3) Other City officers or employees are specifically authorized by ordinance to approve and sign the contract.

(b) On and after October 1, 2021, any contract for professional services exceeding \$50,000 shall be approved by the Governing Body. "Professional services" includes architects, engineers, appraisers, land surveyors, management and systems analysts, financial and accounting firms, attorneys, information technology consultants, land use planners, project management and other similar services requiring specialized knowledge or certification in a particular field.

(c) The authority granted by this section is subject to all ordinances and laws which restrict and limit the ability of the City to enter into binding contracts. Further, this section does not authorize the avoidance of or exemption from any administrative reviews or approvals of contracts as required by City ordinances or regulations.

(d) The provisions of this section shall not preclude the City Manager from seeking and obtaining the approval of the Governing Body prior to signing certain contracts, notwithstanding the authority granted in this section. (Ord. 20311 § 1, 8-17-21.)

Cross References: City Council – Mayor, Chapter [2.15](#) TMC.

The Topeka Municipal Code is current through Ordinance 20311, passed August 17, 2021.

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.topeka.org](http://www.topeka.org)

[Code Publishing Company](#)



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE:	December 13, 2022		
CONTACT PERSON:	Bill Fiander, Planning and Development Director	DOCUMENT #:	V22E/3
SECOND PARTY/SUBJECT:	Agree Central LLC (Discount Tire)	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

PUBLIC HEARING AND ORDINANCE introduced by City Manager Stephen Wade relating to the partial vacation of a 16 foot wide public sanitary sewer easement located within Lot 1, Block A, West Ridge Mall Subdivision No. 13 located at 1717 SW Wanamaker Road. (V220E/03) (Council District No. 9).

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will allow for the preferred alignment of a private sanitary sewer service line to facilitate the new construction of an automobile repair business located on the property.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to vacate the partial 16 foot wide easement. The easement is located at the end of the public sewer main serving the properties and the extension of this main is not needed in the future as this is the last lot of the subdivision. No further extensions are necessary here to serve the current lot configuration.

STAFF RECOMMENDATION:

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

BACKGROUND:

No other property owners are affected by the proposed vacation. City Departments and public utility

agencies are not opposed.

Pursuant to Kansas Statutes and City Code, the vacation has been advertised 20 days two consecutive weeks before the public hearing.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

ordinance

Aerial Map

Vacation Exhibit and Legal

Department Comments

Legal Advertisement

(Published in the Topeka Metro News _____)

ORDINANCE NO.

ORDINANCE introduced by City Manager Stephen M. Wade relating to the partial vacation of a 16' wide sanitary sewer easement located on Lot 1, Block A, West Ridge Mall Subdivision #13 at 1717 SW Wanamaker Road to allow for a preferred alignment of the sanitary service line that will serve a new building. **(V220E/03) (Council District No. 9).**

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Agree Central LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described portion of public utility easement located within the City of Topeka, Shawnee County, Kansas:

DESCRIPTION: (Partial Easement Vacation)

That portion of a 16 foot wide sanitary sewer and utility easement as recorded in Book 2750 at Page 968 being 8 feet on each side of the following described centerline being all that part in Lot 1, Block A, West Ridge Mall Subdivision No. 13, a recorded subdivision as filed in the Shawnee County Register of Deeds Office, in Book 55, at Page 146, lying in the Southeast Quarter of Section 5, Township 12 South, Range 15 East, of the Sixth Principle Meridian, Topeka, Shawnee County, Kansas, described by Jason R. Loader, PS-1462, on this 2nd Day of August 2022 as follows:

Commencing at the Southwest corner of said Lot 1; thence South 89°56'20" East (this and all the following bearings are based on the recorded plat of West Ridge Mall Subdivision No. 13) on the South line of said Lot 1, a distance of 40.86 feet to a point of intersection of said centerline and the South line of said Lot 1; thence North 05°58'30" East on said centerline, a distance of 25.18 feet to the **POINT OF BEGINNING**; thence continuing North 05°58'30" East on said centerline, a distance of 82.72 feet to the Point of Terminus.

The above description was created with the benefit of ground survey performed October 5, 2021 (KVE project C21_1151). The exterior lines of this easement shall be extended or truncated as necessary to stop at all outside faces of permanent structures and at all angle points to form a closed figure.

Contains 1,324 square feet or 0.030 acres more or less.

End of Description

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **December 13, 2022**, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

Section 3. That the Governing Body of the City of Topeka, after being duly informed and hearing the evidence presented finds that:

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.
- c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Governing Body of the City of Topeka does hereby find that justice requires the petition of vacation be granted and does hereby order the vacation of the below described public easement located within the City of Topeka, Kansas:

DESCRIPTION: (Partial Easement Vacation)

That portion of a 16 foot wide sanitary sewer and utility easement as recorded in Book 2750 at Page 968 being 8 feet on each side of the following described centerline being all that part in Lot 1, Block A, West Ridge Mall Subdivision No. 13, a recorded subdivision as filed in the Shawnee County Register of Deeds Office, in Book 55, at Page 146, lying in the Southeast Quarter of Section 5, Township 12 South, Range 15 East, of the Sixth Principle Meridian, Topeka, Shawnee County, Kansas, described by Jason R. Loader, PS-1462, on this 2nd Day of August 2022 as follows:

Commencing at the Southwest corner of said Lot 1; thence South 89°56'20" East (this and all the following bearings are based on the recorded plat of West Ridge Mall Subdivision No. 13) on the South line of said Lot 1, a distance of 40.86 feet to a point of intersection of said centerline and the South line of said Lot 1; thence North 05°58'30" East on said centerline, a distance of 25.18 feet to the **POINT OF BEGINNING**; thence continuing North 05°58'30" East on said centerline, a distance of 82.72 feet to the Point of Terminus.

The above description was created with the benefit of ground survey performed October 5, 2021 (KVE project C21_1151). The exterior lines of this easement shall be extended or truncated as necessary to stop at all outside faces of permanent structures and at all angle points to form a closed figure.

Contains 1,324 square feet or 0.030 acres more or less.

End of Description

Section 5. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

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

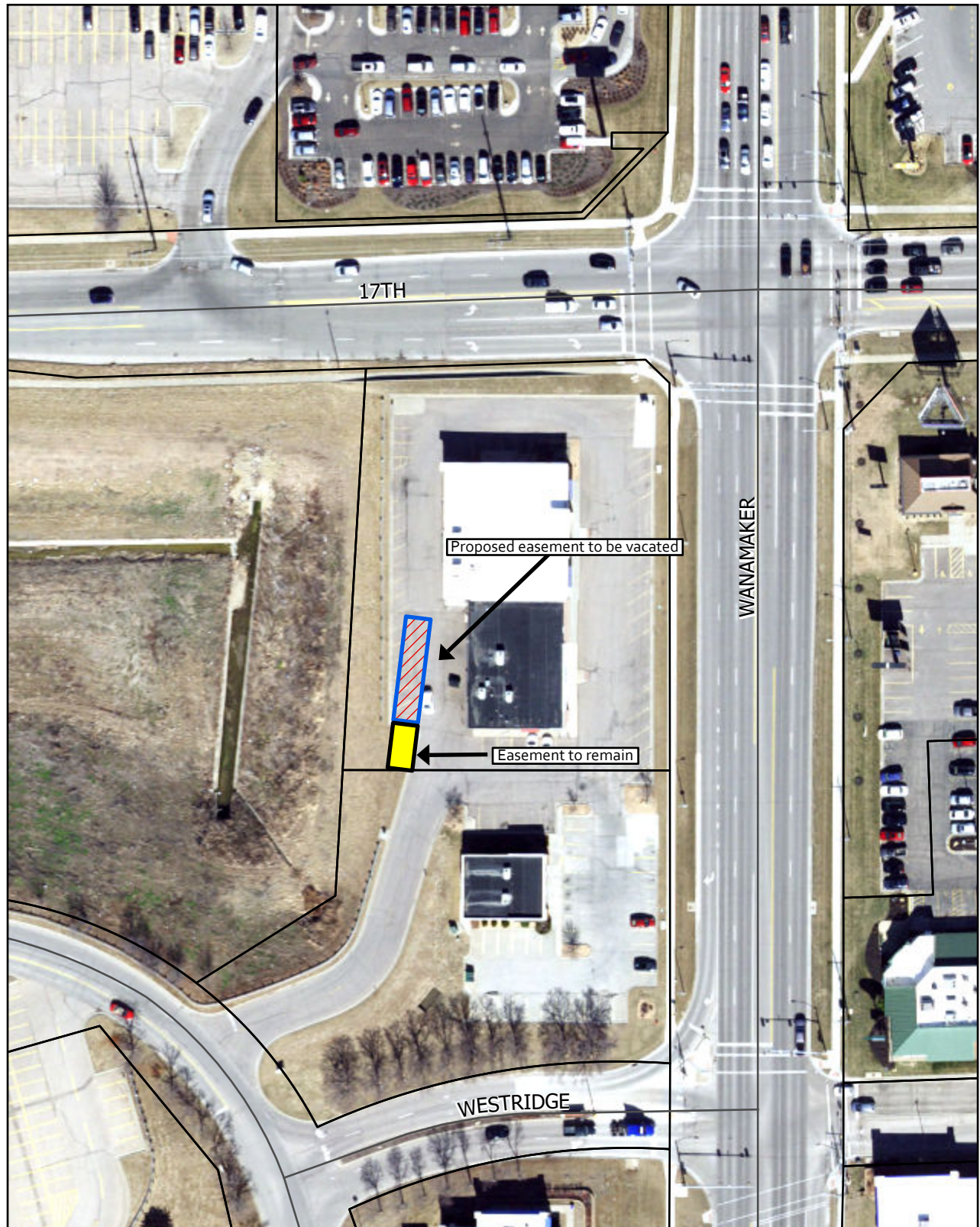
PASSED AND APPROVED by the Governing Body of the City of Topeka _____, 2022

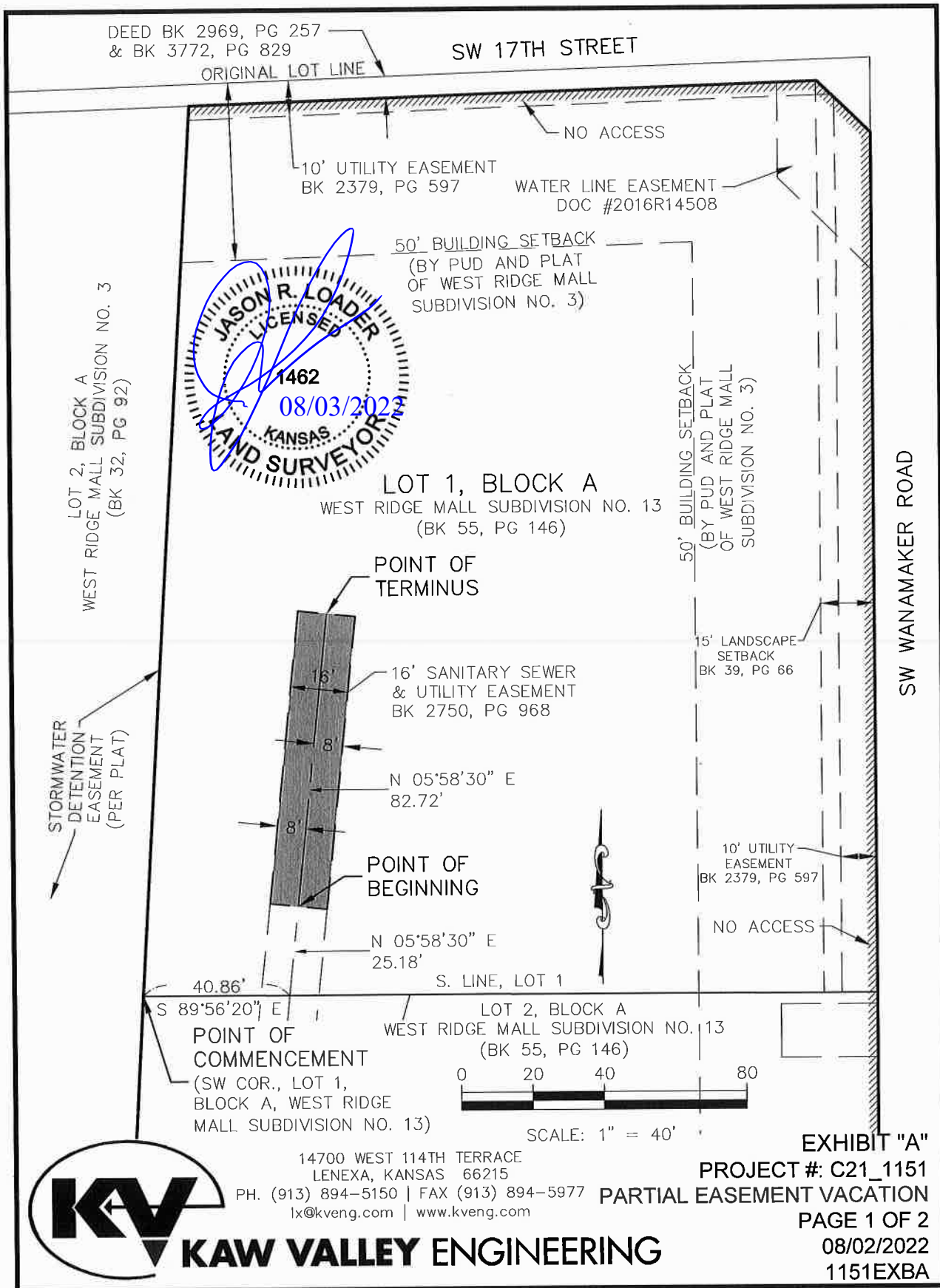
Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X





DESCRIPTION: (Partial Easement Vacation)

That portion of a 16 foot wide sanitary sewer and utility easement as recorded in Book 2750 at Page 968 being 8 feet on each side of the following described centerline being all that part in Lot 1, Block A, West Ridge Mall Subdivision No. 13, a recorded subdivision as filed in the Shawnee County Register of Deeds Office, in Book 55, at Page 146, lying in the Southeast Quarter of Section 5, Township 12 South, Range 15 East, of the Sixth Principle Meridian, Topeka, Shawnee County, Kansas, described by Jason R. Loader, PS-1462, on this 2nd Day of August 2022 as follows:

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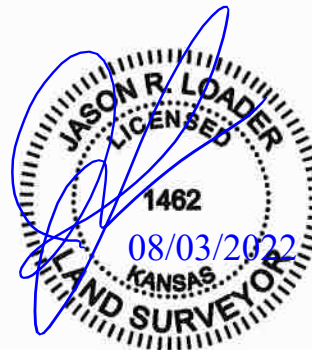
The above description was created with the benefit of ground survey performed October 5, 2021 (KVE project C21_1151). The exterior lines of this easement shall be extended or truncated as necessary to stop at all outside faces of permanent structures and at all angle points to form a closed figure.

Contains 1,324 square feet or 0.030 acres more or less.

End of Description

State of Kansas

I, Jason R. Loader, being a duly registered and licensed Professional Surveyor in the State of Kansas, hereby certify that this real property description was prepared by me or under my direct supervision and is correct to the best of my belief and ability.



Jason R. Loader PS-1462

Date



14700 WEST 114TH TERRACE
LENEXA, KANSAS 66215
PH. (913) 894-5150 | FAX (913) 894-5977
lx@kveng.com | www.kveng.com

KAW VALLEY ENGINEERING

EXHIBIT "A"
PROJECT #: C21_1151
PARTIAL EASEMENT VACATION
PAGE 2 OF 2
08/02/2022
1151EXBA

DEPARTMENTAL COMMENTS:

Case: V22E/03 By: Agree Central LLC (1717 SW Wanamaker Road)

Location: A partial sanitary sewer easement vacation of a 16' wide easement located in Lot 1, Block A, West Ridge Mall Subdivision #13. **(V220E/03) (Council District No. 9)**

DEPARTMENTS:

- | | | | |
|--|--------------|--------------|-------------------------|
| • <u>Water:</u>
Comments: | <u> X </u> | No Objection | <u> </u> Objection |
| • <u>Engineering (Sanitary):</u>
Comments: | <u> X </u> | No Objection | <u> </u> Objection |
| • <u>Parks Department:</u>
Comments: | <u> X </u> | No Objection | <u> </u> Objection |
| • <u>County Refuse:</u> | <u> X </u> | No Objection | <u> </u> Objection |
| • <u>Fire Department:</u>
Comments: | <u> X </u> | No Objection | <u> </u> Objection |
| • <u>Police Department:</u>
Comments: | <u> X </u> | No Objection | <u> </u> Objection |

UTILITY COMPANIES:

- | | | | | |
|-------------------------------------|--------------|--------------|---------------|-----------|
| • <u>AT&T:</u> | <u> X </u> | No Objection | <u> </u> | Objection |
| Comments: | | | | |
| • <u>Evergy:</u> | <u> X </u> | No Objection | <u> </u> | Objection |
| Comments: | | | | |
| • <u>Kansas Gas Service:</u> | <u> X </u> | No Objection | <u> </u> | Objection |
| Comments: | | | | |
| • <u>Cox Communications:</u> | <u> X </u> | No Objection | <u> </u> | Objection |
| Comments: | | | | |

Annie Driver, Planning & Development Dept staff
Prepared: November 2022

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on Monday, November 15 and November 22, 2022.

IN THE MATTER OF THE PROPOSED VACATION OF:

The partial vacation of a 16' wide sanitary sewer easement located on Lot 1, Block A, West Ridge Mall Subdivision #13 at 1717 SW Wanamaker Road to allow for a preferred alignment of the sanitary service line that will serve a new building. **(V220E/03) (Council District No. 9).**

NOTICE OF PUBLIC HEARING
(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Agree Central LLC to vacate the partial public utility easement as described located at 1717 SW Wanamaker Road.

DESCRIPTION: (Partial Easement Vacation)

That portion of a 16 foot wide sanitary sewer and utility easement as recorded in Book 2750 at Page 968 being 8 feet on each side of the following described centerline being all that part in Lot 1, Block A, West Ridge Mall Subdivision No. 13, a recorded subdivision as filed in the Shawnee County Register of Deeds Office, in Book 55, at Page 146, lying in the Southeast Quarter of Section 5, Township 12 South, Range 15 East, of the Sixth Principle Meridian, Topeka, Shawnee County, Kansas, described by Jason R. Loader, PS-1462, on this 2nd Day of August 2022 as follows:

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The above description was created with the benefit of ground survey performed October 5, 2021 (KVE project C21_1151). The exterior lines of this easement shall be extended or truncated as necessary to stop at all outside faces of permanent structures and at all angle points to form a closed figure.

Contains 1,324 square feet or 0.030 acres more or less.

End of Description

The petition will be presented to the Council of the City of Topeka for hearing **Tuesday, December 13, 2022** at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

**BY THE GOVERNING BODY,
CITY OF TOPEKA, KANSAS**



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE:	December 13, 2022	
CONTACT PERSON:	Steve Wade, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	2022 Downtown Business Improvement District (BID) Service Fee	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 002 Administration	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Stephen Wade, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2023 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on downtown businesses for 2023.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize the continuation of the service fee in 2023.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district (BID). The City has established a downtown BID. The fees are based upon the square footage and location of the business.

Service fees are used to provide a variety of services to downtown businesses such as landscaping, lighting on Kansas Avenue, and programs to promote downtown.

There are no changes to the service fees for 2023.

BUDGETARY IMPACT:

This is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Proposed Ordinance

2023 Capital City Downtown BID Program of Services and Budget

Ordinance 20327 (December 2021)

2022 BID Presentation

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Stephen Wade, establishing a service
6 fee levy for 2023 relating to the Capital City Downtown Business
7 Improvement District, amending § 3.40.030 of the Topeka
8 Municipal Code and repealing original section.
9

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

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

13 **Method of raising revenue.**

14 (a) The method to be used to raise the funds necessary for the district shall
15 be the levy of service fees upon all businesses located within the district. "Business"
16 means a fixed place of business where one or more persons are employed or engaged
17 in the purchase, sale, provision or manufacturing of commodities, products or services.
18 The ownership of real estate which is unoccupied and which is held for investment
19 purposes, for sale or lease, shall be considered a business. For the purposes of this
20 chapter, the operation of multifamily residential property and the operation of structured
21 parking facilities shall not be considered to be a business.

22 (b) The service fees shall be based upon the location of the business in one
23 of the tier areas located in the map which is incorporated by reference. However, the
24 maximum service fee per business will not exceed \$15,000 regardless of the number of
25 square feet or tier area. The service fees assessed shall be as follows:

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

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

(d) Service fees under this section shall be levied for the year ~~2022~~2023 and shall be due and payable in two semiannual installments. Service fees shall be deemed delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

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

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

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

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

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

2023 Capital City Downtown BID Program of Service / Budget						
			2023	2022	2021	
		Projected Beginning Balance	\$ -	\$ -	\$ -	
Projected/Actual Revenue Current & Prior Years			\$ 220,000.00	\$ 220,000.00	\$ 220,000.00	
		Uncollectable (10%)	\$ (22,000.00)	\$ (11,000.00)	\$ (11,000.00)	
Total Revenue		Projected Revenue	\$ 198,000.00	\$ 209,000.00	\$ 209,000.00	
Total Expense		Projected Expenses	\$ 198,051.24	\$ 309,001.24	\$ 209,001.24	
Difference		Budget vs Projection difference	\$ (51.24)	\$ (100,001.24)	\$ (1.24)	
		Projected Expenses				
District Maintenance:		Contract for Outdoor Cleaning Maintenance	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
		Landscape Improvements/Maint.	\$ 12,000.00	\$ 12,000.00	\$ 7,000.00	
		Maintenance Equipment	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	
		Utility Vehicle Maintence	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	
		District maintenance other	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00	
		Event Insurance - Brier Payne Meade	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
		Misc Expenses	\$ 1,225.00	\$ 1,225.00	\$ 1,225.00	
		Category Total:	\$ 33,725.00	\$ 33,725.00	\$ 25,725.00	
District Programming		Special Events	\$ 30,000.00	\$ 38,000.00	\$ 56,950.00	
		(parades, concerts, other)				
		Category Total:	\$ 30,000.00	\$ 38,000.00	\$ 56,950.00	
District Promotion		Media Advertising	\$ 12,000.00	\$ 21,475.00	\$ 12,000.00	
		Printed Materials	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	
		District Promotions Other	\$ 4,500.00	\$ 13,975.00	\$ 4,500.00	
		Category Total:	\$ 19,000.00	\$ 37,950.00	\$ 19,000.00	
District Admin		Administrative Expenses	\$ 97,326.24	\$ 97,326.24	\$ 97,326.24	
		Category Total:	\$ 97,326.24	\$ 97,326.24	\$ 97,326.24	
District Enhancements			\$ 8,000.00	\$ 92,000.00		
		Category Total:	\$ 8,000.00	\$ 92,000.00	\$ -	
New Opportunities		New Opportunities	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	
		Category Total:	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	
Category Totals						
		District Maintenance	\$ 33,725.00	\$ 33,725.00	\$ 25,725.00	
		District Programming	\$ 30,000.00	\$ 38,000.00	\$ 56,950.00	
		District Promotion	\$ 19,000.00	\$ 37,950.00	\$ 19,000.00	
		District Administration	\$ 97,326.24	\$ 97,326.24	\$ 97,326.24	
		Staff BID Exp \$86,077.47				
		Office Expenses \$11,248.77				
		District Enhancements	\$ 8,000.00	\$ 92,000.00	\$ -	
		Contingency Funds Available				
		New Opportunities	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	
		TOTAL Expenses:	\$ 198,051.24	\$ 309,001.24	\$ 209,001.24	

(Published in the Topeka Metro News December 13, 2021)

ORDINANCE NO. 20327

AN ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2022 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

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

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district. "Business" means a fixed place of business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services. The ownership of real estate which is unoccupied and which is held for investment purposes, for sale or lease, shall be considered a business. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees shall be based upon the location of the business in one of the tier areas located in the map which is incorporated by reference. However, the maximum service fee per business will not exceed \$15,000 regardless of the number of square feet or tier area. The service fees assessed shall be as follows:

Number of square feet	Rate
0 – 999	\$60 (all tiers)
1,000 plus (tier one)	\$.0905 per square foot
1,000 plus (tier two)	\$.0405 per square foot

Unoccupied Real Estate	Rate
Tier One	\$.04525 per square foot
Tier Two	\$.0205 per square foot

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

(d) Service fees under this section shall be levied for the year ~~2021~~2022 and shall be due and payable in two semiannual installments. Service fees shall be deemed delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

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

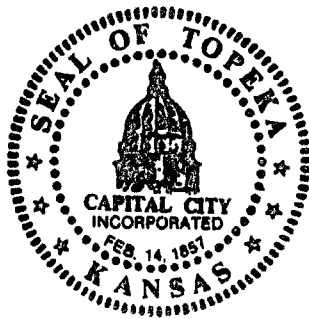
Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

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

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

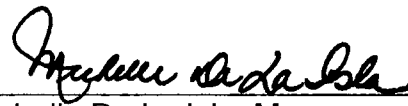
52 PASSED AND APPROVED by the Governing Body on December 7, 2021.

53 CITY OF TOPEKA, KANSAS

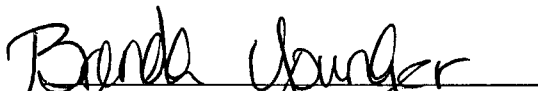


61 ATTEST:

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Michelle De La Isla, Mayor

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Brenda Younger, City Clerk



D O W N T O W N
TOPEKA
BID ANNUAL
REPORT





D O W N T O W N
TOPEKA

Business Improvement District

ADVISORY BOARD

KEN SCOTT, Chair | Capitol Federal

JIM PARRISH, Vice Chair | Parrish Hotel Corporation

JEFF CARSON | Gizmo Pictures

ANGEL ZIMMERMAN | Zimmerman & Zimmerman PA

STEPHEN SMITH | Stephen Smith Gallery

MICHAEL WILSON | Architect One

CALEB ASHER | Sprout Creative

NICK XIDIS | Hazel Hill Chocolate

ANGELA BROXTERMAN | Midwest Health

Capital City

BUSINESS IMPROVEMENT DISTRICT

MISSION STATEMENT

It is the purpose of the Capital City Business Improvement District (BID), under the authority of the City of Topeka, to carry out a program of services that will:

1. Create an attractive physical environment.
2. Create an attractive economic environment.
3. Strive to achieve excellence in the quality of life as a center of government, commerce, culture, history and recreation.

PROGRAM OF SERVICES

Downtown Topeka, Inc., as the contractor for the BID, will carry out the following program of services to the extent that the funding will permit:

1. Provide general maintenance and cleaning of the district.
2. Provide maintenance of the equipment used in downtown cleaning.
3. Provide a walking path during snow on sidewalks from 4th to 10th on Kansas Avenue as well as the side streets from 6th to 10th.
4. Promote the district through a variety of marketing tools.
5. Spray for weeds on sidewalks.
6. Underwrite and support special downtown events and parades.
7. Provide timely and pertinent information through the DTI website, Facebook page and Twitter.
8. Publish a BID newsletter to communicate to businesses in the district.
9. Provide administrative services including inventory maintenance, office/overhead, insurance, salaries, benefits, etc.
10. Recruit new businesses and residential opportunities.
11. Collaborate with the City to provide Christmas lights and banners on Kansas Avenue.



ADMINISTRATION:

Downtown Topeka, Incorporated administers the District by providing the services recommended by the District Advisory Board and approved by the City Council. As the exciting revitalization of downtown continues, the BID goals remain the same: To create an attractive physical and economic environment and strive to achieve excellence in the quality of life as a center of commerce, government, culture, history and recreation.



MAINTENANCE:

Paul Cervantez is employed full-time by DTI to provide maintenance and cleaning throughout the District. His schedule starts at 7:00AM Monday through Saturday as he travels from Monroe to Topeka Boulevard and from 2nd to 13th streets daily emptying trash cans and clearing the sidewalks, alleys and curbs of trash, leaves and other debris. He sprays for weeds on the sidewalks. He also is available on Sundays to clean and remove trash after major Saturday events and parades. Paul maintains the equipment we use for the District and is a watchful eye as he travels throughout downtown. Paul does a wonderful job maintaining the area.

During the winter months Paul often pre-treats the sidewalks in anticipation of ice and provides a walking path from 3rd to 10th on Kansas Avenue as well as the side streets intersecting 6th and 10th before stores open on snowy mornings. It is up to the individual business for removal of remaining snow in front of their business. The BID maintains a supply of urea for downtown businesses to purchase as an ice melt to use on the new concrete sidewalks.



D DOWNTOWN **TOPEKA** PROGRAMMIN G







CONTINUED PROGRAMMING

- DOWNTOWN RESTAURANT WEEK
- WASHBURN PARTNERSHIPS (WIFI FILM FEST)
- TOPEKA MUSIC WEEK
- FORGE FEST
- TOUCH-A-TRUCK
- MIRACLE ON KANSAS AVE

2022 New Businesses

- Topeka Yoga Network – January
- Nauling's Texas BBQ & Soul Food – January
- Earth's Choice – March
- The Beacon – May
- Knox Cocktail Lounge – June
- Hunter & Laine Boutique & Gift Shop – June
- Olive Café – August
- Onyx Salon and Wellness Spa – August
- Safely Sunning – October
- With Jules – November
- The Weather Room – December





BID MARKETING/ ADVERTISING

The BID utilizes a portion of its funding to budget for marketing and advertising opportunities for the businesses located in the district in 2022 this included advertising with TK Magazine, Cumulus Broadcasting, etc. This year the BID worked in partnership with KSNT and Capitol Federal to promote a commercial campaign to businesses located in the district. This campaign provides the opportunity for local businesses and restaurants to have commercials created with the support of KSNT that are a part of local programming to help drive business downtown throughout the holidays. The BID created a map that outlines all of the restaurants, retail shops, and entertainment options located in downtown that is distributed to Washburn students, visitors, and local conference attendees through Visit Topeka. The BID has and will continue to participate as a speaker at various local organization event to provide updates on what new things are taking place in the district.

LOOKING AHEAD

In an effort to become more effective, transparent, and good stewards of our BID funds, we will begin to create a Standard Operating Procedures manual in 2023. This ensures consistency, as well as provides a benchmark for improvement. Having procedural guidance not only improves the work of DTI, but it allows the downtown businesses a clearer look into what we're doing on a daily basis to maintain and improve the district.



Funding

RECOMMENDATIONS & ADMINISTRATION

As we looked forward to 2023 and beyond, the Advisory Board continues to recommend the following assessments:

Tier One - .0905 cents per square foot

Tier Two - .0405 cent per square foot (BID map located to right for reference.)

The cap on the largest businesses is \$15,000.

In addition, the Advisory Board continues to recommend the assessment of empty properties at the following rates:

Tier One - .04525 cents per square foot

Tier Two - .0205 cents per square foot



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Stephen Wade, City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: 2022 Topeka Tourism Business Improvement District (TBID) Service Fee
PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager, Stephen Wade, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2023 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will continue the current service fee for 2023.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to continue the imposition of service fees in the Topeka Tourism Business Improvement District (BID)

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district (BID) created by a city. Topeka has established such a district encompassing the entire city. Since 2018, when the BID was established, the fees have been \$1 per paid occupied room per night on hotel

room rentals.

The fees are used for a variety of statutory purposes that include beautification, architectural design for public spaces such as Evergy Plaza and support for community events.

No changes are being made to the current fee.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Proposed Ordinance

2022 Topeka Tourism Business Improvement District (TBID) Report May 15, 2022

Ordinance 20328 (December 2021)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Stephen Wade, establishing a service fee levy for 2023 relating to the Topeka Tourism Business Improvement District, amending § 3.65.035 of the Topeka Municipal Code and repealing original section.

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

Section 1. That section 3.65.035, TTBID service fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

TTBID service fees.

(a) The service fee levied on all hotels in the District for calendar year ~~2022~~2023 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

Section 2. That original § 3.65.035 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

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

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

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PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



2022 Tourism Business Improvement District Report

May 15, 2022

ADVISORY BOARD

Dean Patel

Jessica Miner

Kelsey Savage

Kurt Young

Linda Morgan

Rob Bergquist

Vince Frye

PURPOSE

The Tourism Business Improvement District (TBID) was created to provide supplemental funding to the Topeka Lodging Association to design and assist in the development and operation of a Downtown Topeka Plaza. The Topeka City Council voted to adopt the TBID ordinance on March 14, 2017 and the TBID commenced on January 1, 2018. The plaza continues to be a major asset that will help create economic prosperity in our community through increased tourism, property values and business development.

2023 PROGRAM OF SERVICE

1. Provide annual funding for the overall administration of the Topeka Lodging Association and it's activities.
2. Provide funding for a contingency fund for administrative and TLA operational needs that may arise outside of the expectations.
3. Provide one-time grant funding for organizations or venues for tourism related activities that will generate overnight stays in the Topeka hotel market.
4. Provide funding for the City of Topeka for the overall administration of the Tourism Business Improvement District.
5. Provide funding to the Downtown Topeka Foundation to subsidize the on-going operation of the plaza.

OPERATIONAL SUPPORT (Provided by John Knight)

The outlook for the future of the Evergy Plaza looks very promising. Some behind the scenes changes also point to long-term success. Spectra Venue Management has been acquired by the Oakview Group and are excited about the possibilities and enhanced support the Evergy Plaza will receive. The Evergy Plaza's Grand Opening was originally scheduled for April of 2020 but was postponed due to COVID restrictions. These COVID restrictions continued throughout 2021 hampering the full usage of the Evergy Plaza. The community's comfort with attending large public gatherings continues to improve as time progresses. Both 2022 and 2023 have all the hallmarks of the Evergy Plaza beginning to realize it's potential. The confidence level of potential visitors and the local businesses necessary to underwrite events continues to improve as well.

The Tourism Business Improvement District (TBID) was created to provide supplemental funding to the Topeka Lodging Association to design and assist Evergy Plaza in the development and operation of a Downtown Topeka Plaza. We saw glimpses of what the Evergy Plaza will eventually be this past year, the Evergy Plaza will continue to expand and implement the schedule of activities that reflects the original intentions and plans behind the development of the Evergy Plaza. These events will include both internal (developed, promoted, and operated by Evergy Plaza) and external (developed, promoted, and operated by community, business, and not for profit agencies, hosted by Evergy Plaza). Both internal and external events will include a wide range of cultural, live musical entertainment, festivals, and other general interest public gatherings, many of which will be family friendly as well.

Partnering with Topeka Lodging Association and Visit Topeka Inc. to host regional/cultural events will be important. As the cultural events and festivals grow, the impact on the local travel and tourism industry will be positively affected as well. These events will include regional talent coming to Topeka that bring their own followings. Linking these events with other activities already in the community will help give visitors the opportunity to stay the night and visit other activities already operating in the community. In fact, our April 2022, Tunes & Tulips regional talent is Anthony Gomes, from Canada, who has a regional following bringing new visitors to the market and while here will be able to also participate in the communities established Tulip festivals and events over multiple days.

ADMINISTRATIVE SERVICES

TBID Administration--

1. TLA continues to provide staffing for training all hoteliers and provide property level assistance in accurately reflecting the TBID collection on customer folios.
2. TLA has continued to play an active role in the on-going education and updating of records to maintain an accurate database. i.e. ownership changes, property closings etc. This will be an on-going process over time.
3. TLA will again be utilizing the services of BT&Co., to review all TBID accounting procedures used by TLA representatives and ensure compliance with the "Agreed Upon Procedures" document that has been previously established. This document details acceptable procedures for the accounting and use of the TBID monies that are consistent with the guidelines set forth by the City of Topeka when the TBID was enacted on March 14, 2017.
4. TLA will continue to work closely with the City of Topeka Finance office in the overall administration of the Topeka Tourism Business Improvement District.

TLA Administration—

1. TLA leadership continues to play an active role in the oversight of the management operations of the Evergy Plaza through it's participation on the Board of Directors of the Downtown Topeka Foundation.
2. TLA continues to actively cooperate with Visit Topeka to determine methods and means to further the development of Topeka as a destination with an expectation of increasing occupancy and revenue in the Topeka and Shawnee County hotels. It is the expectation of TLA membership that with the growth and popularity of the Evergy Plaza that the amount of revenue generated by the TBID will increase as average occupancy increases.
3. TLA, has been and continues to be, an active participant in the long-range planning of travel and tourism in the Topeka and Shawnee County market by participating in the inter-city tours organized by the GTP.
4. TLA, along with Evergy, Capital Federal and other corporate sponsors, participated in the delayed opening and dedication event that took place on the Evergy Plaza in July of 2021.
5. A major highlight of 2021 was the announcement of a \$10,000 grant from our TBID contingency fund to the Kansas Children's Discovery Center to secure the contract for the Tiny Titans Dinosaur event currently on display at the Discovery Center. This grant was in addition to funding also provided by Visit Topeka.
6. TLA, on two occasions, since the inception of the TBID, has provided financial assistance to the Downtown Topeka Foundation to fund the cost of programming new music to the Crossroads Fountains and in addition during 2020 provided additional funding for shortfalls created by the Covid shutdown time period.

2021 Budget versus Actuals –

	2021 Budgeted %	2021 Budget \$\$	2021 Actual %	2021 Actual Spent
DTF/Evergy Plaza	81.95	393,360	84.73	297,651
City Administration	2	9,600	2	7,060
TLA Admin	7.5	36,000	7.15	25,124
TLA Contingency	7.5	36,000	4.1	14,392
KS Kids Wrestling	1.05	5,040	0	0
Total Budget	100	480,000	97.98	344,227
Total Received		351,273 73.18%		

2023 Topeka Tourism Budget: --

	2023 Budgeted %	2023 Budget \$\$
DTF/Every Plaza	81.95	348,288
City Administration	2	8,500
TLA Admin	9.63	40,928
TLA Contingency	5	21,250
KS Kids Wrestling	1.18	5,015
Total Budget	100	423,981

The Topeka Lodging Association asks that the Topeka Tourism Business Improvement Fee be renewed for the 2023 calendar year at a rate of \$1.00 per sold room.

Respectfully,

A. Kurt Young

(Published in the Topeka Metro News December 13, 2021)

ORDINANCE NO. 20328

AN ORDINANCE introduced by City Manager, Brent Trout, amending City of Topeka Code § 3.65.035 establishing a service fee levy for 2022 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.65.035, TTBID Service Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

TTBID Service Fees

(a) The service fee levied on all hotels in the District for calendar year ~~2021~~2022 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

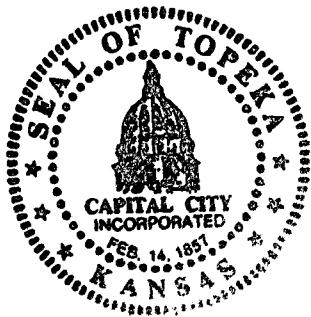
Section 2. That original § 3.65.035 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

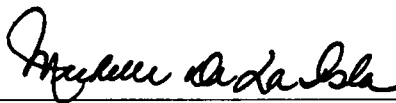
Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

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

29 PASSED AND APPROVED by the Governing Body on December 7, 2021.



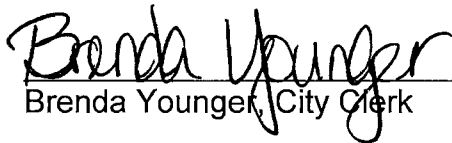
CITY OF TOPEKA, KANSAS



Michelle De La Isla, Mayor

38 ATTEST:

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Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Mayor Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Civil Service Commission PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSS and POSSIBLE ACTION of AN ORDINANCE introduced by City Manager Stephen Wade, concerning the Civil Service Commission, amending Section 2.120.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval would increase the number of Civil Service commissioners from five to seven and change the quorum requirement from three to four voting members.)

VOTING REQUIREMENTS:

Action requires at least five (5) members of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to expand the Civil Service Commission membership and increase the quorum requirement.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Commission considers applications for employment in the fire and police departments and certifies successful applicants to the fire and police chiefs. As the Commission's work has increased, it may be helpful to increase the number of Commissioners from five to seven.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Ordinance

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Stephen Wade, concerning the Civil Service Commission, amending § 2.120.030 of the Topeka Municipal Code and repealing original section.

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

Section 1. That section 2.120.030, Created – Terms – Technical advisor – Quorum, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Created – Terms – Technical advisor – Quorum.

(a) A Civil Service Commission is hereby established in the City. The Mayor of the City shall appoint ~~five~~seven Civil Service Commissioners, who shall hold office for terms of four years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. To be eligible for appointment as a commissioner, an individual may not be an employee of the City and shall have at least three years of experience in a responsible position requiring knowledge of the legal issues involved in the hiring or disciplining of employees.

(b) The City Manager shall designate a representative of the City to serve as a nonvoting member of the Civil Service Commission. This nonvoting member will serve as a technical advisor to the commission. A quorum for conducting business is ~~three~~four voting members.

Section 2. That original § 2.120.030 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its

passage, approval and publication in the official City newspaper.

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

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

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Adam Vaughn, Budget Manager, City of Topeka DOCUMENT #:
SECOND PARTY/SUBJECT: Budget Amendments/Public Hearing PROJECT #:
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 001 Operating Budget - City
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC HEARING and AN APPROPRIATION ORDINANCE introduced by City Manager Stephen Wade, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2022 and appropriating the amounts for the purpose as set forth therein.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the 2022 operating budget after considering public comment.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

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

BACKGROUND:

During budget planning, staff are planning for budgets typically eight months in advance of the beginning of the upcoming fiscal year. The governing body typically will adopt the budget four months in advance of the upcoming fiscal year. Amendments are needed due to the changing nature of the City's budget, especially if more revenues are received than estimated. As required by State law, the Governing Body must hold a public hearing to consider amendments to the 2022 Operating Budget.

BUDGETARY IMPACT:

The 2022 adopted expenditure budget for the Facilities Fund is \$1,770,949 we recommend increasing this amount to \$4,558,323. The 2022 adopted expenditure budget for the Federal Funds Exchange is \$774,811 we recommend increasing this amount to \$3,050,000. The 2022 adopted expenditure budget for the KP&F Rate Equalization fund is \$0 we recommend increasing this amount to \$141,116. The 2022 adopted expenditure budget for the Neighborhood Revitalization fund is \$83,136 we recommend increasing this amount to \$241,931. Finally, the amendments include an addition of funds from the state opioid settlement.

SOURCE OF FUNDING:

The Facilities Fund is an Internal Service Fund that receives revenue from City departments. The increase would be covered by revenue that has been received from City Departments. The Federal Funds Exchange is money from the federal government, this increase is using available fund balance in the fund. KP&F and the Neighborhood Revitalization Fund are both using their remaining fund balance as the funding mechanism.

ATTACHMENTS:

Description

Notice of Public Hearing (November 21, 2022)

Ordinance

2022

**Notice of Budget Hearing for Amending the
2022 Budget**

The governing body of

City of Topeka

will meet on the day of December 13, 2022 at 6:00pm at City Council Chambers at 214 E Eighth St for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at <https://www.topeka.org/finance/budget/>
and will be available at this hearing.

Summary of Amendments

Fund	2022 Adopted Budget			2022 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Information Technology			4,351,204	4,351,204
Fleet			3,032,773	3,032,773
Facilities			1,770,949	4,558,323
Federal Funds Exchange			774,811	3,050,000
KP&F Rate Equalization			0	141,116
Neighborhood Revitalization Fund			83,136	241,931
Opioid Settlement Fund			0	30,610
			0	0
			0	0
			0	0

Brenda Younger
Official Title: City Clerk

The Topeka Metro News

800 SW Jackson St., Ste. 1118
Topeka, KS 66612-1244
(785) 232-8600

CITY OF TOPEKA - CITY CLERK'S OFFICE
215 SE 7TH ST RM 166
TOPEKA KS 66603-3914

Proof of Publication

STATE OF KANSAS, SHAWNEE COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly
sworn, deposes and says that she is Legal Notices
Clerk for The Topeka Metro News which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a
weekly, monthly or yearly basis in Shawnee
County, Kansas, is not a trade, religious or fraternal
publication, is published at least weekly fifty (50)
times a year, has been so published continuously
and uninterrupted in said County and State for a
period of more than one year prior to the first
publication of the notice attached, and has been
entered at the post office as Periodicals Class mail
matter. That a notice was published in all editions of
the regular and entire issue for the following subject
matter (also identified by the following case
number, if any) for 1 consecutive week(s), as
follows:

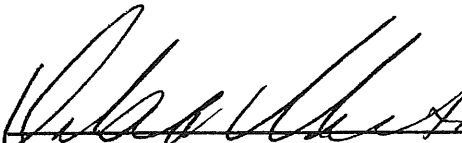
BUDGET HEARING
11/21/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

November 21, 2022



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L99943
Publication Fees: \$46.00

2022

**Notice of Budget Hearing for Amending the
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City of Topeka

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Facilities			1,770,949	4,558,323
Federal Funds Exchange			774,811	3,050,000
KP&F Rate Equalization			0	141,116
Neighborhood Revitalization Fund			83,136	241,931
Opioid Settlement Fund			0	30,610
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			0	0
			0	0

/Brenda Younger/

Official Title: Brenda Younger, City Clerk

11/21

ORDINANCE NO. _____

AN APPROPRIATION ORDINANCE introduced by City Manager Stephen Wade, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2022 and appropriating the amounts for the purpose as set forth therein.

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

Section 1. *Amendments to the Budget incorporated by reference as a part of this Ordinance.* The amendments to the operating budget for the City of Topeka, Kansas, for the year 2022 as set forth in a document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this Ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Amendments to the Budget approved and adopted.* The amendments to the operating budget as described and incorporated by reference in Section 1 above are hereby approved and adopted as amendments to the operating budget for the year 2022.

Section 3. *Funds appropriated by budget.* The amendments to the budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2022 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2022 or

subsequent to December 31, 2022.

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

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

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

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

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

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

PASSED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

2022 Budget Amendment Summary

Below is a summary of each of the proposed amendments to the 2022 budget:

Information Technology Fund and Fleet Fund

- Error on State Form, these got left off of the Certificate Page Facilities
- General Fund Utility Expense moved to the Facilities fund for cost savings

Federal Funds Exchange

- Spending down of fund balance on approved Capital Projects

KP&F Equalization

- This fund was budgeted to be spent down to zero in 2021. This amendment is to finish spending the fund to zero which was not completed in 2021.

Neighborhood Revitalization Fund

- Entire fund balance was transferred into the Housing Trust Fund

Opioid Settlement Fund

- New fund created with revenue from the state opioid settlements

2022

**Notice of Budget Hearing for Amending the
2022 Budget**

The governing body of
City of Topeka

will meet on the day of December 13, 2022 at 6:00pm at City Council Chambers at 214 E Eighth St for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at <https://www.topeka.org/finance/budget>
and will be available at this hearing.

Summary of Amendment

Fund	2022 Adopted Budget			2022 Proposed Amended Expenditures
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Fleet			3,032,773	3,032,773
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Neighborhood Revitalization Fund			83,136	241,931
Opioid Settlement Fund			0	30,610
			0	0
			0	0
			0	0

Brenda Younger
Official Title: City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
CONTACT PERSON: Sylvia Davis, Director of Utilities DOCUMENT #:
SECOND PARTY/SUBJECT: Proposed Utility Rate Increases PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning potential utility rate changes for infrastructure maintenance.

(Combined blended rate is 9.85% annually. The proposed rates include 11.8% increase for water in 2024 and 2025, and 11.5% increase in 2026; 8% increase for wastewater in 2024 and 2025, and 8.25% increase in 2026; 7.5% increase for stormwater in 2024, and 7% increase in 2025 and 2026.)

VOTING REQUIREMENTS:

Discussion only. Action requires least six (6) votes of the Governing Body. (K.S.A. 12-860 requires the governing body to set utility rates)

POLICY ISSUE:

Potential rate changes for infrastructure maintenance and investment. The proposed rate increases are as follows:

Combined blended rate is 9.85% annually.

2024 – 11.8% increase for water, 8% for wastewater, 7.5% for stormwater
2025 – 11.8% increase for water, 8% for wastewater, 7% for stormwater
2026 – 11.5% increase for water, 8.25% for wastewater, 7% for stormwater

STAFF RECOMMENDATION:

Discussion only. Staff recommends the Governing Body move to approve the ordinance when considered.

BACKGROUND:

The City anticipates that the combined costs of proposed water, wastewater and stormwater systems' capital improvements, anticipated increases in operation and maintenance expenses, and other financial obligations over the next four years will exceed the utilities' current financial capabilities under existing rates. To provide an ongoing plan to meet the anticipated financial obligations of the utilities on a sound and equitable customer basis, the City authorized a comprehensive study of revenue requirements, costs of service, and rates for each of the three utilities in 2019.

Staff continues to maintain the rate models resulting from the 2019 study. Inputs are updated annually and reviewed for accuracy and impact. Water and stormwater rates requested in 2019 were reduced by 1.5% each before their passage for three (3) years, instead of the requested five (5), with the intent to review and assess the continued necessity. Subsequent review of the wastewater model revealed significant miscalculations proving the approved rates to be woefully inadequate to maintain system requirements. Inflationary pressure continues to push costs up and system capital needs have not been relieved in any substantial way.

Staff is recommending the rates as presented which result in an overall blended impact of 9.85% per year. Based on the current economic environment, this rate increase should allow the Utilities to fund water line replacement at the 150-year replacement cycle level. Additionally, it will allow the Utilities to expand low income and affordability programs to help those customers most in need in our community.

BUDGETARY IMPACT:

Combined blended rate is 9.85% annually.

2024 - \$5,240,700 additional water revenue; \$2,680,800 additional wastewater revenue; \$756,500 additional stormwater revenue

2025 - \$5,859,100 additional water revenue; \$2,895,200 additional wastewater revenue; \$759,000 additional stormwater revenue

2026 - \$6,383,900 additional water revenue; \$3,224,600 additional wastewater revenue; \$812,100 additional stormwater revenue

SOURCE OF FUNDING:

User fees collected for services provided.

ATTACHMENTS:**Description**

Ordinance

Fact Sheet and Reference Guide

Presentation (Dec 13, 2022)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Stephen Wade concerning utility rates, amending § 13.05.020 through § 13.05.060 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 13.05.020, Retail water service rates, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Retail water service rates.

The following are hereby established as the monthly retail water service rates, effective on the dates specified, which the consumer shall pay for water services.

(a) *Base Charge.* A customer who has a City service line connected to the City water main shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether water has passed from the City water main through the City service line during the billing period. The rates for properties inside the City and outside the City are as follows:

Property Inside City

	<u>Jan. 1, 2020</u>	<u>Jan. 1, 2021</u>	<u>Jan. 1, 2022</u>	<u>Jan. 1, 2023</u>	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
1" and below	\$12.66	\$13.61	\$14.63	\$15.73	<u>\$17.59</u>	<u>\$19.67</u>	<u>\$21.93</u>
1 1/2"	\$25.32	\$27.22	\$29.26	\$31.45	<u>\$35.16</u>	<u>\$39.31</u>	<u>\$43.83</u>
2"	\$40.52	\$43.56	\$46.83	\$50.34	<u>\$56.28</u>	<u>\$62.92</u>	<u>\$70.16</u>
3"	\$75.98	\$81.68	\$87.81	\$94.40	<u>\$105.54</u>	<u>\$117.99</u>	<u>\$131.56</u>
4"	\$126.61	\$136.11	\$146.32	\$157.29	<u>\$175.85</u>	<u>\$196.60</u>	<u>\$219.21</u>
6"	\$253.25	\$272.24	\$292.66	\$314.61	<u>\$351.73</u>	<u>\$393.23</u>	<u>\$438.45</u>
8"	\$405.17	\$435.56	\$468.23	\$503.35	<u>\$562.75</u>	<u>\$629.15</u>	<u>\$701.50</u>
10"	\$582.44	\$626.12	\$673.08	\$723.56	<u>\$808.94</u>	<u>\$904.39</u>	<u>\$1,008.39</u>

Property Outside City

	<u>Jan. 1, 2020</u>	<u>Jan. 1, 2021</u>	<u>Jan. 1, 2022</u>	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
1" and below	\$22.16	\$23.82	\$25.60	\$27.53	<u>\$30.78</u>	<u>\$34.41</u>	<u>\$38.37</u>
1 1/2"	\$44.31	\$47.64	\$51.21	\$55.04	<u>\$61.53</u>	<u>\$68.79</u>	<u>\$76.70</u>
2"	\$70.91	\$76.23	\$81.95	\$88.10	<u>\$98.50</u>	<u>\$110.12</u>	<u>\$122.78</u>
3"	\$132.97	\$142.94	\$153.67	\$165.20	<u>\$184.69</u>	<u>\$206.48</u>	<u>\$230.23</u>
4"	\$221.57	\$238.19	\$256.06	\$275.26	<u>\$307.74</u>	<u>\$344.05</u>	<u>\$383.62</u>
6"	\$443.19	\$476.42	\$512.16	\$550.57	<u>\$615.54</u>	<u>\$688.17</u>	<u>\$767.31</u>
8"	\$709.05	\$762.23	\$819.40	\$880.86	<u>\$984.80</u>	<u>\$1,101.01</u>	<u>\$1,227.63</u>
10"	\$1,019.27	\$1,095.71	\$1,177.89	\$1,266.23	<u>\$1,415.65</u>	<u>\$1,582.70</u>	<u>\$1,764.71</u>

(b) *Water Volume Charge*. The customer shall pay on a monthly basis for the water passing from the City water main to the property. The rates for properties inside the City and outside the City are as follows:

Volume Charge (per 1,000 gallons) – Property Inside City

	<u>Jan. 1, 2020</u>	<u>Jan. 1, 2021</u>	<u>Jan. 1, 2022</u>	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
Single-Family	\$4.88	\$5.25	\$5.64	\$6.06	<u>\$6.78</u>	<u>\$7.58</u>	<u>\$8.45</u>
Multifamily	\$3.96	\$4.26	\$4.58	\$4.92	<u>\$5.50</u>	<u>\$6.15</u>	<u>\$6.86</u>
Commercial	\$3.61	\$3.88	\$4.17	\$4.48	<u>\$5.01</u>	<u>\$5.60</u>	<u>\$6.24</u>
Industrial	\$3.09	\$3.32	\$3.57	\$3.84	<u>\$4.29</u>	<u>\$4.80</u>	<u>\$5.35</u>
Industrial II	\$2.91	\$3.13	\$3.36	\$3.61	<u>\$4.04</u>	<u>\$4.52</u>	<u>\$5.04</u>
Irrigation	\$5.87	\$6.31	\$6.78	\$7.29	<u>\$8.15</u>	<u>\$9.11</u>	<u>\$10.16</u>

Volume Charge (per 1,000 gallons) – Property Outside City

	<u>Jan. 1, 2020</u>	<u>Jan. 1, 2021</u>	<u>Jan. 1, 2022</u>	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
Single-Family	\$8.54	\$9.19	\$9.87	\$10.61	<u>\$11.86</u>	<u>\$13.26</u>	<u>\$14.78</u>

Multifamily	\$6.93	\$7.46	\$8.02	\$8.61	<u>\$9.63</u>	<u>\$10.77</u>	<u>\$12.01</u>
Commercial	\$6.32	\$6.79	\$7.30	\$7.84	<u>\$8.77</u>	<u>\$9.80</u>	<u>\$10.93</u>
Industrial	\$5.41	\$5.81	\$6.25	\$6.72	<u>\$7.51</u>	<u>\$8.40</u>	<u>\$9.37</u>
Industrial II	\$5.09	\$5.48	\$5.88	\$6.32	<u>\$7.07</u>	<u>\$7.90</u>	<u>\$8.81</u>
Irrigation	\$10.27	\$11.04	\$11.87	\$12.76	<u>\$14.27</u>	<u>\$15.95</u>	<u>\$17.78</u>

Section 2. That section 13.05.030, Wholesale water rates, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Wholesale water rates.

The following are hereby established as the monthly wholesale water rates, effective on the dates specified, which wholesale customers shall pay for water services:

(a) Rural Water Districts.

		Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
(1)	Jackson Co. No. 1 – First 600,000 gallons – Minimum charge per month	\$3,102.00	\$3,336.00	\$3,588.00	\$3,858.00	<u>\$4,313.00</u>	<u>\$4,822.00</u>	<u>\$5,377.00</u>
	Over 600,000 gallons per month per 1,000 gallons	\$5.17	\$5.56	\$5.98	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>
(2)	Shawnee CRWD	\$15,468.64	\$16,636.00	\$17,892.00	\$19,239.00	<u>\$21,509.00</u>	<u>\$24,047.00</u>	<u>\$26,812.00</u>

	No. 1 – First 2,992,000 gallons – Minimum charge per month							
	Over 2,992,000 gallons per month per 1,000 gallons	<u>\$5.17</u>	<u>\$5.56</u>	<u>\$5.98</u>	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>
(3)	Shawnee CRWD No. 3 (formerly RWD No. 6) – First 2,598,000 gallons – Minimum charge per month	<u>\$13,431.66</u>	<u>\$14,445.00</u>	<u>\$15,536.00</u>	\$16,705.00	<u>\$18,676.00</u>	<u>\$20,880.00</u>	<u>\$23,281.00</u>
	Over 2,598,000 gallons per month per 1,000 gallons	<u>\$5.17</u>	<u>\$5.56</u>	<u>\$5.98</u>	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>
(4)	Shawnee CRWD No. 4 – First 995,000 gallons – Minimum charge per month	<u>\$5,144.15</u>	<u>\$5,532.00</u>	<u>\$5,950.00</u>	\$6,398.00	<u>\$7,153.00</u>	<u>\$7,997.00</u>	<u>\$8,917.00</u>

	Over 995,000 gallons per month per 1,000 gallons	\$5.17	\$5.56	\$5.98	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>
(5)	Shawnee Co. No. 8 – First 5,402,000 gallons – Minimum charge per month	\$27,928.34	\$30,035.00	\$32,304.00	\$34,735.00	<u>\$38,834.00</u>	<u>\$43,416.00</u>	<u>\$48,409.00</u>
	Over 5,402,000 gallons per month per 1,000 gallons	\$5.17	\$5.56	\$5.98	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>

32 (b) *Other.* Other contractual rates shall be as follows:

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
Metro. Topeka Airport Authority – First 1,139,000 gallons – Minimum charge per month	\$5,888.63	\$6,333.00	\$6,811.00	\$7,324.00	<u>\$8,188.00</u>	<u>\$9,154.00</u>	<u>\$10,207.00</u>
Over 1,139,000 gallons per month per 1,000 gallons	\$5.17	\$5.56	\$5.98	\$6.43	<u>\$7.19</u>	<u>\$8.04</u>	<u>\$8.96</u>

33 Section 3. That section 13.05.040, Fire protection rates, of The Code of the
34 City of Topeka, Kansas, is hereby amended to read as follows:

35 **Fire protection rates.**

(a) Monthly fire protection rates for fire lines or fire connections, effective on the dates specified, shall be as follows:

(1) *Property Inside City.*

Size of Connection (Inches)	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
4" or less	\$12.72	\$13.67	\$14.70	\$15.80	\$17.66	\$19.74	\$22.01
6"	\$36.86	\$39.62	\$42.59	\$45.78	\$51.18	\$57.22	\$63.80
8"	\$78.37	\$84.25	\$90.57	\$97.36	\$108.85	\$121.69	\$135.68
10"	\$140.82	\$151.38	\$162.73	\$174.93	\$195.57	\$218.65	\$243.79
12"	\$229.05	\$246.23	\$264.70	\$284.55	\$318.13	\$355.67	\$396.57

(2) *Property Outside City.*

Size of Connection (Inches)	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
4" or less	\$22.26	\$23.92	\$25.73	\$27.65	\$30.91	\$34.56	\$38.53
6"	\$64.51	\$69.34	\$74.53	\$80.12	\$89.57	\$100.14	\$111.66
8"	\$137.15	\$147.44	\$158.50	\$170.38	\$190.48	\$212.96	\$237.45
10"	\$246.44	\$264.92	\$284.78	\$306.13	\$342.25	\$382.64	\$426.64
12"	\$400.84	\$430.90	\$463.23	\$497.96	\$556.72	\$622.41	\$693.99

(b) *Fire Hydrants Outside City.* There shall be a fee paid each month to the Water Division by outside City customers for the maintenance of fire hydrants; such fee charged per month per customer, effective on the dates specified, as follows:

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Maintenance fee	\$6.74	\$7.25	\$7.79	\$8.37	\$9.36	\$10.46	\$11.66

Section 4. That section 13.05.050, Sanitary sewer service rates, of The Code

of the City of Topeka, Kansas, is hereby amended to read as follows:

Sanitary sewer service rates.

The following are established as the monthly sewer service rates, effective on the dates specified, for discharging wastewater into the sanitary sewer system.

(a) *Base Charge*. A customer who has a private sewer line that is connected to the City wastewater system, as determined by the Utilities Director or designee, shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether wastewater has passed from the private sewer line to the City wastewater system during the billing period. The rates for properties inside and outside the City are as follows:

Base Charge (Property Inside City)

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
1" and below	\$11.75	\$11.99	\$12.23	\$12.47	<u>\$13.47</u>	<u>\$14.55</u>	<u>\$15.75</u>
1 1/2"	\$23.51	\$23.98	\$24.46	\$24.95	<u>\$26.95</u>	<u>\$29.11</u>	<u>\$31.51</u>
2"	\$37.61	\$38.36	\$39.13	\$39.91	<u>\$43.10</u>	<u>\$46.55</u>	<u>\$50.39</u>
3"	\$70.52	\$71.93	\$73.37	\$74.84	<u>\$80.83</u>	<u>\$87.30</u>	<u>\$94.50</u>
4"	\$117.53	\$119.88	\$122.28	\$124.73	<u>\$134.71</u>	<u>\$145.49</u>	<u>\$157.49</u>
6"	\$235.06	\$239.76	\$244.56	\$249.45	<u>\$269.41</u>	<u>\$290.96</u>	<u>\$314.96</u>
8"	\$376.12	\$383.64	\$391.31	\$399.14	<u>\$431.07</u>	<u>\$465.56</u>	<u>\$503.97</u>
10"	\$540.66	\$551.47	\$562.50	\$573.75	<u>\$619.65</u>	<u>\$669.22</u>	<u>\$724.43</u>

Base Charge (Property Outside City)

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
1" and below	\$20.56	\$20.98	\$21.40	\$21.82	<u>\$23.57</u>	<u>\$25.46</u>	<u>\$27.56</u>
1 1/2"	\$41.14	\$41.97	\$42.81	\$43.66	<u>\$47.15</u>	<u>\$50.92</u>	<u>\$55.12</u>
2"	\$65.82	\$67.13	\$68.48	\$69.84	<u>\$75.43</u>	<u>\$81.46</u>	<u>\$88.18</u>

3"	\$123.41	\$125.88	\$128.40	\$130.97	<u>\$141.45</u>	<u>\$152.77</u>	<u>\$165.37</u>
4"	\$205.68	\$209.79	\$213.99	\$218.28	<u>\$235.74</u>	<u>\$254.60</u>	<u>\$275.60</u>
6"	\$411.36	\$419.58	\$427.98	\$436.54	<u>\$471.46</u>	<u>\$509.18</u>	<u>\$551.19</u>
8"	\$658.21	\$671.37	\$684.79	\$698.50	<u>\$754.38</u>	<u>\$814.73</u>	<u>\$881.95</u>
10"	\$946.16	\$965.07	\$984.38	\$1,004.06	<u>\$1,084.38</u>	<u>\$1,171.13</u>	<u>\$1,267.75</u>

(b) *Wastewater Volume Charge.* The customer shall pay on a monthly basis for the volume of wastewater passing from the private sewer line to the City wastewater system according to the rate schedule in subsection (c) of this section.

(1) *Residential and Multifamily Residences/Public Water System Supply.*

The charge shall be based on a calculated average water volume determined in accordance with TMC 13.10.490 and 13.10.510 for water used in the months of December, January and February. The average water volume determined by this method shall be referred to as the three-month winter average. The three-month winter average water volume shall be recalculated each year following the three-month winter period and shall be in effect for the following 12-month period. For a customer who has not established an average, the charge shall be the average of the residential three-month winter average for the applicable meter reading route.

(2) *Residential and Multifamily Residences/Well Water Supply.* The

charge for a customer whose potable water is supplied by a well shall be based on the average of the residential three-month winter average for the applicable meter reading route. Alternatively, the customer may install and maintain, at the customer's cost, a water meter approved by the Utilities Director or designee. If a meter is installed, the sewer rates shall be calculated based on the average

water volume used in the months of December, January, and February as measured at the meter; provided, that access is granted to the Utilities Director or designee to read, inspect, test, or repair the meter.

(3) *Commercial and Industrial.* The volume shall be based on the lesser of water volumes determined in accordance with TMC 13.10.490 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biological oxygen demand in excess of 300 milligrams per liter and/or suspended solids in excess of 300 milligrams per liter will be assessed the excess strength charge in accordance with subsection (e) of this section.

(c) *Schedule of Rates and Charges.*

(1) *Inside City.*

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
Domestic Strength Wastewater:							
Volume Charge per 1,000 gallons	\$5.26	\$5.37	\$5.48	\$5.59	<u>\$6.04</u>	<u>\$6.52</u>	<u>\$7.06</u>

(2) *Outside City.*

	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	<u>Jan. 1, 2024</u>	<u>Jan. 1, 2025</u>	<u>Jan. 1, 2026</u>
Domestic Strength Wastewater:							
Volume Charge per 1,000 gallons	\$9.21	\$9.40	\$9.59	\$9.78	<u>\$10.56</u>	<u>\$11.40</u>	<u>\$12.34</u>

(d) *Adjustment of Bills.*

(1) Notwithstanding subsection (b)(3) of this section, in the event a customer's facility bypass system becomes inoperable because of equipment failure or system maintenance, the customer may request a temporary suspension of the imposition of excess strength charges in accordance with the policy established by the Utilities Director.

(2) The monthly rate and charge on a bill may be adjusted administratively by the Water Pollution Control Division to the actual or estimated volume or strength, provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this section.

(e) *Excess Strength Charges.* Excess strength charges may be established by the Utilities Director subject to the approval by the City Manager.

Section 5. That section 13.05.060, ERU rate, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

ERU rate.

(a) There is hereby established for purposes of calculating the stormwater drainage fee the equivalent residential unit (ERU). The ERU is hereby established to be 2,018 square feet of impervious area.

(b) The ERU rate to be charged for stormwater drainage fees for each ERU is hereby established as follows:

ERU rates per month:	Jan. 1, 2020	Jan. 1, 2021	Jan. 1, 2022	Jan. 1, 2023	<u>Jan. 1,</u> <u>2024</u>	<u>Jan. 1,</u> <u>2025</u>	<u>Jan. 1,</u> <u>2026</u>
Single-family residence:							

Less than 1,500 sq. ft.	\$3.22	\$3.46	\$3.72	\$4.00	<u>\$4.30</u>	<u>\$4.60</u>	<u>\$4.92</u>
1,501 to 3,500 sq. ft.	\$5.00	\$5.38	\$5.78	\$6.21	<u>\$6.68</u>	<u>\$7.15</u>	<u>\$7.65</u>
Over 3,500 sq. ft.	\$7.77	\$8.36	\$8.98	\$9.65	<u>\$10.37</u>	<u>\$11.10</u>	<u>\$11.88</u>
All other residential	\$5.00	\$5.38	\$5.78	\$6.21	<u>\$6.68</u>	<u>\$7.15</u>	<u>\$7.65</u>
All nonresidential	\$5.00	\$5.38	\$5.78	\$6.21	<u>\$6.68</u>	<u>\$7.15</u>	<u>\$7.65</u>

(c) The following enumerated factors and review process are hereby adopted by the City to evaluate any reductions of stormwater utility fees charged to properties which are located within a duly created drainage district:

(1) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the City's service area by the City.

(2) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the City's service area by the drainage district.

(3) If an identical function is being performed by the drainage district and is not replicated by the City within the drainage district's service area, quantify the specific unit of service, including but not limited to length, cross-section area, surface area, number of structures, rehabilitation activities and the frequency for this performance.

(4) Compare the same function and frequency with the costs appropriate for the City staff to perform an identical activity utilizing the City's budget for that specific function.

127 (5) Utilizing the City's cost for a function and the specific units
128 accomplished in the drainage district's boundary, extend the unit cost times the
129 units accomplished to obtain the total annual cost for all identical functions.

130 (6) Utilizing the total costs for all functions provided by the drainage
131 district based upon City unit costs, divide this total cost by the ERUs within the
132 drainage district (divided by 12 to obtain monthly) and obtain a "drainage district
133 ERU equivalent cost."

134 (7) For all parcels within the specific drainage district boundary and
135 within the City limits, subtract the "drainage district ERU equivalent cost" from the
136 City's stormwater ERU rate (monthly).

137 (d) The Utilities Department is directed to annually review, utilizing the factors
138 and process referenced herein, and determine monetary savings, if any, to the City for
139 stormwater services provided by duly created drainage districts. The Utilities
140 Department shall report its determination of savings to the stormwater utility, if any, to
141 the Governing Body by June 15th of each year. Rate reductions for properties within
142 duly created drainage districts shall be adopted by separate ordinance and be based
143 upon savings to the stormwater utility.

144 (e) Utilizing the enumerated factors and review process adopted herein, the
145 stormwater rate reduction for the following duly created drainage districts is as follows:

Shunganunga Drainage District	0
Kaw River Drainage District	0
North Topeka Drainage District (per ERU, per month)	\$0.83

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Section 6. That original § 13.05.020 through § 13.05.060 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

Proposed Utility Rate Increases – Fact Sheet and Reference Guide

What's happening?

At the December 13, City Council Meeting, Staff will propose utility rate increases beginning in 2024, for a three-year period. The item is expected to be considered for a vote on Dec. 20.

The proposed rate increases average out to 9.85% for water, wastewater and stormwater.

What will these increases enable us to do?

The increases are absolutely necessary to:

1. Sustain existing operations and maintenance activities amid increasing inflation we've seen in commodities and contracted services
2. Address the city's frequent water service disruptions
3. Ensure we can maintain safe drinking water, as well as meet regulatory requirements for stormwater and wastewater

By approving these rates, we will be able to improve our customer service experience, by proactively replacing old and failing lines, addressing localized flooding and sanitary back-ups, and more. Without these increases, city staff will only be able to react to issues as they come up.

What's causing this?

1. Inflation
2. Existing debt
3. Ever-changing regulatory requirements
4. Deferred maintenance

City Utilities are responsible for maintaining over \$3.6 billion in assets. Industry standards vary on established replacement cycles and can range anywhere from 40 – 100 years. At a very basic level, this means the utilities would need to be investing \$36 Million annually if everything was replaced on a 100-year cycle. We are behind on the funding required to maintain our goal of a 100-year replacement program- in fact, we are replacing some of our infrastructure at closer to a 150-year cycle. We have approximately \$70 million of water lines that are in need of repair/replacement.

What will the impact be?

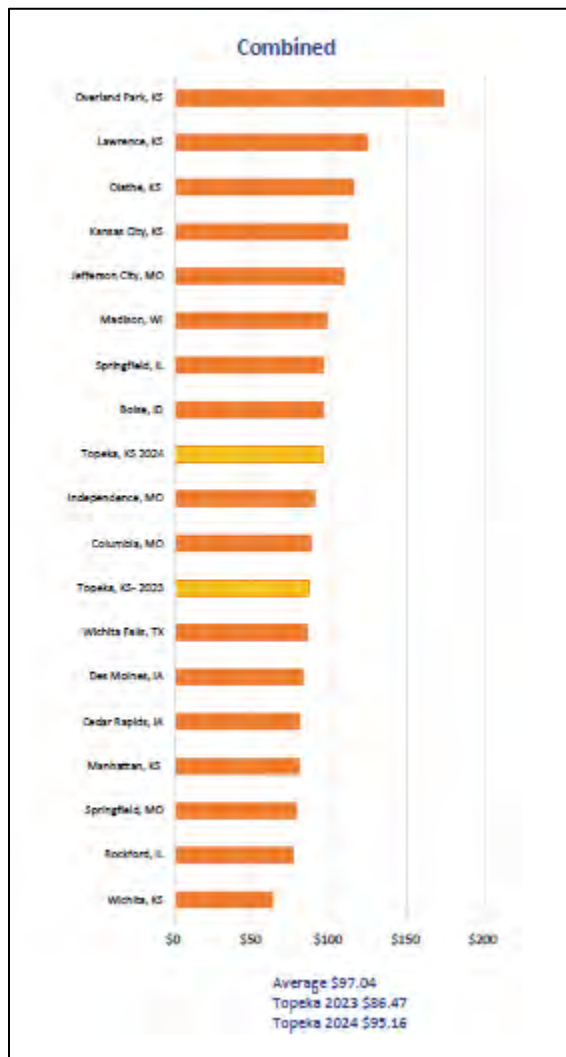
In 2023, the average City of Topeka family will pay \$93 for city utilities. The proposed rates, will increase that amount in 2024, by about \$9. Note: This rate is for customers inside the City limits. Customers outside the City limits have a higher rate that they pay.

Why are these proposed rate increases higher than what was stated in the ARPA discussions in early 2022?

The inflationary impact on chemicals, materials and competitive wages took effect after preliminary estimates were completed. At Governing Body request, Finance was asked to consider the impact of using ARPA dollars as a way to reduce Utility rates. After analysis, a recommendation was made to instead use ARPA money for General Obligation debt avoidance since the impact to property taxes was greater.

How do these rates compare to other cities?

Even with these proposed increases, our rates are lower for a typical household in comparison to surrounding cities, like Kansas City, KS, Lawrence, Olathe, and Overland Park.



What other funding sources are the City seeking as alternatives to these rate increases?

The Utilities Department continues to search out alternative funding sources, including available Federal funding, grants and loans which include all or partial loan forgiveness as part of the Federal Infrastructure Bill being administered by the State of Kansas. Currently the department is pursuing grants and/or loans with forgiveness for the replacement of Lead Service Lines as well as utilizing a cost-share program for improvements along Shunganunga Creek.

In 2022 the City narrowly missed being selected for an EPA funded grant to be used for the Lead Service Line project and intend to reapply in 2023. With the knowledge gained from the process this year and the advancement in the inventory process of Lead Service Lines, there is a likelihood that we will be successful in this application.

IF the utilities increase passes council - what are specific programs LMI folks can tap into? Will there be increase in funding from previous years to COT programs? If so detail.

The Utilities Department is seeking to make changes to the existing Water and Wastewater Utility Rate Refund Program. Our existing rate refund program provides credit for approved applicants that meet the following requirements: Must be a City of Topeka utility customer, have a household income for 2021 of less than \$34,450; AND meet the age, disability, or dependent child qualifications. This existing program offers up to \$75.00 credit for water utility and \$75.00 credit for wastewater utility (along with additional amounts for KS Gas and Evergy).

Our proposed expanded program would allow us to serve more residents who may own or rent their home, allow eligible applicants to receive a credit of \$160 annually and allow us to provide water efficiency kits to these applicants to help reduce their usage and save money on their monthly utilities.

Topeka is the only city out of Manhattan, Lawrence and Kansas City, KS that offer any type of courtesy adjustments. See attached spreadsheet with courtesy adjustment types and dollar amounts.

Other assistance programs include:

- Culvert Replacement Program
- 50/50 Wye Replacement Program
- Emergency Repair Program
- CRC Covid-19 Basic Need Assistance Program (program will end in 2022)

Information from past 5 years to current on number of utility shut offs per year. Looking to see if the amount of shut offs are increasing.

The number of customers that we have had on our shutoff list has been on a downward trend for the past five years, with the exception of 2020 when we suspended shutoffs as a result of Covid-19. To date in 2022, we have completed 9,629 shutoffs. Our numbers do not differentiate between those who are shutoff because they forgot to pay their bill versus those who were shutoff for inability to pay.

	<u>Shutoffs</u>
2017	11,347
2018	11,360
2019	9,932
2020	5,797
2021	9,261
2022	9,629



CITY OF
TOPEKA



Proposed Utility Rate Increases

2024-2026

Rate Increases – Why?

2

- Inflation
- Existing debt
- Regulatory requirements
- Deferred maintenance



Rate Increases – Impact

3

- Average city family will see an increase of about \$9 per month in 2024
- Average bill in 2023 will be \$92.66
- Rate assistance program will be increased

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Water	46.03	51.46	57.53	64.15
Storm	6.21	6.68	7.15	7.65
Waste	40.42	43.65	47.14	51.03
	\$92.66	\$101.79	\$111.82	\$122.83
Change/Month		\$9.13	\$10.03	\$11.01
		9.85%	9.85%	9.85%



Rate Comparison

Area Cities			
	Residential 5,000 Gal		Lg. Industrial 15,000,000 Gal
Olathe, KS	\$58.89	Lawrence, KS	\$83,406
Kansas City, KS	\$55.35	Overland Park, KS	\$71,539
Lawrence, KS	\$52.00	Olathe, KS	\$61,397
Topeka, KS - 2023	\$46.05	Kansas City, KS	\$60,804
Overland Park, KS	\$45.80	Manhattan, KS	\$59,018
Wichita, KS	\$31.37	Topeka, KS - 2023	\$57,582
Manhattan, KS	\$31.20	Wichita, KS	\$41,717
Avg - 6 Comp Cities	\$45.77	Avg - 6 Comp Cities	\$62,980





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2022

DATE: December 13, 2022
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:

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 office (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 City Council Chambers or Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Zoom Meeting Protocol

- 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.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- 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 atcclerk@topeka.org or 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 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.
- 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.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

BUDGETARY IMPACT:

SOURCE OF FUNDING: