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FINAL
CITY COUNCIL

CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. January 6, 2015

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on December 16, 2014

AWARDS AND PROCLAMATIONS

None

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Bob Weeks - Enforcement of forgivable loan clawback provisions.
2. Stephene Moore - Updates and highlights of the work of local Wichita organizations that provide free enrollment assistance with health insurance coverage.
3. Shirley Mansfield - Concerns with the spending of tax payers money.
4. Esau Freeman - Petition drive for the marijuana reform initiative.

II. CONSENT AGENDAS ITEMS 1 THROUGH 29

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see "ATTACHMENT 1 – CONSENT AGENDA ITEMS" for a listing of all Consent Agenda Items.)

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

None

IV. NEW COUNCIL BUSINESS

1. Public Hearing for a Project Plan, Tax Increment Financing for the Mosley Avenue Project. (District VI)

RECOMMENDED ACTION: Close the public hearing; approve first reading of the ordinance adopting the Mosley Avenue TIF Project Plan; and authorize the necessary signatures.

2. Public Hearing and Adoption of Union Station Project Plan. (District I)

RECOMMENDED ACTION: Close the public hearing and approve first reading of the ordinance adopting Union Station Project Plan.

3. Lease Agreement for Lawrence Dumont Stadium. (District IV)

RECOMMENDED ACTION: Approve the lease agreement and authorize all necessary signatures.

(9:30 a.m. or soon thereafter)

4. Public Hearing: Repair or Removal of Dangerous and Unsafe Structures. (District I)

<u>Property Address</u>	<u>Council District</u>
a. 541 N. Ohio	I
b. 1128 N. Hydraulic	I
c. Building North of 1128 N. Hydraulic	I
d. 1201 E. 12th N.	I
e. 2047 N. Minnesota	I
f. 2513 E. Shadybrook	I
g. 2519 E. Shadybrook	I

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of January 6, 2015; (2) the structure has been secured as of January 6, 2015 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of January 6, 2015, as will be so maintained during renovation.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

1. ZON2014-00026 – Zone Change from LC Limited Commercial to LI Limited Industrial Subject to Protective Overlay #292 on Property Located ¼ Mile South of Pawnee Avenue, East of Southeast Boulevard. (District III)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #292 as recommended by MAPC and place the ordinance on first reading (simple majority vote); adopt the findings of the MAPC and approve the request but deny access to Minneapolis Street as recommended by DAB III and place the ordinance on first reading (two-thirds majority vote) or deny the request (two-thirds majority vote).

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

None

IX. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS I THROUGH 29)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated December 22, 2014.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2014</u>	<u>(Consumption on Premises)</u>
Carmen Rosales	Connie’s Mexico Café**	2227 North Broadway
<u>Renewal</u>	<u>2014</u>	<u>(Consumption off Premises)</u>
John A. Mann	Walgreens #02751***	13534 West Maple Street
John A. Mann	Walgreens #05769***	3333 East Central Avenue
John A. Mann	Walgreens #06005***	2229 North Maize Road
John A. Mann	Walgreens #06113***	1625 South Webb Road
John A. Mann	Walgreens #06361***	1330 North Woodlawn
John A. Mann	Walgreens #06363***	3770 North Woodlawn
Dat Huynh	D & T Station***	895 South Woodlawn
Terry Williams	Quik Trip #369***	625 South Hillside

**General/Restaurant (need 50% or more gross revenue from sale of food)

***Retailer (Grocery stores, convenience stores, etc.)

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a. List of Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

4. Statement of Costs:

- a. List of Statement of Costs.

RECOMMENDED ACTION: Approve and file.

5. Design Services Agreements:

- a. Supplemental Design Agreement No. 2 for Improvements to Southfork Commercial Addition.
(District III)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

6. Minutes of Advisory Boards/Commissions

Wichita Public Library, November 18, 2014
Board of Electrical Appeals, September 16, 2014

RECOMMENDED ACTION: Receive and file.

7. Approval of Bond Counsel Contract Amendment.

RECOMMENDED ACTION: Approve the contract amendment and authorize the necessary signatures.

8. Payment for Settlement of Claim.

RECOMMENDED ACTION: Authorize payment of \$11,500 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the resolution.

9. Payment for Settlement of Claim.

RECOMMENDED ACTION: Authorize payment of \$27,500 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the resolution.

10. Buffalo Park Construction. (District V)

RECOMMENDED ACTION: Approve the project, adopt the Resolution and authorize the necessary signatures.

11. Contract for Pre-Employment and Fit-for-Duty Assessments.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

12. Improvements to Amidon, 21st to 29th Streets North. (District VI)

RECOMMENDED ACTION: Approve the revised budget, including the redirection of CIP funding from the Pawnee Bridge to this project; approve the \$50,000 change order limit; adopt the new and amending resolutions; approve acceptance of the lowest over-estimate bid; and authorize all necessary signatures, including those for the acquisition or granting of easements, utility relocation agreements, and all required permits.

13. Construction Funding for Dead End Water Main Elimination Projects. (Districts I and IV)

RECOMMENDED ACTION: Approve the revised budgets, adopt the resolutions, and authorize the necessary signatures.

14. General Repairs to City Facilities.

RECOMMENDED ACTION: Approve the project, adopt the bonding resolution, and authorize the necessary signatures.

15. Year End 2014 Budget Adjustments.

RECOMMENDED ACTION: Approve the budget adjustments.

16. Notice of Intent to Use Debt Financing - Emergency Response at 1851 Airport Road - Mid-Continent Airport.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

17. Transit Budget Adjustment.

RECOMMENDED ACTION: Approve the budget adjustment not to exceed \$180,000 for the Transit Fund.

18. Removal of Main Benefit Fee Assessment for Southwest Passage and Red Rock Village Additions.

RECOMMENDED ACTION: Approve the request, adopt the amending resolution, place the amending ordinance on first reading, and authorize the necessary signatures.

19. Second Reading Ordinances: (First Read December 16, 2014)

- a. List of Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

20. *Z-3341 – Zone Change Request From SF-6 Single-family Residential and LC Limited Commercial to GC General Commercial on Property Located South of 47th Street South Between the Kansas Turnpike (I-35) East of the Riverside Drainage Ditch, 900 Feet East of Broadway. (District III)

RECOMMENDED ACTION: Adopt the ordinance, authorize the necessary signatures and prepare the ordinance for publication.

21. *ZON2014-00027 – Zone Change from B Multi-Family Residential to LC Limited Commercial on Property Located on the Southeast Corner of North Grove Avenue and East Audrey Street, One Block North of East 21st Street North. (District I)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #293 and place the ordinance on first reading.

22. *ZON2014-00029 – Zone Change From Single-family Residential to MF-18 Multi-Family Residential on Property Located 100 Feet South of West Funston Street, East of South Silver Street; Two and One-Quarter Blocks South of West Harry Street, East of the Arkansas River. (District III)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the requested zone change subject to the submission of a no-protest agreement for the paving of South Silver Street and place the ordinance on first reading.

23. *ZON2014-00030 – Zone Change From Limited Commercial to Central Business District on Property Located on the North Side of West Douglas Avenue, Approximately 75 Feet East of North Walnut Street, 914 and 924 West Douglas Avenue. (District VI)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the requested zone change and place the ordinance on first reading.

24. *SUB2013-00038 -- Plat of Skyway West 4th Addition Located on the Northeast Corner of 31st Street South and 119th Street West. (District IV)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and place the Ordinance on first reading. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

25. *SUB2014-00031 -- Plat of Tyler's Landing 5th Addition located on the Southeast Corner of 37th Street North and Tyler Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

26. *DED2014-00012 Dedication of Utility Easement located East of Meridian, South of Pawnee. (District IV)

RECOMMENDED ACTION: Accept the Dedication.

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

27. *Operating Budget Adjustments Utilities - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the 2014 operating budget adjustments.

28. *South Maintenance Yard Paving and Drainage Improvements - Change Order No. 2 - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

29. *Petition for Paving to Serve Rolling Hills Mesa Addition, Rolling Hills Mesa Second - Addition and Mid-Continent Airport Second Addition. (District IV)

RECOMMENDED ACTION: Authorize the necessary signature for the petition.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Public Hearing for a Project Plan (Tax Increment Financing) for the Mosley Avenue Project (District VI)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendations: Close the public hearing and approve the first reading of the ordinance adopting the Tax Increment Financing (TIF) Project Plan.

Background: On December 21, 1999, the City Council adopted an ordinance establishing the boundaries of the Old Town Cinema Redevelopment District. On December 11, 2001, the City Council adopted an ordinance reducing the boundaries of the redevelopment district to the area from Santa Fe to Washington and from 2nd Street to 3rd Street.

The Old Town Cinema Redevelopment District is sub-divided into the following three TIF project areas: Old Town Cinema, Mosley Avenue and Washington Avenue Corridor. In 2002, the City adopted a redevelopment plan for the Old Town Cinema Project, within the Old Town Cinema project area, to provide infrastructure improvements and parking for development of entertainment and retail on the north end of Old Town. In order to establish the legal authority to use tax increment financing the City Council must adopt a redevelopment project plan for a project area, within the district, which provides more detailed information on the proposed project and how tax increment financing would be used, and demonstrates how the projected increase in property tax revenue will amortize the costs financed with tax increment financing. On December 2, 2014, the City Council adopted a resolution setting a public hearing to consider approval of the Mosley Avenue Project Plan. The Council action set January 6, 2015, as the date of public hearing for the item.

Analysis: A development group has recently purchased several buildings along Mosley Avenue, from 2nd to 3rd streets. The developer plans to redevelop approximately 62,000 square feet of commercial space as an extension of Old Town. In order to improve access and provide improvements consistent with the overall Old Town district, Mosley and Rock Island Avenues need to be improved from 2nd to 3rd streets.

Mosley, from 2nd Street to 3rd Street, and Rock Island, for one-half block south of 3rd Street, are proposed to be reconstructed as brick streets with streetscape amenities and on-street parking consistent with the design of the other streets in Old Town. Ornamental lighting, landscaping, benches, trash cans, bicycle racks, brick streets and sidewalks will be constructed. Approximately 33 on-street parking stalls will be provided along with a loading area near the Marriott Courtyard. The parking and loading areas will be concrete. Brick sidewalks approximately nine feet wide will be constructed on each side of the street. Drainage will be sloped to the center of the street and collected by grated inlets in the center of the street. The \$1.5 million in proposed improvements have been identified in the City's Capital Improvement Plan. The improvements are eligible to be funded by TIF revenues from the TIF district.

Tax Increment Financing (TIF)

TIF uses the increase in property tax revenue resulting from the growth in property value generated by redevelopment of real property to pay the debt service on City bonds issued to finance eligible project costs. The growth in property value is measured from the value in the year the TIF project plan established, and the tax revenue is measured using city, county and school district tax levies. The assessed value of Mosley Avenue project site is currently \$272,245 and is projected to be \$928,937 when the project is complete in 2019. Additionally, approximately \$1.3 million in excess TIF revenue generated by the Old Town Cinema Project, within the Old Town Cinema Redevelopment District, will contribute to the Mosley Avenue debt service until such time as the Old Town Cinema Project Plan ends in 2021. With the excess TIF revenue, the debt service coverage ratio for the project is 1.4 to 1.

The attached Project Plan has been prepared in consultation with the Wichita-Sedgwick County Metropolitan Area Planning Commission, which has made a finding that the project is consistent with the Comprehensive Plan for development of the area. After closing the public hearing, the City Council may adopt the TIF Project Plan by ordinance, by two-thirds majority vote

Financial Considerations: The Old Town Cinema Project, adopted in 2002, is expected to repay all TIF costs related to that project and provide additional revenue to the Mosley Avenue Project prior to its expiration in 2021. Mosley and Rock Island improvements are identified projects within the Capital Improvement Plan. The improvements are planned to be financed by City general obligation bonds, which will be repaid from TIF revenue. The feasibility study, included in the attached project plan, indicates that TIF capacity will be sufficient to pay projected bond payments. All costs of reproducing, mailing and publishing the resolution will be paid from the City's Economic Development Fund.

Legal Considerations: The Law Department has reviewed and approved as to form the attached ordinance, which is required for the adoption of a redevelopment project plan under the state Tax Increment Financing statutes. The notice for a public hearing on the City's consideration of the TIF project plan has been given pursuant to law. In order to adopt the TIF project plan, the ordinance must be approved by a two-thirds majority vote.

Recommendation/Action: It is recommended that the City Council:

1. Close the public hearing;
2. Approve first reading of the ordinance adopting the Mosley Avenue TIF Project Plan; and
3. Authorize the necessary signatures

Attachment(s):

- Mosley Avenue Project Plan
- Ordinance adopting the TIF Project Plan

(Published in *The Wichita Eagle* on January 16, 2015)

ORDINANCE NO. 49-918

AN ORDINANCE ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE MOSLEY AVENUE PROJECT AREA LOCATED WITHIN THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, by Ordinance No. 44-464, passed December 21, 1999, and published December 24, 1999, the City of Wichita, Kansas (the “City”) established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Old Town Cinema Redevelopment District (the “District”), and

WHEREAS, by Ordinance No. 45-157, adopted December 18, 2001, and published December 22, 2001, the City removed certain property and reduced the boundaries of the District pursuant to K.S.A. 12-1771(g); and

WHEREAS, the District Plan for the District provided that redevelopment of the District would be in several project areas within the District as set forth in separate redevelopment plans to be approved by the governing body of the City pursuant to the Act; and

WHEREAS, pursuant to Ordinance No. 49-849, passed October 21, 2014, and published October 24, 2014, a non-substantial amendment to Ordinance No. 44-464 and the District Plan was made by attaching a map of the proposed project areas; and

WHEREAS, the City has previously adopted a redevelopment project plan for the Old Town Cinema Project Area within the District; and

WHEREAS, the City has prepared an additional redevelopment project plan entitled “Redevelopment Project Plan for Mosley Avenue Project Area, dated October 23, 2014” (the “Project Plan”) in accordance with the Act, which includes, but is not limited to, the reconstruction of Mosley Avenue from 2nd Street to 3rd Street and Rock Island Avenue for one-half block south of 3rd Street as brick streets with streetscape amenities and on-street parking consistent with the design of the other streets in the District, together with ornamental lighting, landscaping, benches, trash cans, bicycle racks, brick streets and sidewalks and related site and public improvements (the “Project”) all in conjunction with development of commercial structures by a private developer within the Mosley Avenue Project Area of the District (the “Project Area”) and is considering adoption of the Project Plan; and

WHEREAS, on October 23, 2014, the Wichita Sedgwick County Metropolitan Area Planning Commission reviewed the proposed Project Plan and has adopted a resolution finding that the Project Plan is consistent with the comprehensive plan for the development of the City; and

WHEREAS, pursuant to the requirements of the Act and Resolution No. 14-337, adopted December 2, 2014, the Governing Body set a public hearing to consider the adoption of the Project Plan on January 6, 2015, at 9:00 a.m. or as soon thereafter as the matter could be heard, at the City Council Chambers in City Hall, 455 N. Main, Wichita, Kansas; and

WHEREAS, notice of such public hearing was provided as required by the Act; and

WHEREAS, on January 6, 2015, the public hearing was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Act to adopt the Project Plan by ordinance passed by not less than two-thirds vote of the Governing Body.

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

Section 1. Project Plan Approval. The Project Plan for the redevelopment of the Project Area within the District, together with all attachments and exhibits thereto, which is on file in the office of the City Clerk, is hereby adopted.

Section 2. Effective Date This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by not less than two-thirds vote of the City Council of the City of Wichita, Kansas, on January 13, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 49-___ (the "Ordinance") of the City of Wichita, Kansas (the "City"); that said Ordinance was passed by not less than two-thirds vote of the City Council on January 13, 2015, that the record of the final vote on its passage is found on page ___ of journal ___; that it was published in the official newspaper of the City on January 16, 2015; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: January 16, 2015.

Karen Sublett, City Clerk

City of Wichita
Old Town Cinema Redevelopment District
Mosley Avenue
Project Plan

October 23, 2014

Prepared by City of Wichita
Office of Urban Development

I N D E X

1. Comprehensive Financial Feasibility Study
2. Redevelopment District Plan
3. Map and Legal Description of Property to be Redeveloped
4. Relocation Assistance Plan
5. Description of Proposed Redevelopment Project
6. City Council Ordinances and Resolutions
7. Metropolitan Area Planning Commission Resolution

Comprehensive Financial Feasibility Study

*Comprehensive Financing Feasibility Study for the
Mosley Avenue Project
within the
Old Town Cinema Redevelopment District
City of Wichita, Kansas*

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Overview

Sections 12-1770 through 12-1780g of the Kansas Statutes (“the Act”) provide a means for cities to finance all or a portion of public infrastructure and redevelopment costs with incremental real estate and sales taxes. The purpose of the Act is to “promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities, and to assist in the development and redevelopment of blighted areas and deteriorating areas which are not yet blighted, but may be so in the future, located within cities...”.

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is a blighted area, a conservation area or was designated an enterprise zone prior to July 1, 1992. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general and economic welfare of the city.

One or more redevelopment projects may be undertaken within a Redevelopment District created pursuant to the Act (“District”). Kansas Statutes require projects to be completed within 20 years from transmittal of the redevelopment project plan pursuant to K.S.A. 12-1776, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency, unless the County and School District have expressly consented to a 10-year extension of the term.

For each redevelopment project undertaken within the District, a redevelopment project plan (“the Project Plan”) must be prepared in consultation with the City Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Comprehensive Financial Feasibility Study.
2. A reference to the statutorily required district plan for the District.
3. A description and map of the area to be redeveloped (“the Project”).
4. The Relocation Assistance Plan (if applicable).
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Comprehensive Financial Feasibility Study (this document) must show that the benefits derived from the specified redevelopment project will exceed the costs, and that the income therefrom will be sufficient to pay for the applicable project costs. Benefits are determined to be the aggregate revenues of the redevelopment project including increment income, assessment income, interest income, private party contributions and any other available funding sources. Costs are determined to be the total of eligible project expenditures as defined by K.S.A. 12-1770a, including the payment of principal and interest of debt used to finance the redevelopment project.

Pursuant to all the provisions of the Act, the City of Wichita has, by Ordinance No. 44-464 dated December 21, 1999, found a portion of the City to be an area of slum and blight and that redevelopment of the area is necessary to promote the general and economic welfare of the City. With Ordinance No. 44-464, the City also established and designated such area as the Old Town Cinema Redevelopment District (“the District”). The District boundaries are shown in Exhibit I. Ordinance No. 44-464 also includes the statutorily required district plan for the redevelopment of the District.

The City is currently considering the adoption of a Project Plan for the proposed Mosley Avenue Project (“the Project”) within the Old Town Cinema Redevelopment District. Adoption of the Project Plan is being considered to finance eligible redevelopment costs associated with the redevelopment of the block from Rock Island to Mosley Avenue and from Second Street to Third Street (the “Project Area”). Specifically, the City will provide public amenities, including reconstruction of Mosley from 2nd Street to 3rd Street and Rock Island for one-half block south of 3rd Street as brick streets with streetscape amenities and on-street parking in the Project Area as its contribution to the development. The development consists of redevelopment of the former warehouse buildings along both sides of Mosley Street between 2nd Street and 3rd Street.

The City’s 2011-2020 adopted Capital Improvement Program identifies the public infrastructure improvements for construction and financing. The City will provide public funding, including tax increment financing and general obligation bond financing to finance the costs of paving Rock Island and Mosley Avenues, including streetscaping.

General Description of Tax Increment

Property tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed value of all taxable real estate within the district for that year is determined. This valuation is referred to as the district's "Original Assessed Value." Property taxes attributable to the district's Original Assessed Value are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed value of the district, in any given year, will normally exceed its Original Assessed Value. Property taxes generated by applying the sum of the property tax rates of all applicable taxing jurisdictions to the incremental increase in assessed value (over and above the Original Assessed Valuation) is referred to as the "property tax increment". All property tax increment is collected by the County and distributed to the City to be deposited in a special tax increment fund.

Sales tax increment financing involves the creation of an increment (increase over a base value) in the local sales taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, a base value of local sales tax collections within the district is determined. As new commercial development occurs within the redevelopment district, sales tax collections are expected to increase above the base value. Pursuant to city law governing the use of local sales tax revenue, the City does not intend to collect incremental sales tax revenues as "sales tax increment".

Tax increment funds may only be used to pay for certain statutorily-defined eligible project costs, including principal and interest on debt issued, in whole or in part, to finance eligible project costs within the redevelopment district. Such debt includes notes, special obligation bonds, full faith and credit tax increment bonds, and other debt instruments. The City intends to issue its full faith and credit tax increment bonds to finance Mosley Avenue Project costs that are eligible for tax increment financing, including infrastructure improvements, streetscaping and pedestrian improvements.

Project Description

The Mosley Avenue Project consists of the redevelopment of three buildings along Mosley Street between 2nd Street and 3rd Street that contain a total of approximately 62,000 square feet with commercial uses as an extension of Old Town. Improvements to be financed by tax increment financing include reconstruction of Mosley from 2nd Street to 3rd Street and Rock Island for one-half block south of 3rd Street as brick streets with streetscape amenities and on-street parking consistent with the design of the other streets in Old Town.

**Projected Revenues (Benefits)
Captured Assessed Value**

It is the City’s intention to use the property tax increment generated by the District to pay the debt service on general obligation bonds issued by the City to finance its contribution to the Project. The property tax increment is based on the District’s increase in assessed value over its Original Assessed Value. This increase in value is expected to be recorded beginning in January of 2015 through January of 2019 (project completion in 2018) and is referred to as the Captured Assessed Value.

The Total Assessed Value for the Project Area as of January 1, 2019 is estimated to be \$928,937. The Original Assessed Value of the Project Area, as assessed in January 2014 for taxes payable in 2014-2015, is \$272,245, according to data provided by the City of Wichita Geographic Information Service. Therefore, the Captured Assessed Value of the Project Area as of January 1, 2019 is \$656,692.

For the purpose of this analysis, it is assumed that the Total Assessed Value of the District will increase during the life of the project period at the annual inflation rate of 2%.

Property Tax Rates

In order to determine the amount of tax increment generated by the District in any given year, the Captured Assessed Value of the District must be multiplied by the sum of the tax rates for all *applicable* taxing jurisdictions for that year. For taxes levied in 2013 and payable in 2014, the applicable rate is 99.101 mills as shown below. The State of Kansas rate of 1.5 mills is not applicable to TIF and has been omitted from the following total:

<u>Jurisdiction</u>	<u>Mill Rate</u> <u>(2013)</u>
City of Wichita	32.509
Sedgwick County	29.377
USD No. 259	37.215
 TIF-Applicable Mill Rate	 99.101

Projected Property Tax Increment and Other Project Revenue

The projected property tax increment generated by the District is shown in column 8 of Exhibit III. Such projections are based on captured assessed values derived from captured assessed valuations and tax rates as previously discussed. It is assumed that Project construction will begin in 2015 and be completed before the end of 2018, and therefore achieve full valuation by January 1, 2019. It is estimated that in 2018 the property tax increment will be \$65,079. Excess TIF revenue generated by the Old Town Cinema Project, within the Old Town Cinema Redevelopment District, will contribute to the Mosley Avenue debt service until such time as the Old Town Cinema Project Plan ends.

All tax increment shall be allocated and paid by the Sedgwick County Treasurer to the City Treasurer in the same manner and at the same time as normal property taxes. All such incremental taxes must be deposited in a special fund of the City for the payment of eligible redevelopment costs.

Projected Expenditures (Costs)

A projected budget for the eligible project costs in the Project Area is listed below.

Sources	
Par Amount of Bonds	\$1,550,000.00
Uses	
Infrastructure and Parking	1,500,000.00
Financing and Other Costs	<u>50,000.00</u>
	\$1,550,000.00

It is anticipated that all eligible project costs will be financed with general obligation (full faith and credit) tax increment financing bonds issued by the City. Exhibit IV illustrates a \$1,550,000 taxable general obligation tax increment bond issue sold in 2018.

Conclusions

Kansas Statutes require that the Comprehensive Financial Feasibility Study must demonstrate that the benefits derived from the Project will exceed the costs, and that the income therefrom will be sufficient to pay for all eligible project costs. As previously discussed, Exhibit III illustrates the projections of tax increment through the year 2035. Projected net tax increment revenue is available to pay debt service on outstanding general obligation bonds issued to finance eligible project costs.

Exhibit IV (Projected Bond Cash Flow Report) illustrates that projected tax increment from the District will be sufficient to pay for all eligible project costs including the projected debt service on general obligation bonds issued to finance such costs. As such, this report demonstrates that the revenues (benefits) of the District and Project Area exceed the expenditures (costs).

Old Town Cinema Redevelopment District

City of Wichita, Kansas

-  Old Town Cinema Tax Increment District
-  Property Parcels Inside District
-  Property Parcels Outside District
-  Moseley Avenue Project Area

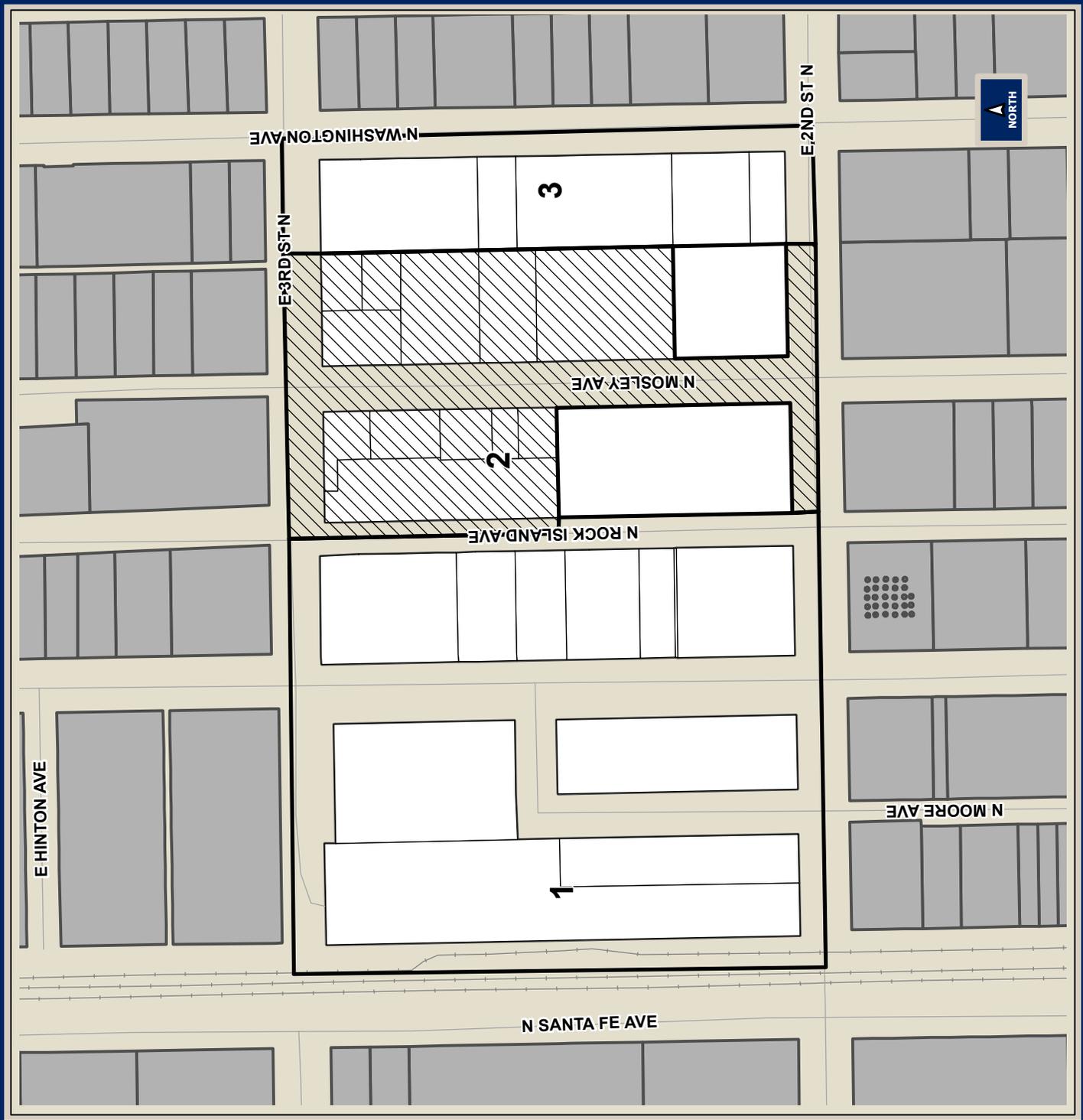
Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and no reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center GIS per



Assumptions Report

City of Wichita, Kansas
 Old Town Cinema Redevelopment District
 Mosley Avenue Project

Description of Project Area	See Map (Exhibit A)
Original Appraised Value (1/1/14)	\$1,088,980
Original Assessed Value (1/1/14)	272,245
2019 Appraised Value (1/1/19)	\$3,715,746
2019 Assessed Value (1/1/19)	\$ 928,837

<u>2013 Mill Rates (2014 Pay)</u>	<u>Total</u>	<u>TIF Applicable</u>
City of Wichita	32.509	32.509
Sedgwick County	29.377	29.377
USD No. 259	57.215	37.215
State of Kansas	1.500	NA
Total	120.601	99.101

Property Value Inflation Rate 2%

Projected Tax Increment Report

City of Wichita, Kansas
 Old Town Cinema Redevelopment District
 Mosley Avenue Project

Levy & Appraised Year (1)	Year Taxes Distributed (2)	Total Assessed Value (3)	Original Assessed Value (4)	Captured Assessed Value (6)	Mill Rate (7)	Tax Increment Collected (a) (8)
2015	2016	\$ 283,733	272,245	11,488	99.101	1,139
2016	2017	\$ 394,074	272,245	121,829	99.101	12,073
2017	2018	\$ 577,307	272,245	305,062	99.101	30,232
2018	2019	\$ 928,937	272,245	656,692	99.101	65,079
2019	2020	\$ 5,590,801	480,633	5,110,168	99.101	506,423
2020	2021	\$ 5,702,617	480,633	5,221,984	99.101	517,504
2021	2022	\$ 5,816,669	480,633	5,336,036	99.101	528,806
2022	2023	\$ 1,005,511	272,245	733,266	99.101	72,667
2023	2024	\$ 1,025,621	272,245	753,376	99.101	74,660
2024	2025	\$ 1,046,133	272,245	773,888	99.101	76,693
2025	2026	\$ 1,067,056	272,245	794,811	99.101	78,767
2026	2027	\$ 1,088,397	272,245	816,152	99.101	80,881
2027	2028	\$ 1,110,165	272,245	837,920	99.101	83,039
2028	2029	\$ 1,132,368	272,245	860,123	99.101	85,239
2029	2030	\$ 1,155,016	272,245	882,771	99.101	87,483
2030	2031	\$ 1,178,116	272,245	905,871	99.101	89,773
2031	2032	\$ 1,201,678	272,245	929,433	99.101	92,108
2032	2033	\$ 1,225,712	272,245	953,467	99.101	94,490
2033	2034	\$ 1,250,226	272,245	977,981	99.101	96,919

EXHIBIT III

Projected Bond Cash Flow Report

City of Wichita, Kansas
Old Town Cinema Redevelopment District
Mosley Avenue Project

Annual Period Ending (1)	Principal (2)	G.O. Interest Rate (3)	Interest (4)	P&I (5)	Net Tax Increment (7)	Annual Balance (8)	Cumulative Balance (9)
9/1/2016		3.50%	-	-	1,139	1,139	1,139
9/1/2017	-	3.50%	-	-	12,073	12,073	13,212
9/1/2018	10,000	3.50%	27,125	37,125	30,232	(6,893)	6,319
9/1/2019	15,000	3.50%	53,900	68,900	65,079	(3,821)	2,498
9/1/2020	315,000	3.50%	53,375	368,375	506,423	138,048	140,545
9/1/2021	325,000	3.50%	42,350	367,350	517,504	150,154	290,699
9/1/2022	335,000	3.50%	30,975	365,975	528,806	162,831	453,531
9/1/2023	30,000	3.50%	19,250	49,250	72,667	23,417	476,948
9/1/2024	30,000	3.50%	18,200	48,200	74,660	26,460	503,408
9/1/2025	35,000	3.50%	17,150	52,150	76,693	24,543	527,951
9/1/2026	40,000	3.50%	15,925	55,925	78,767	22,842	550,793
9/1/2027	40,000	3.50%	14,525	54,525	80,881	26,356	577,149
9/1/2028	45,000	3.50%	13,125	58,125	83,039	24,914	602,063
9/1/2029	45,000	3.50%	11,550	56,550	85,239	28,689	630,752
9/1/2030	50,000	3.50%	9,975	59,975	87,483	27,508	658,261
9/1/2031	55,000	3.50%	8,225	63,225	89,773	26,548	684,808
9/1/2032	55,000	3.50%	6,300	61,300	92,108	30,808	715,616
9/1/2033	60,000	3.50%	4,375	64,375	94,490	30,115	745,731
9/1/2034	65,000	3.50%	2,275	67,275	96,919	29,644	775,375
	1,550,000		348,600	1,898,600	2,673,975	775,375	

District Plan

REVISED DISTRICT PLAN FOR THE REDEVELOPMENT OF THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT THROUGH TAX INCREMENT FINANCING

SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1771(a). The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describe in a general manner the buildings and facilities to be constructed, reconstructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an "increment" in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes are paid to the City to fund projects in the redevelopment district, and the remaining portion is paid to all taxing jurisdictions. The portion of property taxes paid to the City in this way is determined increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the area. When the aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district may be funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the "original valuation," are distributed to all taxing jurisdictions just as they were prior to redevelopment. This condition continues until all eligible project costs are funded, or for the 20-year duration of the established district, as defined by statute, whichever is shorter.

SECTION 3: BUILDINGS AND FACILITIES

The proposed redevelopment district is within the city limits of Wichita, Kansas immediately north of the Old Town Redevelopment District. The district is bounded on the north by Third Street North, on the east by Washington, on the south by Second Street North, and on the west by Santa Fe Avenue.

Most of the structures in the district were built in the early 1900's. A majority of these structures are being used as warehouses, but there are a few retail businesses along the main streets (Second Street and Washington). Curbs, gutters, streets and street lighting are well below average. Some of the streets appear to have designed as alleys to provide access to loading docks behind warehouses. Streets are a mixture of brick concrete and asphalt. Curbs and gutters are intermittent throughout the district.

The condition of the area is typical of that of a seventy to ninety year old industrial section. Minimal upkeep has been provided for the infrastructure, and the structures have slowly deteriorated with time. With warehousing being the primary business in the area, major improvements to buildings, streets, etc., have not been a priority.

SECTION 4: REDEVELOPMENT

The first phase for redevelopment, the Old Town Cineman Redevelopment Project, has been completed. The project consists of a multi-screen cinema complex, a two-story mixed-use park/retail facility, two commercial retail buildings, and a public plaza area. The project is located in the western half of the redevelopment district. The use of tax increment financing was limited to public infrastructure

improvements, such as property acquisition, streetscape, public parking, utility extensions and public art.

Current plans for the next phases of redevelopment in the area include the Mosley Avenue and Washington Avenue Corridor projects. Mosely Avene will include a mixed-use commercial project as well as public infrastructure improvements to Rock Island and Mosley Avenues. It is anticipated that improvements within the Washington Corridor project will include more extensive public infrastrucure improvements to support a mixed use redevelopment, including demolotion and new construction, project along the corridor.

SECTION 5: SUMMARY

Per statute, the above-mentioned redevelopment projects will be presented to the Governing Body in segments through the adoption of separate Redevelopment Plans. Each Plan will identify specific project areas located within the established redevelopment district and will include detailed descriptions of the projects as well as a financial feasibility study that shows the economic benefits out-weigh the costs. Project Plans must be reviewed by the Metropolitan Planning Commission and submitted to a public hearing following proper notification of property owners and occupants, before they can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on redevelopment projects. *A map generally describing the various project areas is attached hereto as Schedule 1.*

SCHEDULE I

MAP GENERALLY DEPICTING PROJECT AREAS

[ON FOLLOWING PAGE]

Old Town Cinema Redevelopment District

City of Wichita, Kansas

- Old Town Cinema
 - Tax Increment District
 - Property Parcels
 - Inside District
 - Property Parcels
 - Outside District
- Project Areas**
- Mosley Avenue
 - Old Town Cinema
 - Washington Avenue Corridor

Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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We warrant that the City of Wichita Data Center
has taken reasonable steps to ensure the accuracy
and reason to believe that there are inaccuracies in information
incorporated in the base map, the Data Center GIS per



Map and Legal Description of Property to be Redeveloped

Old Town Cinema Redevelopment District

City of Wichita, Kansas

-  Old Town Cinema
-  Tax Increment District
-  Property Parcels
-  Inside District
-  Property Parcels
-  Outside District
-  Moseley Avenue
-  Project Area

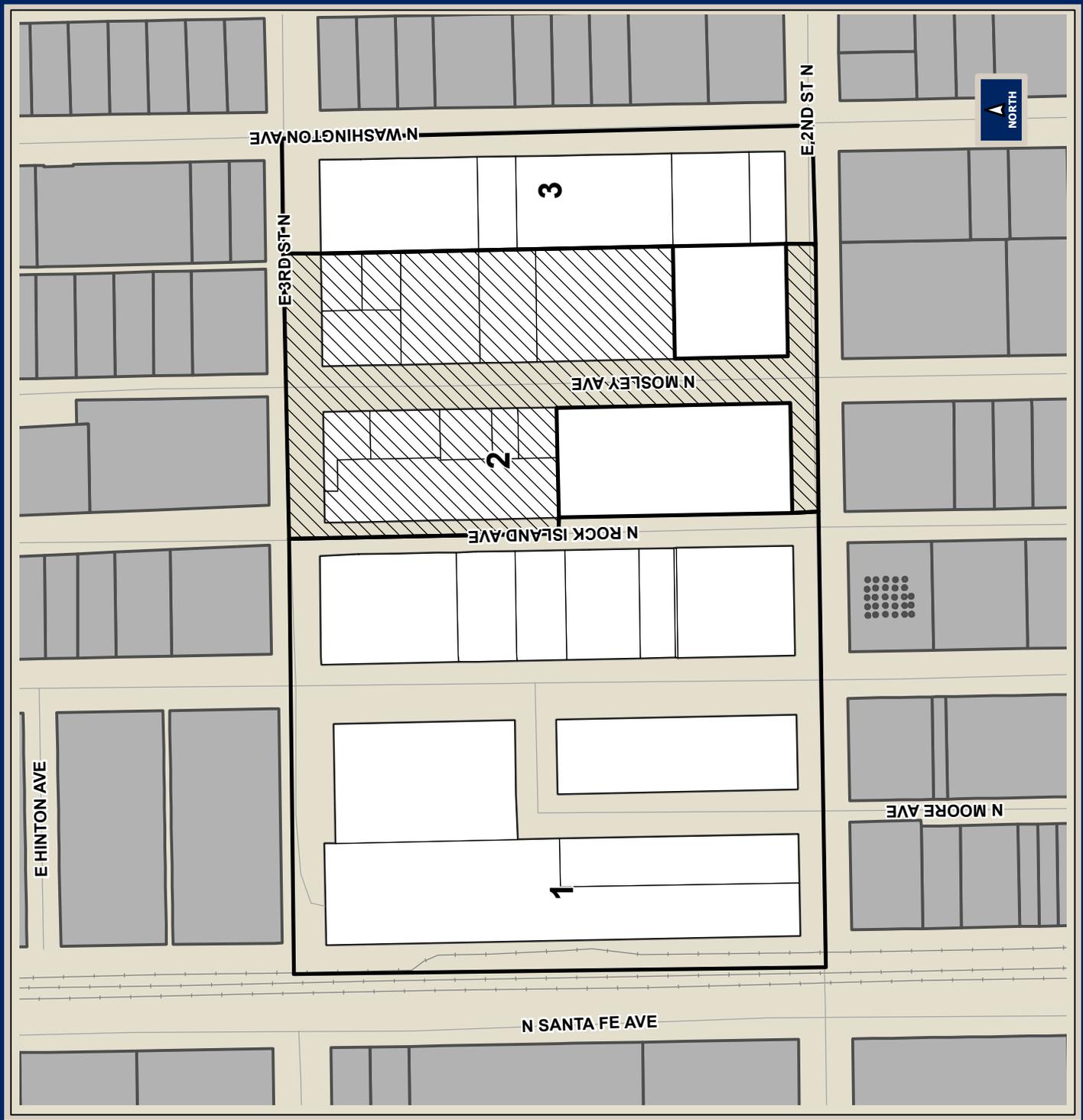
Software: ArcGIS 10.1
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Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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It is understood that while the City of Wichita Data Center
Geographical Information Systems Department has no indication
and is not to be held liable for any inaccuracies in information
incorporated in the base map, the Data Center GIS per



**BOUNDARY DESCRIPTION OF THE
OLD TOWN CINEMA REDEVELOPMENT DISTRICT AND THE
MOSLEY AVENUE PROJECT AREA**

Redevelopment District

Within the City of Wichita, Sedgwick County Kansas, beginning at the intersection of East 3rd Street North and North Washington Avenue, thence south along the center line of North Washington Avenue to the intersection of North Washington Avenue and East 2nd Street North, thence west along the center line of East 2nd Street North to the intersection of East 2nd Street North and North Santa Fe Avenue, thence north along the center line of North Santa Fe Avenue to the intersection of North Santa Fe Avenue and East 3rd Street North, thence east along the center line of East 3rd Street North to the intersection of East 3rd Street North and North Washington Avenue, being the point of beginning.

Project Area

Within the City of Wichita, Sedgwick County, Kansas beginning at the intersection of East 3rd Street North and North Rock Island Avenue; thence south along the center line of North Rock Island Avenue a distance of 340 feet more or less; thence east to the east right-of-way line of North Rock Island Avenue; thence south along the east right-of-way line of North Rock Island Avenue to the center line of East 2nd Street North; thence east along the center line of East 2nd Street North a distance of 345 feet more or less to a point perpendicular with the center line of the vacated alley in Block B, H.L. and Annie M. Taylors Addition; thence north to the north right-of-way line East 2nd Street North; thence north along the center line of the vacated alley in Block B, H.L. and Annie M. Taylors Addition to the center line of East 3rd Street North; thence west along the center line of East 3rd Street North to the intersection of East 3rd Street North and North Rock Island Avenue, being the point of beginning; EXCEPT Lots 19, 20, 21, 22, 23, and 24, Block A, H.L. and Annie M. Taylors Addition and the surplus adjacent on the east, excluding the west 10 feet thereof; and EXCEPT Lots 1, 2, and 3, excluding the north 0.73 feet of Lot 3, H.L. and Annie M. Taylors Addition and the west half of the vacated alley in Block B, H.L. and Annie M. Taylors Addition adjacent thereto.

Relocation Assistance Plan

RELOCATION ASSISTANCE PLAN

(K.S.A. 12-1777)

Assistance for the relocation of persons, families or businesses from property acquired by the City of Wichita in conjunction with the Old Town Cinema Redevelopment Project is not required. No persons or families residing in the Old Town Cinema Redevelopment District will be displaced as a result of the proposed redevelopment project. All businesses displaced by the Project have been relocated as part of the compensation paid to the businesses as part of the acquisition of real property.

Description of Mosley Avenue Project

Old Town Cinema Redevelopment District

DESCRIPTION OF PROPOSED MOSLEY AVENUE PROJECT

The Mosley Avenue Project consists of redevelopment of the former warehouse buildings along both sides of Mosley Avenue between 2nd Street and 3rd Street referred to as the “Project Area” (see attached district map). The property is currently owned by Mosley Investments LLC and is located within the Old Town Cinema Redevelopment District.

Mosley Avenue Redevelopment

Mosley Investments LLC will redevelop three buildings along Mosley Avenue between 2nd Street and 3rd Street that contain a total of approximately 62,000 square feet with commercial uses as an extension of Old Town. The redevelopment project includes reconstruction of Mosley from 2nd Street to 3rd Street and Rock Island for one-half block south of 3rd Street as brick streets with streetscape amenities and on-street parking consistent with the design of the other streets in Old Town. A site plan and project renderings of the proposed development are attached as Exhibit A. Construction is anticipated to begin in the summer of 2015 and be completed the summer of 2016.

Infrastructure Improvements

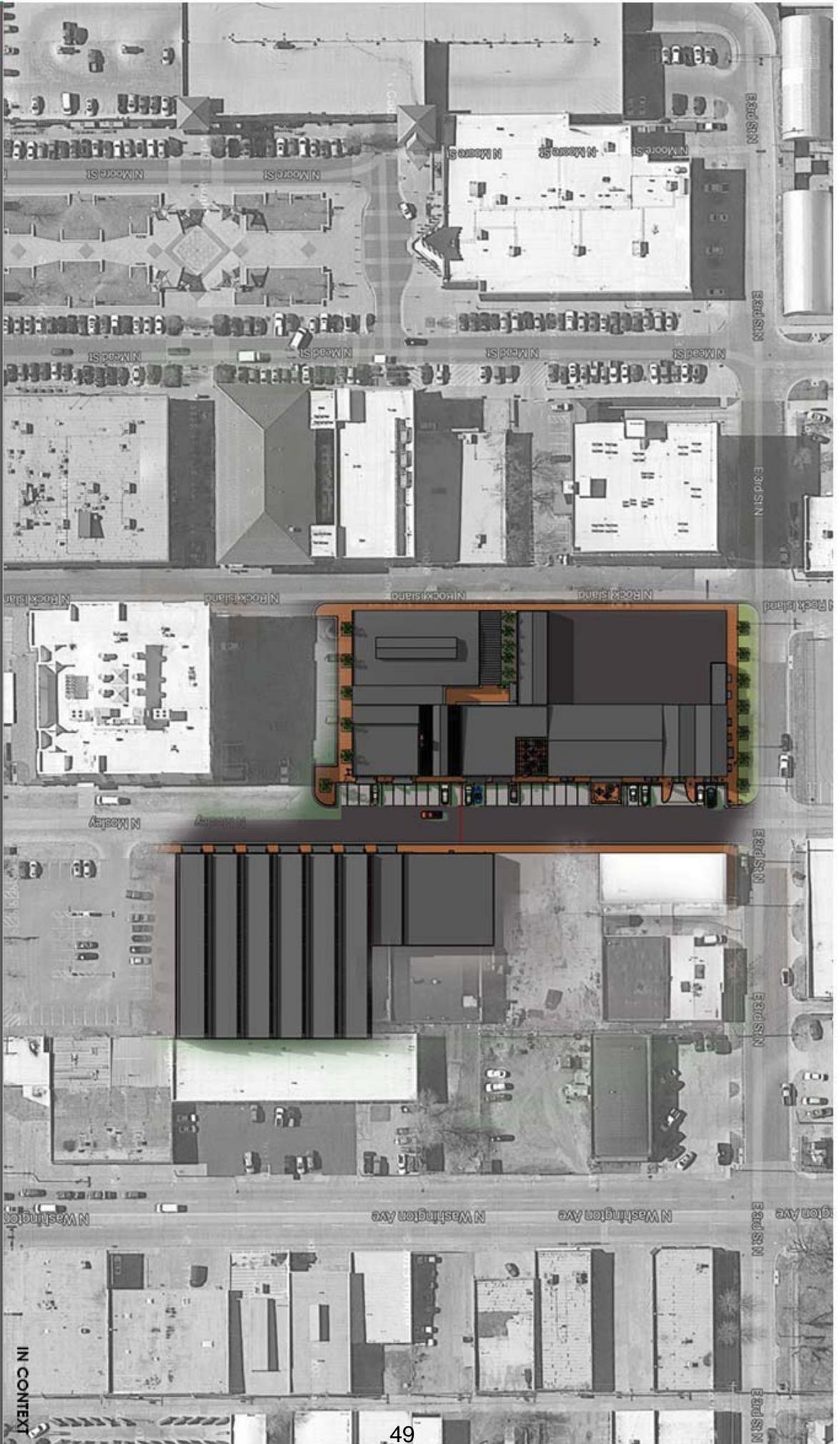
Mosley from 2nd Street to 3rd Street and Rock Island for one-half block south of 3rd Street will be reconstructed as brick streets with streetscape amenities and on-street parking consistent with the design of the other streets in Old Town. Ornamental lighting, landscaping, benches, trash cans, bicycle racks, brick streets and sidewalks will be constructed. Approximately 33 on-street parking stalls will be provided along with a loading area near the Marriott Courtyard. The parking and loading areas will be concrete. Brick sidewalks approximately nine feet wide will be constructed each side of the street. Drainage will be sloped to the center of the street and collected by grated inlets in the center of the street.

USE OF TAX INCREMENT FINANCING

Upon adoption of this project plan, the City will have established its authority under state law (K.S.A. 12-1770 *et seq.*) to issue general obligation bonds to finance TIF-eligible improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-funded improvements consist of the following:

- **Public improvements** – The City will undertake the construction of the infrastructure improvements listed above, at an estimated cost of \$1,500,000.
- **Financing and Other costs** - \$50,000
- **Total TIF-funded costs** -- \$1,550,000.

EXHIBIT A
SITE PLAN AND PROJECT RENDERINGS
[ON FOLLOWING PAGE]



MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

IN CONTEXT

22 NOV. 2013



SPT SPANGENBERG PHILLIPS TICE
271 N. WALDO, SUITE 201, WICHITA, KS 67202
TEL: 316-261-0002 FAX: 316-261-1029

MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013

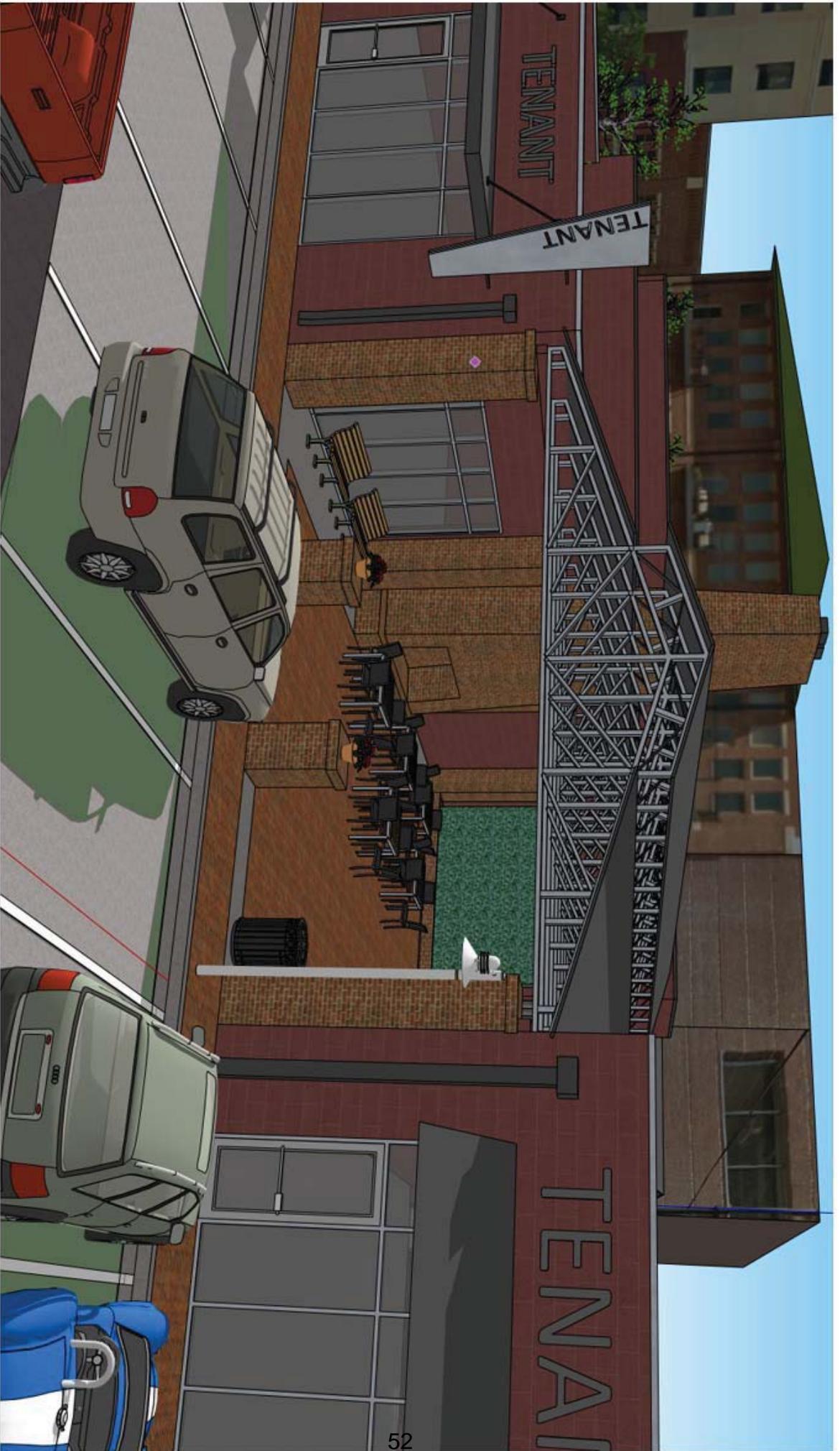


SPT SPANGENBERG, PHILLIPS, TICE
271 N. MEAD, SUITE 201, WICHITA, KS 67202
TEL: 316-261-0022 FAX: 316-261-1029

MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013



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271 N. WALDO, SUITE 201, WICHITA, KS 67202
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MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013



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MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013



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MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013



SPT SPANGENBERG PHILLIPS TICE
271 N. MEAD, SUITE 201, WICHITA, KS 67202
TEL: 316-261-0002 FAX: 316-261-0199

MOSLEY DISTRICT AT OLD TOWN

WICHITA, KS

22 NOV. 2013

City Council Ordinances and Resolutions

Metropolitan Area Planning Commission Resolution

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Public Hearing and Adoption of Union Station Project Plan (District I)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Close the public hearing and approve the first reading of the ordinance.

Background: On October 14, 2014, the City Council adopted an ordinance establishing the boundaries of the Union Station Redevelopment District. The district is southwest of Douglas and Washington; generally bounded on the north by Douglas Avenue, between the railroad tracks and Rock Island. In order to use tax increment financing (TIF) to pay a portion of the costs of a commercial development project in that area, the City Council must adopt a TIF project plan, which provides detailed information on the proposed project and how TIF will be used. The plan also demonstrates how the projected increase in property tax revenue will pay for TIF eligible costs. The action taken by the City Council established 2014 as the base year, from which the increase in property tax revenues (the tax increment) will be measured.

On November 25, 2014, the City Council adopted a resolution stating that it is considering the adoption of the Union Station Project Plan and directing the City Clerk to give notice that a public hearing would be held on the matter on January 6, 2015. With the adoption of the redevelopment project plan, the County Treasurer will be authorized and directed to begin capturing the tax increment and distributing the money to the City to pay project costs.

Analysis: K.S.A. 12-1770 *et seq.* sets forth the procedures and requirements for the establishment of a TIF district and the capture of TIF revenue. In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected in the district, to pay for eligible redevelopment costs, the City must adopt a redevelopment project plan that describes the district and the projects being financed with the TIF, and also establishes the financial feasibility of the TIF to finance the public improvements. The statute also directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On November 20, 2014, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the Union Station Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

PROJECT PLAN

The proposed Union Station Project Plan proposes a mixed-use development of almost 275,000 square feet of retail, restaurants, and office space through historic renovation of the existing buildings on the campus, as well as new construction infill. The estimated overall project cost is \$54,000,000. The developer, Union Station LLC, proposes that tax increment financing will be used to pay for eligible redevelopment project costs on a "pay-as-you-go" basis, for City land acquisition of a public access easement, site preparation, infrastructure improvements and parking.

USE OF TAX INCREMENT FINANCING

The development is proposed to be fully financed by the developer through traditional debt and equity financing. Tax increment financing will be used to reimburse the developer for TIF eligible expenses on a pay-as-you-go basis with tax increment revenue, as available. Upon adoption of the redevelopment project plan the City will have established its authority under state law to reimburse the developer, on a pay-as-you-go basis, for the TIF-funded improvements. The TIF-funded improvements consist of the following:

- **Public Improvements** – \$6,211,700
- **City Acquisition of Public Access Easement** – \$1,500,000
- **Parking Structure** – \$9,609,300
- **Total TIF** - \$17,321,000

The Financial Feasibility Study contained in the Union Station Project Plan examines the County's assessed valuation of the property located within the Union Station Redevelopment District, with respect to the value of the property in the base year (2014) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values. The following table summarizes the revenue side of the analysis:

	2014 Base Year	2020 Projected
Appraised Value	\$1,500,000	\$46,064,600
Assessed Value	\$375,000	\$11,516,150
Captured Value	\$0	\$11,141,150
2013 Mill Levy*	99.101	99.101
First Full Year Tax Increment	\$0	\$1,104,099
Total Tax Increment Collected (2034)	\$0	\$20,117,209

*Aggregate mill levy available for TIF excludes the 20-mill statewide education levy.

Financial Considerations:

Financial Considerations: Since the TIF project will be financed on a pay-as-you-go basis, the City will not issue any debt related to the project. The cost of mailings and publications will be charged to the Economic Development Fund. The Developer has provided a funding agreement, along with a \$10,000 deposit, to cover the City's costs in establishing the district and negotiating a development agreement.

Legal Considerations: The Law Department has reviewed and approved as to form the attached ordinance, which is required for the adoption of a redevelopment project plan under the state tax increment financing statutes. The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the ordinance must be approved by a two-thirds majority.

Recommendations/Action: It is recommended that the City Council recess the public hearing until January 13, 2015 at 9:00 a.m., or as soon thereafter as the matter can be heard, in the City Council Chambers, to allow additional time for finalization of negotiations.

Attachments:

Union Station Project Plan
 Ordinance adopting the TIF Project Plan

(Published in *The Wichita Eagle* on January 16, 2015)

ORDINANCE NO. 49-919

AN ORDINANCE ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE UNION STATION PROJECT AREA LOCATED WITHIN THE UNION STATION REDEVELOPMENT DISTRICT.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, by Ordinance No. 49-839, passed October 14, 2014, and published October 17, 2014, the City of Wichita, Kansas (the “City”) established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Union Station Redevelopment District (the “District”), and

WHEREAS, the City has prepared a redevelopment project plan entitled “Union Station Project Plan for Union Redevelopment District, dated November 20, 2014” (the “Project Plan”) in accordance with the Act, which includes, but is not limited to, land acquisition, site preparation, utility relocation and extension, public infrastructure improvements, landscaping, public plazas and a public parking structure (collectively, the “Project”) to be undertaken in conjunction with the development by a private developer of a mixed use development of approximately 275,000 square feet of renovation of existing buildings and new construction of retail, restaurants, office space, located on approximately 10 acres within the Union Station Project Area of the District (the “Project Area”) and is considering adoption of the Project Plan; and

WHEREAS, on November 20, 2014, the Wichita Sedgwick County Metropolitan Area Planning Commission reviewed the proposed Project Plan and has adopted a resolution finding that the Project Plan is consistent with the comprehensive plan for the development of the City; and

WHEREAS, pursuant to the requirements of the Act and Resolution No. 14-333, adopted November 25, 2014, the Governing Body set a public hearing to consider the adoption of the Project Plan on January 6, 2015, at 9:00 a.m. or as soon thereafter as the matter could be heard, at the City Council Chambers in City Hall, 455 N. Main, Wichita, Kansas; and

WHEREAS, notice of such public hearing was provided as required by the Act; and

WHEREAS, on January 6, 2015, the public hearing was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Act to adopt the Project Plan by ordinance passed by not less than two-thirds vote of the Governing Body.

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

Section 1. Project Plan Approval. The Project Plan for the redevelopment of the Project Area within the District, together with all attachments and exhibits thereto, which is on file in the office of the City Clerk, is hereby adopted.

Section 2. Effective Date This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

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PASSED by not less than two-thirds vote of the City Council of the City of Wichita, Kansas, on January 13, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 49-___ (the "Ordinance") of the City of Wichita, Kansas (the "City"); that said Ordinance was passed by not less than two-thirds vote of the City Council on January 13, 2015, that the record of the final vote on its passage is found on page ___ of journal ___; that it was published in the official newspaper of the City on January 16, 2015; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: January 16, 2015.

Karen Sublett, City Clerk

City of Wichita
Union Station Redevelopment District
Union Station
Project Plan

November 20, 2014

Prepared by City of Wichita
Office of Urban Development

I N D E X

1. Comprehensive Financial Feasibility Study
2. Redevelopment District Plan
3. Map and Legal Description of Property to be Redeveloped
4. Relocation Assistance Plan
5. Description of Proposed Redevelopment Project
6. Development Agreement
7. City Council Ordinances and Resolutions
8. Metropolitan Area Planning Commission Resolution

Comprehensive Financial Feasibility Study

*Comprehensive Financing Feasibility Study for the
Union Station Project
within the
Union Station Redevelopment District
City of Wichita, Kansas*

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Map of the Redevelopment District and Project Area.....EXHIBIT I	
Assumptions Report	EXHIBIT II
Projected Tax Increment Report	EXHIBIT III

Overview

Sections 12-1770 through 12-1780d of the Kansas Statutes (“the Act”) provide a means for cities to finance all or a portion of public infrastructure and redevelopment costs with incremental real estate and sales taxes. The purpose of the Act is to “promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities, and to assist in the development and redevelopment of blighted areas and deteriorating areas which are not yet blighted, but may be so in the future, located within cities...”.

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is a blighted area, a conservation area or was designated an enterprise zone prior to July 1, 1992. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general and economic welfare of the city.

One or more redevelopment projects may be undertaken within the District. Kansas Statutes require projects to be completed within 20 years from transmittal of the redevelopment project plan pursuant to K.S.A. 12-1776, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency, unless the County and School District have expressly consented to a 10-year extension of the term.

For each redevelopment project undertaken within the District, a redevelopment project plan (“the Project Plan”) must be prepared in consultation with the City Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Comprehensive Financial Feasibility Study.
2. A reference to the statutorily required district plan for the District.
3. A description and map of the area to be redeveloped (“the Project”).
4. The Relocation Assistance Plan (if applicable).
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Comprehensive Financial Feasibility Study (this document) must show that the benefits derived from the specified redevelopment project will exceed the costs, and that the income therefrom will be sufficient to pay for the applicable project costs. Benefits are determined to be the aggregate revenues of the redevelopment project including increment income, assessment income, interest income, private party contributions and any other available funding sources. Costs are determined to be the total of eligible project expenditures as defined by K.S.A. 12-1770a, including the payment of principal and interest of debt used to finance the redevelopment project.

Pursuant to all the provisions of the Act, The City of Wichita has, by Ordinance No. 49-839 dated October 14, 2014, found a portion of the City was a blighted and that redevelopment of the area is necessary to promote the general and economic welfare of the City. With adoption of Ordinance No. 49-839, the City established and designated such area as the Union Station Redevelopment District (“the District”). The District boundaries are shown in Exhibit I.

The City is currently considering the adoption of a Project Plan for the proposed Union Station Project (“the Project”) within the designated Union Station Redevelopment District. The proposed Union Station Development Project is a mixed use development of approximately 10 acres generally located southwest of Douglas and Washington, east of the elevated railroad. The project will consist of almost 275,000 square feet of retail, restaurants, and office space with historic renovation of the existing buildings on the campus, as well as new construction infill. Development will also include construction of a public parking structure with approximately 471 spaces.

The Developer will finance the project, including various public infrastructure improvements. The City will provide public funding in the form of pay-as-you-go financing to reimburse the Developer for TIF eligible expenditures.

General Description of Tax Increment

Property tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed value of all taxable real estate within the district for that year is determined. This valuation is referred to as the district's "Original Assessed Value." Property taxes attributable to the district's Original Assessed Value are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed value of the district, in any given year, will normally exceed its Original Assessed Value. Property taxes generated by applying the sum of the property tax rates of all applicable taxing jurisdictions to the incremental increase in assessed value (over and above the Original Assessed Valuation) is referred to as the "property tax increment". All property tax increment is collected by the County and distributed to the City to be deposited in a special tax increment fund.

Sales tax increment financing involves the creation of an increment (increase over a base value) in the local sales taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, a base value of local sales tax collections within the district is determined. As new commercial development occurs within the redevelopment district, sales tax collections are expected to increase above the base value. Pursuant to city law governing the use of local sales tax revenue, the City does not intend to collect incremental sales tax revenues as "sales tax increment".

Tax increment funds may only be used to pay for certain statutorily-defined eligible project costs, including principal and interest on debt issued, in whole or in part, to finance eligible project costs within the redevelopment district. Such financing includes notes, special obligation bonds, full faith and credit tax increment bonds, other debt instruments and pay-as-you-go. The City intends to finance eligible improvements within the district through pay-as-you-go financing. The City will reimburse the developer, through pay-as-you-go financing, for TIF eligible expenses paid for by the developer.

Project Description

The Union Station Development Project will include approximately 10 acres southwest of Douglas and Washington. The Project Area is depicted on the map in Exhibit I. The project will create almost 275,000 square feet of mixed use development. The Developer will rehabilitate the existing structures to historic standards as well as create 80,000 square feet of additional space. Development will include retail, restaurants and office space. Development will also include construction of a 471 space parking structure.

**Projected Revenues (Benefits)
Captured Assessed Value**

It is the City’s intention to use the property tax increment generated by the District to reimburse the developer, on a pay-as-you-go basis, for TIF eligible expenses paid for and financed by the developer as well as acquire a public access easement within the Project. The property tax increment is based on the District’s increase in assessed value over its Original Assessed Value. The increase in value is expected to be recorded in January in the years 2015-2019 and is referred to as the Captured Assessed Value.

The Total Assessed Value for the Project Area as of January 1, 2020 is estimated to be \$11,516,150. The Original Assessed Value of the Redevelopment District, as assessed in January 2014 for taxes payable in 2014-2015, is \$375,000, according to data provided by the City of Wichita Geographic Information Service Office. Therefore, the Captured Assessed Value of the TIF District as of January 1, 2020 is \$11,141,150.

For the purpose of this analysis, it is assumed that the Total Assessed Value of the District will increase during the life of the project period at the annual inflation rate of 2%.

Property Tax Rates

In order to determine the amount of tax increment generated by the District in any given year, the Captured Assessed Value of the District must be multiplied by the sum of the tax rates for all applicable taxing jurisdictions for that year. For taxes levied in 2013 and payable in 2014, the applicable rate is 99.101 mills as shown below. The State of Kansas rate of 1.5 mills and the statewide education levy of 20 mills are not applicable to TIF and have been omitted from the following total:

<u>Jurisdiction</u>	<u>Mill Rate (2013)</u>
City of Wichita	32.509
Sedgwick County	29.377
USD No. 259	37.215
TIF-Applicable Mill Rate	99.101

Projected Property Tax Increment and Other Project Revenue

The projected property tax increment generated by the District is shown in column 9 of Exhibit III. Such projections are based on captured assessed values derived from captured assessed valuations and tax rates as previously discussed. It is assumed that Project construction will begin in 2015 and be completed before the end of 2019, and therefor achieve full valuation by January 1, 2020. It is estimated that in 2020 the property tax increment will be \$933,631.

All tax increment shall be allocated and paid by the Sedgwick County Treasurer to the City Treasurer in the same manner and at the same time as normal property taxes. All such incremental taxes must be deposited in a special fund of the City for the payment of eligible redevelopment costs.

Projected Expenditures (Costs)

A projected budget for the eligible project costs in the Project Area is listed below.

Public Improvements	\$6,211,700
City Access Easement	1,500,000
Parking Structure	<u>9,609,300</u>
	\$17,321,000

All eligible project costs will be financed by the Developer and reimbursed by the City, as TIF revenue is available. TIF revenues will be used to reimburse the Developer for eligible TIF related project costs, to the extent TIF funds are available. No bonds will be issued with this project.

Conclusions

Kansas Statutes require that the Comprehensive Financial Feasibility Study must demonstrate that the benefits derived from the Project will exceed the costs, and that the income therefrom will be sufficient to pay for all eligible project costs. As previously discussed, Exhibit III illustrates the projections of tax increment through the year 2033. TIF revenue will be used on a pay-as-you-go basis, no TIF bonds will be used to finance eligible expenses.

All TIF eligible expenses will be financed by the Developer and reimbursed on a pay-as-you-go basis, as revenue becomes available. As such, this report demonstrates that the revenues (benefits) of the District and Project Area exceed the expenditures (costs).

Proposed Union Station Project Area

City of Wichita, Kansas

-  Proposed Union Station Redevelopment District and Project Area
-  Property Parcels inside District
-  Property Parcels outside District

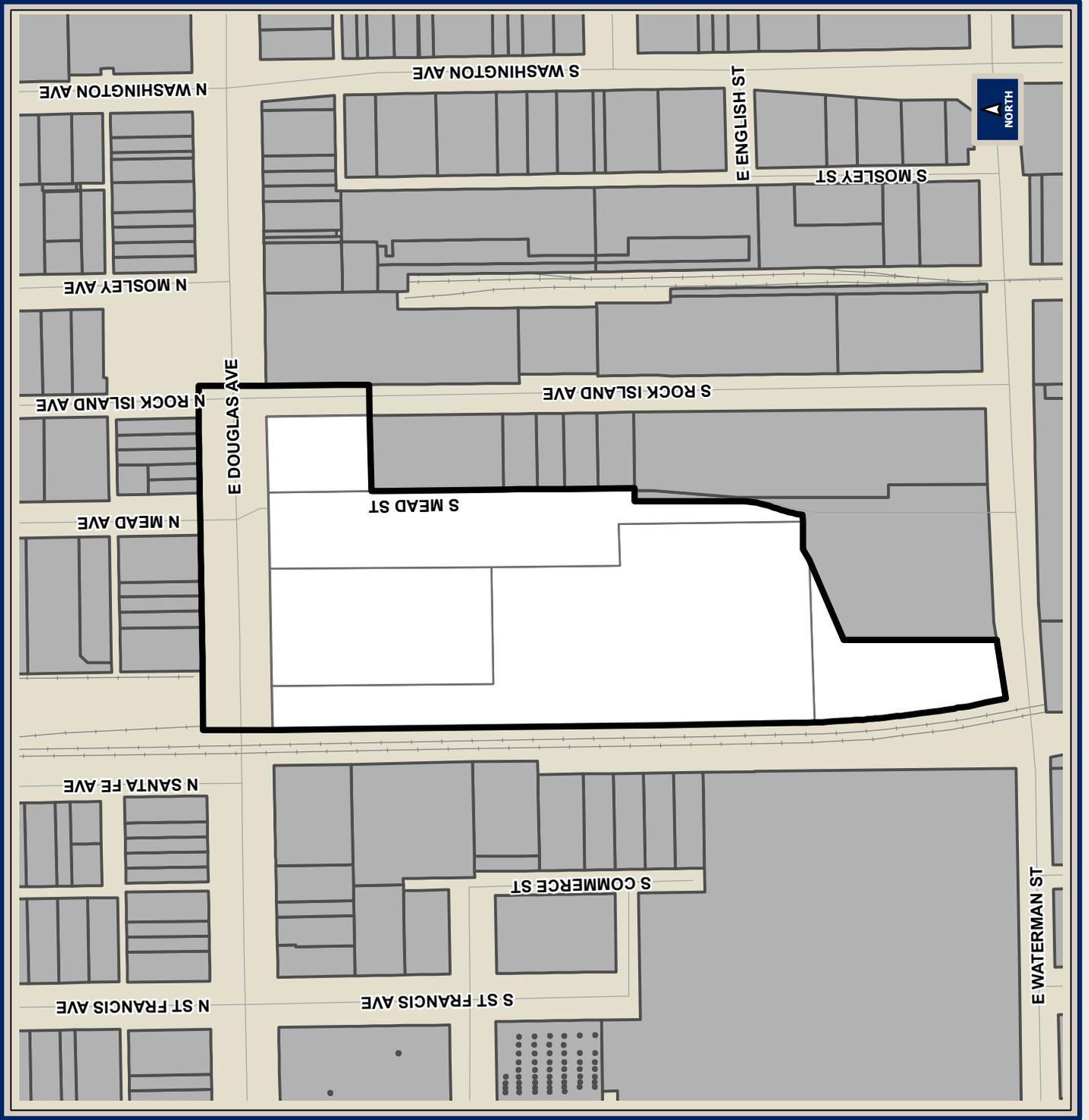
Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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It is understood that while the City of Wichita Data Center Geographical Information Systems Department has no indication and no intent to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS per



Assumptions Report

City of Wichita, Kansas
Union Station Redevelopment District
Union Station Project

Description of Project Area	See Map (Exhibit I)
Original Appraised Value (1/1/14)	\$1,500,000
Original Assessed Value (1/1/14)	375,000
2020 Appraised Value (1/1/20)	\$46,064,600
2020 Assessed Value (1/1/20)	\$11,516,150

<u>2013 Mill Rates (2014 Pay)</u>	<u>Total</u>	<u>TIF Applicable</u>
City of Wichita	32.509	32.509
Sedgwick County	29.377	29.377
USD No. 259	57.215	37.215
State of Kansas	1.500	NA
Total	120.601	99.101

Property Value Inflation Rate	2%
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Projected Tax Increment Revenue Report

City of Wichita, Kansas
 Union Station Redevelopment District
 Union Station Project

Levy & Appraised Year	Year Taxes Distributed	Total Assessed Value	Original Assessed Value	Captured Assessed Value	Net Increment	Mill Rate	Projected Tax Increment
(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)
2015	2016	375,000	375,000	-	-	99.101	-
2016	2017	1,004,240	375,000	629,240	629,240	99.101	62,358
2017	2018	3,015,838	375,000	2,640,838	2,640,838	99.101	261,710
2018	2019	4,845,209	375,000	4,470,209	4,470,209	99.101	443,002
2019	2020	7,502,482	375,000	7,127,482	7,127,482	99.101	706,341
2020	2021	9,796,000	375,000	9,421,000	9,421,000	99.101	933,631
2021	2022	11,516,150	375,000	11,141,150	11,141,150	99.101	1,104,099
2022	2023	11,746,473	375,000	11,371,473	11,371,473	99.101	1,126,924
2023	2024	11,981,402	375,000	11,606,402	11,606,402	99.101	1,150,206
2024	2025	12,221,030	375,000	11,846,030	11,846,030	99.101	1,173,953
2025	2026	12,465,451	375,000	12,090,451	12,090,451	99.101	1,198,176
2026	2027	12,714,760	375,000	12,339,760	12,339,760	99.101	1,222,883
2027	2028	12,969,055	375,000	12,594,055	12,594,055	99.101	1,248,083
2028	2029	13,228,436	375,000	12,853,436	12,853,436	99.101	1,273,788
2029	2030	13,493,005	375,000	13,118,005	13,118,005	99.101	1,300,007
2030	2031	13,762,865	375,000	13,387,865	13,387,865	99.101	1,326,751
2031	2032	14,038,123	375,000	13,663,123	13,663,123	99.101	1,354,029
2032	2033	14,318,885	375,000	13,943,885	13,943,885	99.101	1,381,853
2033	2034	14,605,263	375,000	14,230,263	14,230,263	99.101	1,410,233
2034	2035	14,897,368	375,000	14,522,368	14,522,368	99.101	1,439,181
							20,117,209

EXHIBIT III

District Plan

EXHIBIT C
**REDEVELOPMENT DISTRICT PLAN FOR THE REDEVELOPMENT
OF THE UNION STATION REDEVELOPMENT DISTRICT
THROUGH TAX INCREMENT FINANCING**

August 19, 2014

SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1771. The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES

The property within the proposed district includes all property generally bounded by the railroad right of way on the west, the north right of way line of Douglas Avenue on the north, the east right of way line of Rock Island from Douglas to the south property line of 801 E. Douglas and the east property line of 725 E. Douglas on the east, and the south property line of 801 E. Douglas and south property line of lot 2 of Union Station Addition, in Wichita, Sedgwick County, Kansas; and including all street rights of way within such described areas. The legal description of the proposed district is attached hereto and incorporated herein as Attachment 1.

SECTION 4: BUILDINGS AND FACILITIES

The district is located within Project Downtown and is further identified as a catalyst site for redevelopment. The buildings are part of the 10 acre Union Station complex along the rail corridor. A majority of the buildings were constructed prior to 1950 and are vacant. Design and layout of the buildings creates an economic

obsolescence based on current uses.

The proposed redevelopment district is an area that meets the criteria for designation as a “blighted area” as defined by state law governing the establishment and financing of redevelopment districts. Property within a blighted area is legally eligible for establishment of a redevelopment district.

SECTION 5: REDEVELOPMENT AND PROJECT AREAS

It is anticipated that all property within the district will be designated as the “project area” under the redevelopment project plan, which must be adopted by the City Council by a 2/3 majority vote before the expenditure of any tax increment financing funds. The plans for redevelopment of the project area generally call for a full remodel and update of the five existing structures and development of two additional commercial structures for a total of almost 275,000 square feet of retail, restaurant, and office space. It is further anticipated that the project will include construction of a public parking structure.

Tax increment financing may be used to pay for eligible costs, on a pay-as-you-go basis, for land acquisition and site preparation including utility relocations, public infrastructure improvements, such as streetscape, public parking, utility extensions, landscaping, and public plazas. Tax increment financing may not be used for construction of any buildings owned or leased to a private, nongovernmental entity.

SECTION 6: CONCLUSION

After the establishment of the redevelopment district, any redevelopment projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Redevelopment Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits out-weigh the costs. The Project Plan must be reviewed by the Metropolitan Planning Commission and submitted to a public hearing following further notification of property owners and occupants, before it can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on the redevelopment projects.

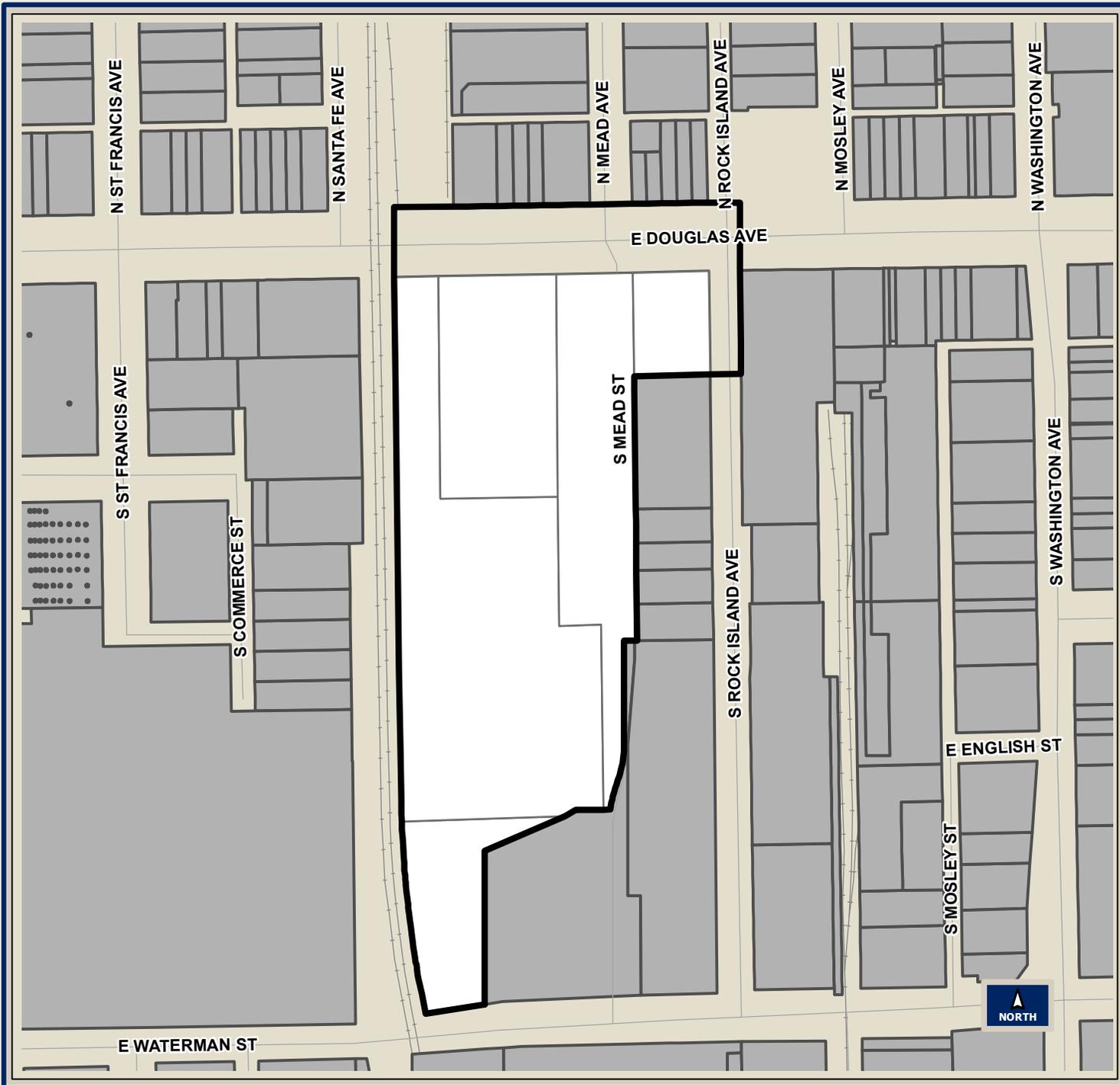
Tax increment financing does not impose any additional taxes on property located within the redevelopment district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of redevelopment, the resulting increment of additional tax revenue is diverted to pay for a portion of the redevelopment costs.

Attachment 1

LEGAL DESCRIPTION

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Map and Legal Description of Property to be Redeveloped



Proposed Union Station Project Area

City of Wichita, Kansas

-  Proposed Union Station Redevelopment District and Project Area
-  Property Parcels inside District
-  Property Parcels outside District

Software: ArcGIS 10.1
 Hardware: Dell Precision
 Printer: HP 5000 Plotter

Map Data Source:
 Property Parcels
 provided by
 Sedgwick County GIS.

Road Centerlines
 provided by
 City of Wichita

Thursday, July 21, 2013 9:45:01 PM
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It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS per



**BOUNDARY DESCRIPTION OF THE
UNION STATION REDEVELOPMENT DISTRICT AND THE
UNION STATION PROJECT AREA**

Redevelopment District

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Project Area

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius

of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Addition and the surplus adjacent on the east, excluding the west 10 feet thereof; and EXCEPT Lots 1, 2, and 3, excluding the north 0.73 feet of Lot 3, H.L. and Annie M. Taylors Addition and the west half of the vacated alley in Block B, H.L. and Annie M. Taylors Addition adjacent thereto.

Relocation Assistance Plan

RELOCATION ASSISTANCE PLAN

(K.S.A. 12-1777)

Assistance for the relocation of persons, families or businesses from property acquired by the City of Wichita in conjunction with the Union Station Redevelopment Project is not required. No persons or families residing in the Union Station Redevelopment District will be displaced as a result of the proposed redevelopment project. All businesses displaced by the Project have been relocated as part of the compensation paid to the businesses as part of the acquisition of real property.

Description of Union Station Project

Union Station Redevelopment District

DESCRIPTION OF PROPOSED UNION STATION PROJECT

The Union Station Project includes approximately 10 acres southwest of Douglas and Washington. The area consists of the Union Station Depot and surrounding buildings and complex southwest of Douglas and Washington, east of the elevated railroad tracks downtown and is referred to as the “Project Area” (see attached district map). The property is currently owned by Union Station LLC and is located within the Union Station Redevelopment District.

Union Station Redevelopment

The Union Station Project will consist of a mixed use development of approximately 275,000 square feet of retail, restaurants and office space. Union Station LLC will redevelop the four existing buildings on the complex, including the Union Station main terminal through historic renovation. The Developer will construct approximately 80,000 square feet of new space on the campus. In addition to the new buildings, a 471 space garage will be constructed on the south end of the Union Station campus.

Site Improvements

Union Station will redevelop the campus by resurfacing parking areas and providing public areas with brick paving and additional details similar to Old Town nearby. A public access easement will be purchased by the City to provide a pedestrian gathering area and access for mobility through the Union Station campus. Additional public infrastructure improvements and a public plaza will be constructed as part of the Union Station Project.

USE OF TAX INCREMENT FINANCING

The City of Wichita has undertaken the legal steps necessary to establish a redevelopment district pursuant to state laws (K.S.A. 12-1770 *et seq.*) in order to use tax increment financing (“TIF”) to reimburse the costs TIF eligible improvements on a pay-as-you-go basis. Upon adoption of this project plan, the City will have established its authority under state law to reimburse the improvements from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-reimbursed improvements consist of the following:

- **Public improvements** – The Developer will undertake the construction of the infrastructure improvements at an estimated cost of \$6,211,700.
- **City Acquired Public Access Easement** – \$1,500,000
- **Parking Structure** – Construction of 471 space parking structure - \$9,609,300
- **Total TIF-funded costs** – \$17,321,000.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Lease Agreement for Lawrence Dumont Stadium (District IV)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the lease agreement.

Background: Since March of 2008, WB, LLC, has leased Lawrence Dumont Stadium and served as the preferred operator for professional baseball at the stadium. The original lease agreement included provisions that WB, LLC, would operate the National Baseball Congress tournament. With the formation of the NBC Baseball Foundation in September of 2013 to assume operation of the tournament, renegotiation of the existing stadium lease with WB, LLC, was required.

Analysis: Staff has renegotiated a lease agreement with WB, LLC. The term of the lease is for a period of ten years. The lease recognizes the NBC Baseball Foundation's use of the stadium during tournament play. The City will serve as a mediator between the NBC Baseball Foundation and WB, LLC, if stadium use issues cannot be resolved by the parties.

The agreement requires WB, LLC, to pay \$25,000 rent each year. Additionally, past due lease payments totaling \$77,000 must be paid prior to City Council's approval of the lease. Issues regarding increased water and electric utility fees have also been negotiated. Lessee's outstanding water utility bills have been reduced by \$27,535.54 due to utility malfunctions. The City will be responsible for water expenses at the stadium for the off season months, or October through April. The lease establishes that a plan for capital improvements will be negotiated by the parties.

Financial Considerations: The lease provides a yearly rent of \$25,000 for use of the stadium.

Legal Considerations: The lease agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the lease agreement and authorize all necessary signatures.

AMENDED LEASE AGREEMENT FOR LAWRENCE DUMONT STADIUM

This amended lease agreement is made and entered into with an effective date of January _____, 2015, by and between the City of Wichita, a Kansas municipal corporation (Lessor) and WIB, LLC, a Kansas for-profit limited liability company (Lessee). This agreement shall replace the lease agreement entered into between the parties on March 18, 2008, and all subsequent amended lease agreements.

Lessor owns and operates property at 300 S. Sycamore in Wichita, Kansas, known as Lawrence Dumont Stadium (Stadium). The stadium is the home of the National Baseball Congress (NBC) tournament and has served as the venue for various professional baseball teams.

The NBC Baseball Foundation (Foundation) is a 501C(3) nonprofit corporation which owns the National Baseball Congress. The Foundation promotes, organizes and coordinates an annual baseball tournament (NBC tournament).

Lessee desires to continue operations of an independent league professional baseball team and desires to use Lawrence Dumont Stadium as its home venue

Lessor believes that it is an appropriate use of the Stadium to allow a professional baseball team to have nonexclusive use of the property, while maintaining ownership and control of the Stadium for other athletic and recreational events, including the NBC tournament. Lessor, as former owner of the NBC tournament, desires to allow use of the stadium by the NBC Baseball Foundation for the continuation of the NBC Tournament.

In consideration of the mutual promises and covenants contained in this lease agreement, the parties agree as follows:

1. Lessor agrees to lease the Stadium to Lessee for the purposes of playing professional baseball games in its professional baseball league's regular and playoff seasons, plus dates for tryouts and practices, with additional dates each year as agreed between the parties at which Lessee may host or promote other special events at the stadium. Lessee will schedule its professional baseball games and other stadium events as necessary so that they will not interfere with the continuous format of play used at the NBC tournament and any ancillary events of the NBC Foundation, which occur during the tournament. On or before October 1st of each year, the City or the Foundation shall deliver to Lessee a schedule of the NBC tournament to be held during the next calendar year.
2. The parties acknowledge the terms of the Memorandum of Understanding (MOU) entered into between the Lessor and the NBC Foundation. In the event of any conflict between the terms of this Lease and the terms of the MOU between the Lessor and the NBC Foundation, the terms of the MOU shall be controlling.

The terms of the MOU define the rights of the Foundation to utilize the stadium for the NBC tournament and any ancillary events. Lessee agrees to cooperate in good faith with the Foundation regarding the use of the stadium, concession sales, ticketing, security, marketing, advertising, equipment, suites/skyboxes and associated revenues from these items. Lessor will attempt to arbitrate, as needed, any issues between Lessee and the Foundation regarding use of the stadium and associated revenues. Lessee acknowledges that it will benefit from the potential of greater interest in baseball game attendance which a vibrant NBC tournament will promote, and agrees that this potential is sufficient consideration to support its agreement to the terms of the MOU as set forth above.

3. Lessee agrees that Lessor may use the stadium, or any part thereof including its parking lot, for any use it sees fit on dates not previously booked by Lessee for baseball games or non-baseball events. Lessor agrees that Lessee is the stadium's primary tenant, and as such shall have the privilege of securing all days it needs for games, practices and other events before, during and after each baseball season, before any dates are offered to any other entity or used by Lessor directly.
4. As a part of this lease, Lessee shall have the exclusive use of those areas designated as administrative facilities, home baseball clubhouse, ticket windows, gift shop, etc., during the entire year throughout the term of this lease.
5. Lessor reserves the right to operate the parking area adjacent to the stadium as a parking facility open to the public on weekdays between 7 a.m. and 6 p.m., during River Festival, and at such other times as the parking area is not being used by Lessee, provided the Lessee has been given notice of Lessor's intention to use the parking area.
6. Lessee agrees to pay annual rent of \$25,000 per year. The payment is due and payable no later than January _____ of each year.

Such yearly rent will be increased in accordance with the provisions of Section 7 of this lease upon completion of planned improvements and equipment purchases as set forth in the schedule of improvements and as may be otherwise agreed to by the parties.

Past due lease payments owed by Lessee, pursuant to the terms of the preceding lease agreements, in the amount of \$77,000, remain due and owing to the City. Such past due amounts shall be paid in full on the date of final approval of this agreement by the City Council.

7. Lessor shall provide all equipment necessary to maintain the stadium facility, i.e. mowers, trimmers, blowers, etc. necessary to maintenance the stadium facility. Lessee and Lessor will establish a five year capital improvement and capital equipment plan for the stadium. The initial schedule will be agreed to by the parties no later than May 1, 2015. That schedule will include a replacement

timetable, with dollar costs attributable to each year's expenditures. The annual total dollar amount established for this schedule for each year will not be exceeded, but Lessee will be allowed to propose changes in equipment maintenance or acquisition and capital stadium improvements to meet its actual needs. At the completion of the third-year in the five-year replacement schedule, an amended five-year schedule will be proposed and serve as the basis for operations going forward. This process shall continue through the life of the agreement. Such schedule will include a supplement rental rate schedule for the five year period. The parties agree that the rental amount set forth in Section 6 shall be increased in accordance with the supplemental capital improvement schedule agreed to by the parties and that the terms and conditions of the schedule are to be herein incorporated into the terms of this lease agreement.

8. Lessee is granted exclusive rights, except as set forth below, to provide concessions at all stadium events with the exception of the NBC tournament, including food and beverage and merchandise concessions sales. Lessee will provide concessions service for all Lessor booked events at the stadium unless such concessions service for a particular event is deemed as unnecessary by the Lessor. Due to the nature of certain events which may be scheduled at the stadium other than professional baseball games or similar events, the Lessor reserves the right to prohibit beer sales by Lessee at such events. The NBC Baseball Foundation shall be allowed to provide concessions, or contract with Lessee for the provision of concessions, including food, beverage, beer, and merchandise concession sales during the NBC tournament.
9. Lessee shall comply with all sanitation and health laws, ordinances, rules and regulations which may now or hereinafter be in force and effect, and shall obtain any licenses or permits necessary to conduct concession sales. Lessee shall be responsible for payment from concession proceeds of all sales taxes, and any other taxes and fees as may result from concession sales at the stadium.
10. Lessee is granted the exclusive right to market and sell advertising (including, but not limited to signage as further set forth below, promotional, and broadcast) packages on and tickets for admissions to all stadium events with the exception of the NBC tournament not directly booked by Lessor.
11. Lessee agrees that it will not promote the use of cigarettes or tobacco products in the advertising that it accepts, whether for marketing purposes or at the stadium site.
12. Lessee agrees that the signage and other advertising on site at the stadium will be directed inward toward the stadium, and that its on-site signage and other advertising will comply in all aspects with the City of Wichita's ordinances, including restrictions relating to signs and the river corridor. Lessee shall have authority to grant naming rights to the playing field of Lawrence Dumont Stadium

co-extensive with the term of the lease and subject to the approval of the name by Lessor. Lessor's approval shall not be unreasonably withheld.

13. This lease shall be in effect for a term commencing on January _____, 2015, and ending on January _____, 2025. Either party may terminate this agreement for cause, as set out below, or for convenience. Notice for convenience shall be effective on May 1 of the calendar year following the year in which the notice is delivered. In addition, Lessor agrees not to utilize termination for convenience for the purpose of placing any professional baseball franchise at the Lawrence-Dumont Stadium site. At the conclusion of the lease term, Lessee agrees to peacefully quit and peacefully vacate the premises within two weeks after the last scheduled baseball game of the final, full season encompassed within the contract term. Upon vacating the stadium, the parking lot and all aspects of the property shall be in as good a condition as it was at the beginning of this lease, reasonable wear and tear excepted. Upon expiration of this lease and upon 180 days' notice, Lessee shall be given the option for a renewal of this lease on terms mutually agreeable to the parties for a five year period.
14. Lessee shall provide concession equipment, office equipment, ticketing equipment, and all necessary sporting goods and equipment for operation of the stadium and Lessee's baseball team.
15. Lessee shall be responsible for all routine, operational maintenance and cleaning of all areas within and outside the stadium, the grounds, and parking lot, to the boundaries of the leased property on which the stadium and parking lot stand. Lessor shall be responsible for landscape maintenance outside of the stadium to the boundary of the leased property. Lessor shall be responsible for structural and building systems maintenance. Lessor shall be responsible for all landscape maintenance outside of the stadium. Both Lessor and Lessee will accomplish these maintenance tasks in a good and workmanlike manner so that in all respects the facility is in a state suitable for the exhibition of professional baseball games. By way of illustration only, examples of this division of responsibility would be: Lessee is responsible for cleaning toilets and restrooms, while Lessor is responsible for maintaining the plumbing system; Lessee is responsible for irrigation, fertilization, and grooming of the playing field, while Lessor is responsible only for maintenance of the equipment used for this purpose; Lessee is responsible for refuge and debris removal from the parking lot, while Lessor is responsible for resealing and restriping the parking lot as necessary.
16. Lessee shall be responsible for all charges for heat, light, electricity, potable water, gas, telephone service, garbage collection and sewer and drainage service. All utilities and utility services used by Lessee at the stadium shall be contracted for and paid for by Lessee. Lessee shall pay for water at the stadium during the months of May through September. Lessor will cover the water expense at the stadium for the remaining months of the year.

Lessor agrees to pay to Lessee a base monthly rate for electricity expenses at the stadium. This base rate will be calculated based on the average electric bill for the months of October through April of the preceding year. Such monthly rate shall be determined no later than January ____ of each year. The monthly rate for the first year of the lease is established at _____ per month.

Past due water and sewer utility payments owed by Lessee to the City of Wichita, must be paid in full on the date of final approval of this agreement by the City Council. Lessee is entitled to a credit of \$27,535.54 against past amounts due to the City. Failure by Lessee to pay water and sewer utility fees timely to the City shall be considered to be a default of Lessee's lease obligations. Any statements for water utilities which remain unpaid for sixty (60) days or more shall be determined to be a default of the terms of the lease agreement by Lessee.

17. Lessee is responsible for providing all staff necessary for game operations. This includes, but is not limited to, ushers, necessary security personnel, ticket sellers, ticket takers, scorekeepers, public address announcers, bat boys and/or girls, ball boys and/or girls, locker room attendants, trainers, players, managers, coaches and field upkeep personnel necessary during the game. Lessee shall be obligated to control driver behavior as necessary to prevent damage to the playing field by spectators attending events at the stadium. Lessee will be responsible for repair of any damage to the playing field, facilities and equipment arising from negligence by Lessee's employees, agents, vendors and permittees, including players and spectators. Lessee shall provide at its own cost security at the stadium to provide 24 hour protection and ensure that security personnel are on the premises to the extent necessary and reasonable to maintain order and to protect the players, officials, and attendees at any sponsored event.
18. Lessee shall protect, indemnify and save harmless Lessor from and against any and all losses, damages and claims for personal injury, property damage or otherwise which may be incurred by the Lessor or asserted against it arising out of the use and occupancy of the stadium, grounds or parking lot by the tenant, its employees, agents, permitted vendors and invitees, including players and fans, arising in any manner out of a breach or default in the performance of this lease by Lessee, or by any intentional or negligent action taken by Lessee, its employees, agents and permitted vendors and invitees, including players and fans. Lessor shall protect, indemnify and save harmless Lessee from and against any and all losses, damages and claims for personal injury, property damage or otherwise which may be incurred by the Lessee or asserted against therein arising out the Lessor's breach or default in the performance of this lease, including, but not limited to Lessor's obligation to make major repairs to the stadium and to perform maintenance obligations therein stated.
19. Lessee shall, at its own expense, procure and at all times during the term of this lease and any extension, thereof, maintain insurance with the one or more companies permitted to do business in the state of Kansas, as follows: a. Workers

compensation and disability benefits insurance sufficient to protect both Lessor and Lessee from any and all claims under the workers compensation statutes for the state of Kansas. b. Employer's liability insurance, not less than \$100,000 per incident. c. Comprehensive general liability insurance including bodily injury and property damage coverage which shall name the Lessor as an additional insured and shall have limits of not less than \$1 million for injuries to or death of one person and \$2 million for injuries to or death of more than one person in any one accident, and \$2 million aggregate for property damage resulting from any one occurrence. Such insurance shall include broad form contractual liability insurance, products and completed operations liability insurance and elevator liability insurance. Such policies shall specifically include coverage for injuries to spectators or employees resulting from the actions of players or other spectators, including pitched or hit balls. All the insurance policies and certificates of renewal covering such policies in effect shall be subject to the approval of Lessor. Copies of all such policies shall be filed with the Lessor and shall be endorsed to require the insurer to furnish Lessor 30 days prior written notice of any cancellation or of any material changes in such policies. Lessee may, at its own expense, carry such other insurance in its own name as it deems desirable.

20. Lessor, its employees and agents shall have, at all reasonable times during the term of this lease, the right to enter into and upon any and all parts of the stadium, parking lot and the property upon which they stand upon reasonable notice to Lessee. This right of entry shall be allowed for any legitimate reason related to obligations of the parties under this lease agreement.
21. In the event that the stadium or any part thereof is taken in condemnation proceedings or by any right of eminent domain, the entire award shall be made to the Lessor, without deductions for any property interest held by the Lessee, and the Lessee shall receive no part of any such award. If such taking involves the stadium structure and/or parking area to the extent that the Lessee reasonably determines that it is unable to make use of the stadium for professional baseball games, while liability of the Lessee under this lease shall cease upon entry on the premises of the public authority instituting such eminent domain proceedings. If such taking involves only a minor portion of the premises in such a manner and to such an extent as not to unreasonably interfere with the use and occupancy granted to the Lessee as determined by the Lessor, then such partial taking shall not be deemed an eviction of the Lessee nor in any way terminate the obligation of the Lessee to make rental payments or otherwise fully observe and perform all terms and conditions of this lease. However, the parties shall renegotiate any specific provision of this lease if such partial taking removes revenues from the Lessor or the Lessee, or Lessee is deprived of any use of this facility as a result of such partial taking.
22. Lessee will not permit discrimination against any person in the use or occupancy of the stadium or grounds on the basis of any protected classification under state

or federal law. Lessee's obligations are those included and detailed in attached Attachment A.

23. The parties agree that upon a violation of any provision of this lease, the aggrieved party may, at its option, terminate this lease by giving the breaching party not less than 30 days written notice of termination. However, if prior to expiration of that notice, the breaching party shall remedy or correct the default or breach; or in cases in which such a default takes more than 30 days to remedy, and the breaching party shall have commenced its effort to cure such defaults, and is diligently proceeding towards curing such default within 60 days, then this lease shall continue in effect as if no such default or breach has occurred.
24. Lessee shall at all times during the term of this agreement keep complete and accurate account books of all receipts received from any and all business conducted under this agreement as well as all expenditures for utilities, routine maintenance expenses, personnel expenses and other obligations. Said books of account shall be made available in advance of any negotiations regarding the renewal or subsequent modifications of the terms of this lease, upon reasonable notice, for inspection and audit by an authorized agent or employee of Lessor.
25. The parties agree that this lease, management and concession agreement may not be assigned in whole or in part, nor shall any sublease be entered into by Lessee without prior written consent of Lessor, which consent may not unreasonably be withheld. However, nothing shall limit the right of Lessee to license vendors or third-party designees for the purpose of providing additional concessions or merchandise, products and services and to provide access to those vendors or designees to areas inside or within the proximity of the stadium for the purpose of vending, selling or otherwise distributing concessions or merchandise. The provision of such services and products shall be in accordance with the terms of this agreement. Catering services shall be included within the definition of concession sales.
26. Lessee shall not permit a mechanics lien or other liens to be filed or established or to remain against the stadium for labor, materials or services furnished in connection with any additions, modifications, improvements, repairs, renewals or replacements made to the stadium or for any other reason. However, if the Lessee shall first notify the Lessor of its intention to do so and shall deposit in escrow with Lessor a sum of money or a bond or irrevocable letter of credit reasonably acceptable to Lessor, Lessee may in good-faith contest any such claims or mechanics or other liens filed or established and in such event may permit the items contested to remain undischarged and unsatisfied during the period of such contest. If, in the opinion of the Lessor, the nonpayment of any such items subjects the stadium to any loss or forfeiture, Lessor may require the Lessee to use the escrow account to promptly pay all such unpaid sums, and if the Lessee fails to pay from the escrow account, Lessor may pay and charge the Lessee for that payment.

27. The parties agree that they are acting as separate entities and that Lessee is an independent contractor leasing property from and providing services to Lessor. Irrespective of the sharing of revenues based upon operations used as the determining factor of rent, nothing herein shall be construed or interpreted as creating a partnership, joint venture, or any other mutual relationship between Lessor and Lessee. Each party is responsible for its own separate debts, obligations, and liabilities. Neither has the authority to contract or obligate the other.

28. Any rights and remedies reserved by the parties in this lease and those provided by law shall be construed as cumulative and continuing rights. No one of them shall be exhausted by the exercise thereof on one or more occasions. Each party shall be entitled to injunctive or other equitable relief for any breach or threatened breach of any provisions of this lease, notwithstanding the availability of an adequate remedy at law.

29. The provisions of this agreement shall be severable, and if any provision of it shall be judged by any court of competent jurisdiction to be invalid or unenforceable, such provision shall be construed as severable and such judgment shall not affect or invalidate the remainder of this lease, which shall continue in full force and effect.

30. Lessee agrees to provide appropriate capital equipment as needed to properly and profitably equip the concession stand shells provided by City for the term of the lease agreement.

This lease agreement is executed between the parties this ____ day of _____, 2015 by representatives with full authority to accomplish the same, effective as of the first date written above.

ATTEST:

CITY OF WICHITA, KANSAS

 Karen Sublett
 City Clerk

 Robert Layton, City Manager

APPROVED AS TO FORM:

 Sharon L. Dickgrafe
 Interim Director of Law

WIB, LLC

By _____
Steve Ruud, Owner of WIB, LLC

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous and Unsafe Structures
(District I)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: New Business

Recommendations: Adopt the resolutions.

Background: On November 25, 2014, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed below. The City Council adopted resolutions providing for a public hearing to be held on the condemnation actions at 9:30 a.m. or soon thereafter, on January 6, 2015.

Analysis: On November 3, 2014, the Board of Building Code Standards and Appeals (BBCSA) held a hearing on seven properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 541 N. Ohio	I
b. 1128 N. Hydraulic	I
c. Building North of 1128 N. Hydraulic	I
d. 1201 E. 12 th North	I
e. 2047 N. Minnesota	I
f. 2513 E. Shadybrook	I
g. 2519 E. Shadybrook	I

Detailed information/analyses concerning the properties are included in the attachments.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Metropolitan Area Building and Construction Department Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of Federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits MABCD expenditures for non-revenue producing condemnation and housing code enforcement activities to twenty percent (20%) of MABCD's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional five hundred dollar (\$500) administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Legal Considerations: The resolutions and notices of hearing were reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BBCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date as of January 6, 2015; (2) the structures have been secured as of January 6, 2015, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of January 6, 2015, and will be so maintained during renovation.

If any of the above conditions are not met, the Metropolitan Area Building and Construction Department will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

Attachments: Case summary, CDM summary and follow-up history

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 541 N. OHIO

LEGAL DESCRIPTION: LOTS 35, 37 AND 39, CARPENTER'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story wood frame dwelling about 30 x 45 feet in size. Vacant and open, this structure has shifting and missing block basement and foundation walls; missing aluminum siding; rotted and missing wood lap siding; badly worn composition roof with missing shingles; collapsing front porch; deteriorated rear porch, and the 20 x 25 foot accessory garage is dilapidated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 541 N. OHIO

ACTIVE FIELD FILE STARTED: January 9, 2014

NOTICE(S) ISSUED: Since January 9, 2014, a notice of improvement and violation notice have been issued. No violations have been cleared.

PRE-CONDEMNATION LETTER: June 11, 2014

TAX INFORMATION: The 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$1,812.35, which include interest.

COST ASSESSMENTS/DATES: There are 2015 special assessments for emergency board-up in the amount of \$251.00 and lot cleanup in the amount of \$944.67.

PREMISE CONDITIONS: Bulky waste and a fallen dead tree.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: In October 2012, a tall grass and weeds case was initiated resulting in owner compliance. In January 2014, a neighborhood nuisance case was initiated resulting in City of Wichita contractor abatement in the amount of \$944.67. In October 2014, MABCD staff completed an emergency board-up at a cost of \$251.00.

POLICE REPORT: In the past five years there have been eight reported police incidents at this location including (3) criminal discharge of firearms, burglary residence, burglary non-residence, unlawful possession of marijuana, revocation suspended driver's license and suspicious character.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made. The structure is unsecure with an open north side window, rear door and the detached garage is unsecure with open doors.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: None

BOARD OF B. C.S. & A. RECOMMENDATION: At the November 3, 2014 BCSA hearing there was no one present to represent this property.

In accordance with MABCD staff recommendation, Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the removal. Board Member Crotts seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of

City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 1128 N. HYDRAULIC

LEGAL DESCRIPTION: LOTS 1 AND 3, ON HYDRAULIC AVENUE, BEALL AND BERRYS SUBDIVISION OF LOT 7 OF TARLTON'S 2ND ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story wood frame commercial building about 25 x 105 feet in size. Vacant for several years, this structure has rotted and missing wood siding; badly deteriorated roof with holes; water damaged and rotted framing members; and rotted wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 1128 N. HYDRAULIC

ACTIVE FIELD FILE STARTED: August 5, 2014

NOTICE(S) ISSUED: Case was initiated with a condemnation letter due to the condition of the commercial building.

PRE-CONDEMNATION LETTER: August 11, 2014

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Some miscellaneous debris.

VACANT NEGLECTED BUILDING REPORT: Open case

MABCD NUISANCE & ABATEMENT REPORT: In September 2013, a neighborhood nuisance case was initiated resulting in owner compliance.

POLICE REPORT: In the past five years there has been no reported police incidents at this location.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with two open north doors.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: None

BOARD OF B. C.S. & A. RECOMMENDATION: At the November 3, 2014 BCSA hearing no one was in attendance on behalf of this property.

Following the recommendation of MABCD staff, Board Member Crotts made a motion to refer the property to the City Council for condemnation, with ten days to begin wrecking the building and ten days to finish the demolition. Board Member Willenberg seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: Building North of 1128 N. HYDRAULIC

LEGAL DESCRIPTION: LOTS 22 AND 24 ON FELLOWS AVENUE, NOW HYDRAULIC AVENUE, KAUFMAN'S SUBDIVISION IN TARLTON'S 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story wood frame commercial building about 25 x 63 feet in size. Vacant for several years, this structure has rotted and missing wood siding; badly deteriorated roof with holes; water damaged and rotted framing members; and rotted wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: Building North of 1128 N. HYDRAULIC

ACTIVE FIELD FILE STARTED: August 5, 2014

NOTICE(S) ISSUED: Case was initiated with a condemnation letter due to the condition of the commercial building.

PRE-CONDEMNATION LETTER: August 11, 2014

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Some miscellaneous debris.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: None

POLICE REPORT: In the past five years there has been no reported police incidents at this location.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with open windows and doors.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: None

BOARD OF B. C.S. &A. RECOMMENDATION: At the November 3, 2014 BCSA hearing the owner of this property did not attend the hearing.

Following the MABCD staff recommendation, Board Member Crotts made a motion to submit this property to the City Council for demolition, with ten days to begin wrecking the structure and ten days to complete the wrecking. Board Member Harder seconded the motion. The motion passed.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 1201 E. 12TH N

LEGAL DESCRIPTION: LOTS 50 AND 52, ON OHIO AVENUE, H.O. BURLEIGH'S THIRD ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story wood frame commercial building about 50 x 38 feet in size. Vacant for several years, this structure has a cracking and shifting block foundation; rotted and missing wood siding; broken and missing transite siding; badly worn, sagging composition roof; exposed, rotted framing members; and the building is shifting badly.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 1201 E. 12TH N

ACTIVE FIELD FILE STARTED: August 5, 2014

NOTICE(S) ISSUED: Case was initiated with a condemnation letter due to the condition of the commercial building.

PRE-CONDEMNATION LETTER: August 5, 2014

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Some miscellaneous debris.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: None

POLICE REPORT: In the past five years there have been two reported police incidents at this location including dead bodies found no witness and miscellaneous report.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with an open rear window.

HISTORIC PRESERVATION REPORT: This property may be listed on the national, state and/or local registers as a designated historic resource or it may be within the prescribed environs of a state or national register listed property or historic district. As a result, this matter is being referred to the City's Historical Preservation Board for review to determine compliance with any applicable Federal, State, local law or regulations. It was at the Historic Preservation Board on October 13, 2014. Because it is a listed structure, approval from City Council will be needed.

OWNER'S PAST CDM HISTORY: None

BOARD OF B. C.S. & A. RECOMMENDATION: At the November 3, 2014 BCSA hearing there was no one representing this property in attendance.

As recommended by MABCD staff, Board Member Harder made a motion to refer the structure to the City Council for condemnation, with ten days to commence the razing of the building and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of

City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 2047 N. MINNESOTA

LEGAL DESCRIPTION: LOTS 57 AND 59, ON MINNESOTA AVENUE, PARKVIEW ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story wood frame dwelling about 30 x 37 feet in size. Vacant for at least 1 1/2 years, this structure has been damaged by fire. It has missing steel siding; deteriorated and missing asphalt siding; fire damaged composition roof; fire damaged front porch; and rotted and fire damaged framing members and wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 2047 N. MINNESOTA

ACTIVE FIELD FILE STARTED: January 15, 2013

NOTICE(S) ISSUED: Since January 15, 2013 a notice of violation has been issued. In May 2013, one violation was cleared all other violations remain open. On July 21, 2014, a building permit was issued but there has been no inspection activity to date.

PRE-CONDEMNATION LETTER: June 11, 2014

TAX INFORMATION: The 2012 and 2013 taxes are delinquent in the amount of \$826.17, which includes interest.

COST ASSESSMENTS/DATES: There is 2015 special assessment for weed cutting in the amount of \$140.00.

PREMISE CONDITIONS: Bulky waste, tree debris and overgrown vegetation.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: In January 2013 a neighborhood nuisance case was initiated and remains open. In April 2014 a tall grass and weeds case was initiated resulting in City of Wichita contractor abatement in the amount of \$140.00.

POLICE REPORT: In the past five years there have been four reported police incidents of miscellaneous report at this location.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with an open crawl space.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: None

BOARD OF B. C.S. &A. RECOMMENDATION: At the November 3, 2014 BCSA hearing the owner did not attend the meeting.

Following the MABCD staff recommendation, Board Member Banuelos made a motion to refer the property to the City Council for condemnation, with ten days to begin wrecking the structure and ten days to finish removing it. Board Member Harder seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 2513 E. SHADYBROOK

LEGAL DESCRIPTION: LOT 18, BLOCK 10, SHADYBROOK ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 25 x 42 feet in size. Vacant for several years, this structure has cracking and shifting block basement walls; hail damaged vinyl siding; badly worn sagging, composition roof; cracking and shifting concrete front porch and rear porches; deteriorated framing members and wood trim; and the 15 x 18 foot accessory structure is deteriorated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 2513 E. SHADYBROOK

ACTIVE FIELD FILE STARTED: April 6, 2009

NOTICE(S) ISSUED: Since April 6, 2009, a notice of improvement and numerous violation notices have been issued.

PRE-CONDEMNATION LETTER: August 11, 2014

TAX INFORMATION: The 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$5,079.70, which includes specials and interest.

COST ASSESSMENTS/DATES: There is a 2013 special assessment for emergency board-up in the amount of \$849.93, which includes interest.

PREMISE CONDITIONS: Volunteer trees and overgrown vegetation.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: In April 2009 and April 2010, neighborhood nuisance cases were initiated resulting in owner compliance. In April 2013, MABCD staff completed an emergency board-up at a cost of \$847.98.

POLICE REPORT: In the past five years there have been three reported police incidents at this location including forcible rape, sodomy and miscellaneous report.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the detached garage is unsecure.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: This property owner has had ten properties in condemnation. Eight were returned to regular code enforcement and two were demolished by City of Wichita contractor.

BOARD OF B. C.S. & A. RECOMMENDATION: At the November 3, 2014 BCSEA hearing there was no one present as a representative for this property.

Following the MABCD staff recommendation, Board Member Crotts made a motion to refer the property to the City Council for condemnation, with ten days to begin the removal of the structure and ten days to finish the demolition. Board Member Harder seconded the motion. The motion passed.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 15, 2014

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 2519 E. SHADYBROOK

LEGAL DESCRIPTION: LOT 1, BLOCK 10, SHADYBROOK ADDITION TO THE CITY OF

WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 25 x 42 feet in size. Vacant and open, this structure has cracking and shifting block basement walls; hail damaged vinyl siding; badly worn, sagging composition roof; shifting brick chimney; shifting concrete front porch; and deteriorated framing members and wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Director of Metropolitan Area Building and Construction Department
Enforcing Officer

Date

DATE: November 15, 2014

BCSA GROUP # 3

ADDRESS: 2519 E. SHADYBROOK

ACTIVE FIELD FILE STARTED: March 7, 2008

NOTICE(S) ISSUED: Since March 7, 2008, two notice of improvements and numerous violation notices have been issued.

PRE-CONDEMNATION LETTER: August 11, 2014

TAX INFORMATION: The 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$2,677.17, which includes interest.

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Volunteer trees and overgrown vegetation.

VACANT NEGLECTED BUILDING REPORT: None

MABCD NUISANCE & ABATEMENT REPORT: In April 2010 a neighborhood nuisance case was initiated resulting owner compliance.

POLICE REPORT: In the past five years there has been no reported police incidents at this location.

FORMAL CONDEMNATION ACTION INITIATED: August 20, 2014

RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with an open west door.

HISTORIC PRESERVATION REPORT: No impact

OWNER'S PAST CDM HISTORY: This property owner has had ten properties in condemnation. Eight were returned to regular code enforcement and two were demolished by City of Wichita contractor.

BOARD OF B. C.S. & A. RECOMMENDATION: At the November 3, 2014 BCSEA hearing no one was present as a representative for this property.

Following the MABCD staff recommendation, Board Member Doeden made a motion to submit the property to the City Council for condemnation, with ten days to begin wrecking the structure and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

**January 6, 2015
City Council Hearing
Removal of Dangerous Structure Case Summary**

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hearing Date & Recommendation	Owner/ Rep. At BCSA ?	Open or Secure	Premise Cond. Status	Property Tax Status	Special Assessments
541 N. Ohio	I	11 mos.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with an open north side window, rear door and the detached garage is unsecure with open doors.	Bulky waste and a fallen dead tree.	The 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$1,812.35, which include interest.	There are 2015 special assessments for emergency board-up in the amount of \$251.00 and lot cleanup in the amount of \$944.67.
1128 N. Hydraulic	I	5 mos.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with two open north doors.	Some miscellaneous debris.	Current	None
Building North of 1128 N. Hydraulic	I	5 mos.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with open windows and doors.	Some miscellaneous debris.	Current	None
1201 E. 12th N.	I	5 mos.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with an open rear window.	Some miscellaneous debris.	Current	None

**January 6, 2015
City Council Hearing
Removal of Dangerous Structure Case Summary**

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hearing Date & Recommendation	Owner/ Rep. At BCSA ?	Open or Secure	Premise Cond. Status	Property Tax Status	Special Assessments
2047 N. Minnesota	I	2 yrs.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with an open crawl space.	Bulky waste, tree debris and overgrown vegetation.	The 2012 and 2013 taxes are delinquent in the amount of \$826.17, which includes interest.	There is 2015 special assessment for weed cutting in the amount of \$140.00.
2513 E. Shadybrook	I	5 yrs. 9 mos.	08/20/14	11/06/14 - 10/10	No	The detached garage is unsecure.	Volunteer trees and overgrown vegetation.	The 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$5,079.70, which includes specials and interest.	There is a 2013 special assessment for emergency board-up in the amount of \$849.93, which includes interest.
2519 E. Shadybrook	I	6 yrs. 9 mos.	08/20/14	11/06/14 - 10/10	No	The structure is unsecure with an open west door.	Volunteer trees and overgrown vegetation.	The 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 taxes are delinquent in the amount of \$2,677.17, which includes interest.	None

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: ZON2014-00026 – Zone Change from LC Limited Commercial to LI Limited Industrial Subject to Protective Overlay #292 on Property Located ¼ Mile South of Pawnee Avenue, East of Southeast Boulevard (District III)

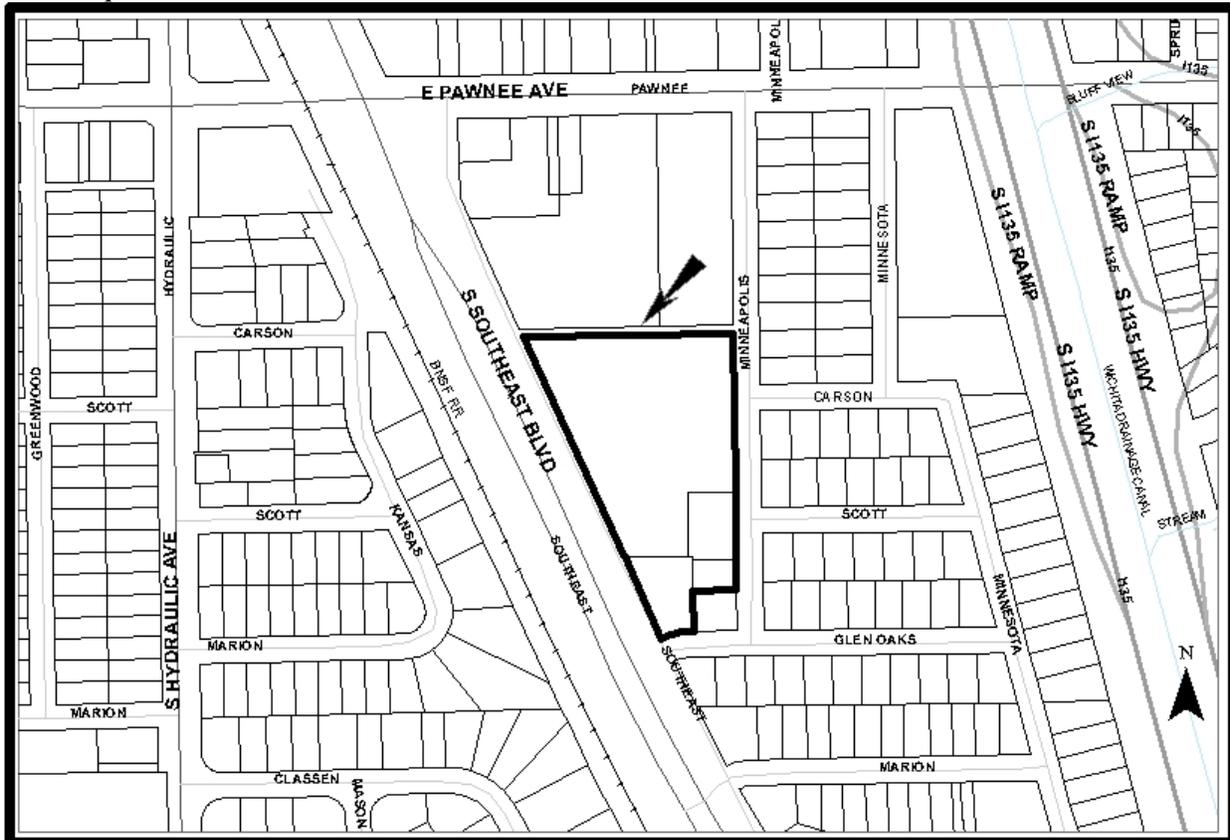
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the request subject to Protective Overlay #292 (8-0).

DAB Recommendation: District Advisory Board III recommended approval of the request subject to an amended Protective Overlay #292 (7-1).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) “variance” discussed in the “case history” section. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site’s current development standards.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are: “wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZC) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the limited manufacturing use shall not exceed one square foot of floor area to three square feet of lot area; 2) the minimum setback of any building from any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZC, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

Analysis: On November 20, 2014, the Metropolitan Area Planning Commission (MAPC) reviewed the application. One area resident spoke in opposition, stating that the requested change from LC to LI zoning was too great a jump in zoning districts. The speaker also indicated that the bakery was a good neighbor; a different manufacturing use might not fit in as well. Another person asserted that the neighborhood as a whole did not object to the request provided that some assurances regarding noise

abatement and adherence to OSHA regulations were provided. The MAPC approved (8-0) the request subject to the following provisions of Protective Overlay #292:

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded and directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant, limited"; "teen club in the city"; "tavern and drinking establishment"; "sexually oriented business in the city"; "recreation and entertainment, outdoor"; "nightclub in the city"; "correctional placement residence, limited and general" and "correctional facility."

On December 3, 2014, District Advisory Board (DAB) III heard the case. Two homeowners objected to allowing trucks from the application area to have access to Minneapolis Street. The homeowners asserted that Minneapolis Street was too narrow to allow semi-tractor trailer truck traffic, and trucks from the old bakery and the shopping center located to the north had broken the concrete paving on at least one driveway and on the curb located in front of a home. Another speaker was concerned with cut-through traffic from Harry Street using Minneapolis Street as a shortcut, and wanted a "stop" sign to be installed at the intersection of Glen Oaks Street and Minnesota Street. The DAB recommended approval of the request subject to the recommended protective overlay, but modified Protective Overlay #292 development standard number six to state that there be "no access from the site to Minneapolis Street."

No official protests were received. The MAPC recommendation may be approved by simple majority. The DAB III recommendation may be approved by a two-thirds majority vote to override the MAPC recommendation to continue to allow access to Minneapolis Street.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #292 as recommended by MAPC and place the ordinance on first reading (simple majority vote); adopt the findings of the MAPC and approve the request but deny access to Minneapolis Street as

recommended by DAB III and place the ordinance on first reading (two-thirds majority vote) or deny the request (two-thirds majority vote).

Attachments: MAPC minutes, DAB memo and ordinance.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2014-00026

Zone change request from TF-3 Two-family Residential (TF-3) and LC Limited Commercial (LC) to LI Limited Industrial (LI) described as Lot 10 and the half vacated alley adjacent on the South and East, Fred P. Mosteller Addition to Wichita, Sedgwick County, Kansas, and Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas, and Lots 1 and 2 and the half vacated alley adjacent on the West and North, Block 1, together with Lot 3, Block 1, Murphy Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #292:

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded and directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant,

limited”; “teen club in the city”; “tavern and drinking establishment”; “sexually oriented business in the city”; “recreation and entertainment, outdoor”; “nightclub in the city”; “correctional placement residence, limited and general” and “correctional facility.”

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 13th day of January, 2015.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Sharon Dickgrafe, Interim City Attorney

EXCERPT MINUTES OF THE NOVEMBER 20, 2014 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2014-00026 - 2350 SE Partners, LLC / Paul Gray request a City zone change request from TF-3 Two-family Residential and LC Limited Commercial to LI Limited Industrial on property described as:

Lot 10 and the half vacated alley adjacent on the South and East, Fred P. Mosteller Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas.

AND

Lots 1 and 2 and the half vacated alley adjacent on the West and North, Block 1, TOGETHER WITH lot 3, Block 1, Murphy Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) "variance" discussed in the "case history" section below. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site's current development standards, described in the "case history" section below.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are:

“wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZC) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the limited manufacturing use shall not exceed one square foot of floor area to three square feet of lot area; 2) the minimum setback of any building from any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZC, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

CASE HISTORY: The portion of the application area that contains the large manufacturing building, thought to have been built in 1955 or 1956, and addressed as 2530 Southeast Drive, is Lot 10 of the Mosteller Addition. On August 16, 1955, the Metropolitan Area Planning Commission (MAPC) approved 2530 Southeast Drive as the location for a bakery. However, the superintendent of building inspection refused to issue a building permit for the bakery on the basis the bakery would employ more than five employees (Ordinance No. 21-245). Lot 10 had been previously zoned LC, and at that time bakeries employing more than five employees were not permitted in the LC district. On August 26, 1955, the Board of Zoning Appeals (BZA) approved case number BZA 10-55 that granted a variance for the bakery to have up to 15 employees, subject to certain other conditions. Zone change case Z-0986 (May 13, 1968) rezoned Lot 10, Fred P. Mostellar Addition and Lots 1 and 2, Block 1, Murphy Addition (the land located immediately north of 2539 South Minneapolis Street) to the LC district. Case number BZA13-68 (June 25, 1968) required: a maximum building coverage of one-third the site’s total land area; a minimum building setbacks from the south and east property line at 100 feet; a minimum building setback along the west property line at 30 feet; no outside storage; parking and loading areas are to be paved and cannot cover more than one-half of required open space; the maximum number of employees at 15 per net acre of land in any one shift; no noxious odors or undue noise shall be detected at the property line; access to Minneapolis to be limited to the two existing alleys located at the north and south property lines; submission of site plan; screening fencing located along the east and south property line to be maintained; the area to be policed for trash; no signs to be located along the east or south property lines; lights to be shielded to direct light away from residential areas and no sound projecting devices are to be used outside of any structure. In 1985, the property located at the northeast corner of East Glenn Oaks Street (2536 Southeast Drive) was rezoned to LC by case number Z-2725. An alley that separated most of the northern portion of the subject site from property located further south was vacated (VAC1340).

Most of the northern portion of the application area is platted as part of the Fred P. Mosteller Addition that was recorded in 1955. The Rainbow Baking Company Addition was recorded in 1986 and is located at the northeast corner of East Glenn Oaks Street and Southeast Drive. A portion of the Murphy Addition, the southeastern portion of the application area abutting Minneapolis Street, was recorded in 1955.

ADJACENT ZONING AND LAND USE:

North: LC; retail strip center
South: TF-3; single-family residences
East: MF-29, SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: The site has direct access to Southeast Drive, which is a frontage road for Southeast Boulevard. Southeast Boulevard/K-15, at the application area, carries approximately 8,000

average daily vehicle trips. East Glenn Oaks Drive and South Minneapolis Street are local streets; traffic counts are not available those two streets. Municipal services are available to the site or the services can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The “local commercial” category includes uses such as mini-storage warehousing and small scale, light manufacturing. The “employment/industry center” category is probably a more appropriate designation for the site. The “employment/industry center” encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers.

RECOMMENDATION: The issue with this application is the need to balance the need to protect the residential uses located east and south of the application area with the objective of facilitating the re-occupation of an existing vacant manufacturing building and the lot’s hybrid zoning with more liberal zoning that will not substantially change the site’s impact on adjoining properties. Based upon the information available at the time the staff report was prepared it is recommended that the request for LI zoning be approved subject to the provisions of Protective Overlay #292

1. Maximum building coverage is limited to one-third the site’s total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site’s total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: “outdoor storage as a principal use”; “gas and/or fuel storage and sales”; manufacture, storage or sale of fireworks; “construction burn site, limited”; “asphalt or concrete plant, limited”; “teen club in the city”; “tavern and drinking

establishment”; “sexually oriented business in the city”; “recreation and entertainment, outdoor” and “nightclub in the city”; “correctional placement residence, limited and general” and “correctional facility.”

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center. Land to the east, across Minneapolis Street, is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences. The application area acts somewhat as a transition property between Southeast Boulevard/K-15 and the residential areas located east of Minneapolis Street. The presence of Southeast Boulevard/K-15 Highway adds to the location’s non-neighborhood feel.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the development standards contained in the variance discussed in the “case history” section located above. As zoned a wide range of residential, office, retail and commercial uses are permitted. However, the site is developed with an approximately 53,000 square-foot building formerly used as a bakery that is probably a difficult building to find a new user as currently zoned. It is likely that it will be easier to find a manufacturing use rather than a retail or general commercial use for the existing building. Businesses needing large buildings generally prefer to have buildings that meet the corporation’s architectural standards rather than retrofit an existing manufacturing building. The mostly vacant retail sales building located north of the site is likely proof that the market does not favor retail sales at this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit more intense uses than the site’s current zoning permits, such as wider range of manufacturing type uses and with more than 15 employees per net acre of land. The proposed conditions of approval should address known impacts from a wider range of uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide additional LI zoned property to the community’s market place. Denial would presumably make it more difficult for the owners to sell the property and put the property back in use.
5. Length of time the property has remained vacant as currently zoned: Staff has been advised that the site has been vacant for six to 12 months.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The “local commercial” category includes uses such as mini-storage warehousing and small scale, light manufacturing. The “employment/industry center” category is probably a more appropriate designation for the site given the site’s proximity to Southeast Boulevard/K-15 Highway and building that exist on the site. The “employment/industry center” encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers.

7. Impact of the proposed development on community facilities: Existing facilities are in place to address anticipated demand on community facilities.

DALE MILLER, Planning Staff presented the Staff Report.

FOSTER referred to condition 2 of the Staff Report regarding the “either or” situation with the setbacks to the north. He said that was confusing. He said he thought the plat required a 5 foot minimum setback.

MILLER said the UZC requires 0 to 5 foot setback in some zoning districts. He said there may be a Building Code requirement that increases that amount.

PAUL GRAY, APPLICANT, 2350 SE PARTNERS, LLC, 4416 SOUTH DORIS COURT said the investment group has a long history of buying older properties that are distressed and vacant, turning them around and finding viable tenants that bring life back to the properties. He said they see the value of this building as a warehouse or manufacturing facility, maybe aviation related since the facility is located in south Wichita. He said the current zoning does not allow any of those types of activities. He said the previous bread factory had to get a variance because of the number of employees. He said if that bakery was being built today, it would not be able to be built in this zoning district. He said they are attempting to change the zoning so that the facility can be utilized like it has been. He said they are in the process of cleaning up the property and making repairs to the fence and building. He said they were getting ready to paint the building before the weather turned. He said the improvements they are making to the facility will make it more attractive to any prospective tenants and it will look better and fit into the neighborhood. He said they want to be good neighbors. He said their intention is to operate the facility as it has already been operated with a different product. He said previously the facility was used to manufacture bread and to warehouse and sell bread. He said at this time, they cannot speak specifically about what the product might be. He said they see the small retail center on the south of the property coinciding with whatever is manufactured or warehoused at the site. He added or another retailer could use the center not connected with the larger manufacturer on the property.

MCKAY clarified that the applicant agreed with the condition in the Staff Report.

GRAY replied yes.

ELEANOR GOODWYN, 1902 EAST GLEN OAKS DRIVE said they also own 1903 E. Glen Oaks Drive and have lived at 1902 for 56 years. She said the bakery was always a nice neighbor (the facility smelled so good). She said they are concerned about what might go into the location. She said the neighbors were not aware there were zoning issues with the bakeries. She said when the sign for the rezoning originally went up on the property it was to change the zoning from Limited Commercial to General Commercial, but the public hearing notice they received said to change zoning from Limited Commercial to Limited Industrial. She said that is quite a jump in zoning intensity. She said this is a residential area. She asked the Commission to take that into consideration and protect the neighborhood. She said they are interested in what people want to do or build or change at the location.

FOSTER mentioned the condition for screening fencing along the east and south property lines and asked if Ms. Goodwyn was aware of that provision.

GOODWYN commented that there has been a privacy fence along South Minneapolis for years and the neighbors are fine with that.

FOSTER said the zone change under consideration would require that fence to remain in place or be improved by the applicant.

RON HOWARD, PRESIDENT, K-15 NEIGHBORHOOD ASSOCIATION, 2719 EAST TIMBERLINE said there are two houses directly behind the outlet store where the fence is down. He

said the two properties recently sold and the new property owners are concerned about whether the security fence will be re-installed once the property is rezoned. He said the neighbors are also asking for some type of noise abatement and assurances that Occupational Safety & Health Administration (OSHA) standards will be followed. He reported that at Monday's neighborhood meeting at Colvin Community Center the majority of neighbors thought the rezoning would be a good thing for the neighborhood and that it could bring back property values and infrastructure.

GOOLSBY stated that the applicant indicated that they were in the process of repairing the fence during their presentation and the conditions of the rezoning require them to maintain the screening.

GRAY said they appreciate the neighborhood participation and mentioned fielding a couple of phone calls during the rezoning process. He said most people felt pretty comfortable and they were able to alleviate a lot of concerns once the neighbors understood what was actually happening. He commented that the applicant owns the house on the north where the fence is down; however, they have only owned the property for a month and inclement weather has precluded them from fixing the fence, which is one of the requirements of the zoning change. He said noise will be less of a concern with modern equipment and technology. In addition, he added that any business will be required to meet the City noise ordinance and OSHA regulations. He said they want to be a good neighbor and will meet all zoning conditions.

FOSTER asked staff to address the noise issue and landscape buffer for industrial use.

MILLER referred to item 5 of the Staff Report conditions and also mentioned the provision of ambient noise not exceeding property lines in the UZC. He said adherence to the Landscape Ordinance is a standard requirement so he did not put those requirements into the Staff Report. He said landscape requirement would be met when the applicant applied for an occupancy permit.

FOSTER mentioned a recent case on east Kellogg regarding fencing where if there was no boundary adjustment within a 7 year period, a masonry wall would need to be installed. He asked the Commission if wording needed to be added that the screening fence be well maintained.

DENNIS asked if the applicant would be expanding the facility in the future.

GRAY said he believes the current wood privacy fence is appropriate and acknowledged that it does need some maintenance at the current time. He said he knows of no plans to expand the property.

GOOLSBY said requiring a masonry wall would constitute a major financial investment.

MCKAY said the screening issue needs to be addressed on a case-by-case basis; the Commission can't make concrete/masonry walls a standard.

B. JOHNSON commented the one of the speakers said there had been a wood privacy fence in place for years and they liked it.

MOTION: To approve subject to the staff recommendation.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (8-0).



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Case Bell, Community Liaison
SUBJECT: ZON2014-26
DATE: December 3, 2014

Dale Miller, Planning, presented on a request for a change to Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3). The lot is generally located ¼ mile south of Pawnee Avenue, east of Southeast Drive (2530 Southeast Drive). The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site's current development standards, described in the "case history" section of the provided staff report.

Questions:

DAB? Does the manufacturing in provision 13 apply to all manufacturing or just fireworks? **A:** Just fireworks.

DAB? Was there any protest? **A:** No official protests but several citizens have expressed concern over traffic in the area.

Michelle McCain, 2458 S. Minneapolis: She is concerned about increased commercial traffic in the area damaging the streets and becoming a danger to children playing in the area. She suggested that businesses not have access to Minneapolis.

DAB: There should at least be stop signs there to halt traffic at dangerous intersections.

DAB? Is there currently an ordinance to keep big trucks off of residential streets? **A:** Not known at this time, but there may be some enforcement issues here.

Eleanor Goodwin, 2902 E. Glen Oaks Dr.: The trucks that come down Minneapolis tear up the street. She reports that there used to be a sign that said no traffic for southbound Minneapolis but someone took it down. She also feels that the planning commission did not take her concerns seriously.

DAB: Suggested that there be an extra provision banning street access from the property to Minneapolis.

The DAB III members voted 7-1 to recommend that the request for LI zoning be approved subject to the 13 listed provisions of Protective Overlay #292 with the added provision that all access to Minneapolis would be removed from the property.

Wichita, Kansas
December 22, 2014
10:00 a.m., Monday
Conference Room, 12th Floor

MINUTES - BOARD OF BIDS AND CONTRACTS*

The Board of Bids and Contracts met with Marty Strayer, Administrative Assistant, Public Works Engineering in the Chair; Troy Tillotson, Budget Analyst, Budget Office, Finance, Clarence Rose, Senior Buyer, representing Purchasing, Zack Daniel Fellow representing the City Manager's Office and Karen Sublett, City Clerk, present.

Minutes of the regular meeting dated December 15, 2014, were read and on motion approved.

Bids were opened December 19, 2014, pursuant to advertisements published on:

2014 Sanitary Sewer Rehabilitation Phase F (CIPP) (north of 31st St. S, east of Seneca) 468-84993 (620721)

Layne Inliner LLC - \$323,976.50

Purchasing Manager recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

On motion the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

**PUBLIC WORKS AND UTILITIES DEPARTMENT/FLEET AND FACILITIES DIVISION:
Asbestos Abatement Contract.**

Enviro Remediation Inc - \$4,480.00 – Primary Contractor
F&H Abatement Services Inc. – Secondary Contractor

**PUBLIC WORKS AND UTILITIES DEPARTMENT/ENGINEERING DEPARTMENT: Ultraviolet
Disinfection Equipment.**

Trojan Technologies - \$864,000.00

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board of Bids adjourned.

Marty Strayer, Administrative Assistant
Department of Public Works

Karen Sublett, MMC
City Clerk

FORMAL BID REPORT

TO: Robert Layton, City Manager
DATE: December 22, 2014

ENGINEERING BIDS – GARY JANZEN, CITY ENGINEER

December 19, 2014

2014 Sanitary Sewer Rehabilitation Phase F (CIPP) (north of 31st Street S., east of Seneca) – Public Works & Utilities Department/Engineering Division
Layne Inliner, LLC **\$323,976.50**

PURCHASING BIDS – MELINDA A. WALKER, PURCHASING MANAGER

December 19, 2014

Asbestos Abatement – Public Works & Utilities Department/Fleet & Facilities Division (See Exhibit B for Itemized Contract Pricing in the Formal Bid Report)

Enviro Remediation, Inc.

Primary Contractor

\$4,480.00

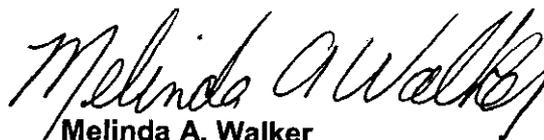
F & H Abatement Services, Inc.

Secondary Contractor

Ultraviolet Disinfection Equipment for Wastewater Treatment Plant 2 – Public Works & Utilities Department/Engineering Division

\$864,000.00

ITEMS TO BE PURCHASED AS ADVERTISED IN THE OFFICIAL CITY NEWSPAPER.


Melinda A. Walker
Purchasing Manager

SANITARY SEWER BID TABULATION SUMMARY

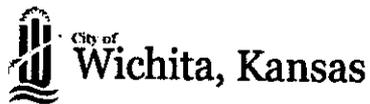
BOARD OF BIDS - December 19, 2014

RQ441309

FB440242		Engineer's Construction Estimate	Dondlinger & Sons	Duling Construction	Mies Construction
2014 Sanitary Sewer Rehabilitation Phase F (CIPP)		\$345,975.00			
(north of 31st St. S, east of Seneca)	BID BOND				
468-84993	ADDENDA	0			
(620721)					
		Engineer's Construction Estimate	McCullough Excavation	Nowak Construction	Utilities Plus
2014 Sanitary Sewer Rehabilitation Phase F (CIPP)		\$345,975.00			
(north of 31st St. S, east of Seneca)	BID BOND				
468-84993	ADDENDA	0			
(620721)					
		Engineer's Construction Estimate	Wildcat Construction	Stannard Construction d/b/a WB Carter	Layne Inliner LLC
2014 Sanitary Sewer Rehabilitation Phase F (CIPP)		\$345,975.00			\$323,976.50
(north of 31st St. S, east of Seneca)	BID BOND				X
468-84993	ADDENDA	0			
(620721)					
		Engineer's Construction Estimate	SAK Construction LLC	Municipal Pipe Tool Co LLC	
2014 Sanitary Sewer Rehabilitation Phase F (CIPP)		\$345,975.00	\$397,371.50	\$334,315.85	
(north of 31st St. S, east of Seneca)	BID BOND		X	X	
468-84993	ADDENDA	0			
(620721)					

CHECKED BY: *jld*

REVIEWED BY: *[Signature]*



BID RESULTS

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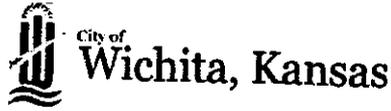
This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line
Solicitation: FB440239 **Asbestos Abatement Contract** **Close Date/Time:** 12/19/2014 10:00 AM CST
Solicitation Type: Formal Bid **Return to the Bid List**
Award Method: Aggregate Cost
Department: Public Works Fleet & Facilities **Responses:** 2

Vendors	Complete	Bid Total	City Comments
ENVIRO REMEDIATION INC	Complete	\$4,480.00	Award 1/6/15 Primary Contractor Public Works & Utilities Dept/Fleet & Facilities Div
F & H ABATEMENT SERVICES INC	Complete	\$4,967.00	Award 1/6/15 Secondary Contractor Public Works & Utilities Dept/Fleet & Facilities Div

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BID RESULTS

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This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor Group Line
Solicitation: FB440239 **Asbestos Abatement Contract** **Close Date/Time:** 12/19/2014 10:00 AM CST
Solicitation Type: Formal Bid **Return to the Bid List**
Award Method: Aggregate Cost
Department: Public Works Fleet & Facilities **Responses:** 2
Go to:

Line 001 | Asbestos Abatement of 2922 E. Mossman, Wichita, KS as per specifications.

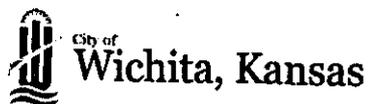
Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
ENVIRO REMEDIATION INC	1	Lump Sum	\$2,880.0000	\$2,880.00	Complete	
F & H ABATEMENT SERVICES INC	1	Lump Sum	\$3,122.0000	\$3,122.00	Complete	

Line 002 | Asbestos Abatement of 1932 S. Meridian, Wichita, KS as per specifications.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
ENVIRO REMEDIATION INC	1	Lump Sum	\$1,600.0000	\$1,600.00	Complete	
F & H ABATEMENT SERVICES INC	1	Lump Sum	\$1,845.0000	\$1,845.00	Complete	

[Top of the Page](#)





BID RESULTS

[Registration](#) [Solicitations](#) [Document Inquiry](#) [Login](#) [Help](#)

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line
Solicitation: FB440244 **Ultraviolet Disinfection Equipment** **Close Date/Time:** 12/19/2014 10:00 AM CST
Solicitation Type: Formal Bid **Return to the Bid List**
Award Method: Aggregate Cost
Department: Public Works and Utilities **Responses:** 3

Vendors	Complete	Bid Total	City Comments
TROJAN TECHNOLOGIES	Complete	\$864,000.00	Award 1-6-15 Public Works & Utilities Dept./Engineering Division
OZONIA NORTH AMERICA INC	Complete	\$918,000.00	
CALGON CARBON CORPORATION	Complete	\$1,368,000.00	

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**PRELIMINARY ESTIMATES
FOR CITY COUNCIL JANUARY 6, 2015**

- a. Jayson from the west line of Lot 22, Block C, west to the east line of Kennedy, and on Kennedy from the east line of Lot 53, Block B to the west line of Jayson and that sidewalk be constructed on Jayson and Kennedy to serve The Woods Addition (east of 151st Street West, north of Maple) (472-84949/766312/490333) Does not affect existing traffic. (District V) - \$255,200.00
- b. 2014 Sanitary Sewer Reconstruction Phase 14 (north of Harry, east of Seneca) (468-85005/620720/664025) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$298,500.00
- c. 2015 Utility Cut Repair of Streets, Driveways and Sidewalks (within City of Wichita city limits) (472-85192/132035/620701/636246/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V,VI) - \$1,114,800.00

PRELIMINARY ESTIMATE of the cost of:

Jayson from the west line of Lot 22, Block C, west to the east line of Kennedy, and on Kennedy from the east line of Lot 53, Block B to the west line of Jayson and that sidewalk be constructed on Jayson and Kennedy to serve The Woods Addition (east of 151st Street West, north of Maple)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

LUMP SUM BID ITEMS

1	AC Pavement 5" (3" Bit Base)	4,033	sy
2	Crushed Rock Base (5"), Reinforced	5,077	sy
3	Concrete Pavement (VG) 7" (Reinf)	151	sy
4	Concrete C & G (3 5/8" RL & 1 1/2")	2,280	lf
5	Concrete Curb, Mono Edge (3 5/8" RL & 1 1/2")	77	lf
6	Wheelchair Ramp w/ Detectable Warnings	1	ea
7	Excavation	880	cy
8	Pipe, SWS 15"	101	lf
9	Pipe, SWS 18"	42	lf
10	Pipe, SWS 24"	132	lf
11	Inlet, Curb (Type 1A) (L=10' W=3')	2	ea
12	Inlet, Drop, Special	1	ea
13	Inlet Hookup	2	ea
14	Grading, Easement	1	LS
15	Maintain Existing BMPs	1	LS
16	Signing	1	LS
17	Seeding	1	LS
18	Site Clearing	1	LS
19	Site Restoration	1	LS

MEASURED QUANTITY BID ITEMS

20	Fill, Sand (Flushed & Vibrated)	42	lf
21	Concrete Sidewalk 4"	2,418	sf
22	Inlet Underdrain	42	lf
23	BMP, Back of Curb Protection	2,352	lf
24	BMP, Curb Inlet Protection	2	ea
25	BMP, Drop Inlet Protection	1	ea

Construction Subtotal

Design Fee
Engineering & Inspection
Administration
Publication

Total Estimated Cost

\$255,200.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.


Gary Janzer, P.E. City Engineer

Sworn to and subscribed before me this _____
(DATE)

City Clerk

490333 (766312) 472-84949

Page _____

EXHIBIT

PRELIMINARY ESTIMATE of the cost of:
 2014 Sanitary Sewer Reconstruction Phase 14
 (north of Harry, east of Seneca)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

LUMP SUM BID ITEMS

1	Pipe, SS 8"	2,018	lf
2	Pipe Removed, 8"	2,018	lf
3	MH Removed	8	ea
4	MH, Shallow SS (4')	9	ea
5	MH Bench & Invert, Removed & Repl	1	ea
6	MH Frame & Cover, Replaced	2	ea
7	A/C Pavement Removed & Replaced	31	lf
8	Concrete Pvmt Rem & Repl (Site 3)	37	lf
9	Fill, Sand (flushed & vibrated)	400	lf
10	Site Clearing	1	LS
11	Site Restoration	1	LS

MEASURED QUANTITY BID ITEMS

12	Service Reconnection, Sewer (4")	24	ea
13	Service Reconnection, Sewer (6")	1	ea
14	A/C Pvmt Rem & Repl (Site 4)	35	lf
15	Concrete Pavement Removed (Site 4)	321	lf
16	A/C Pavement, Temporary (6") (Site 4)	178	sy
17	BMP, Construction Entrance	1	ea
18	BMP, Back of Curb Protection	40	lf
19	BMP, Erosion Control Mat	50	sy
20	BMP, Silt Fence	20	lf
21	BMP, Curb Inlet Protection	1	ea

Construction Subtotal

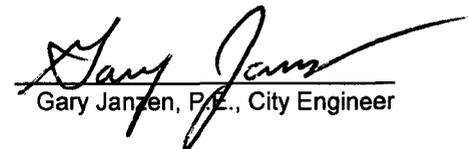
Engineering & Inspection
 Administration (3%)
 Publication

Total Estimated Cost

\$298,500.00

CITY OF WICHITA)
 STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.


 Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____
 (DATE)

 City Clerk

To be Bid: December 12, 2014

PRELIMINARY ESTIMATE of the cost of:
 2015 Utility Cut Repair of Streets, Driveways and Sidewalks
 (within City of Wichita city limits)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

MEASURED QUANTITY BID ITEMS (132035)		
1	6" "0" Slump Conc. Base	50 sy
2	8" "0" Slump Conc. Base	450 sy
3	10" "0" Slump Conc. Base	200 sy
4	6" (High Early Strength) Reinf Conc. Pvmt or Base	200 sy
5	8" (High Early Strength) Reinf Conc. Pvmt or Base	2,000 sy
6	10" (High Early Strength) Reinf Conc. Pvmt or Base	1,000 sy
7	6" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	50 sy
8	8" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	1,250 sy
9	10" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	500 sy
10	Asph. Conc. (SC-1) (PG64-22) for Surface Course	600 tn
11	Brick (Clay) Surface Reconstr.	250 sy
12	Cold Mix Asph. Conc. for Temp Patch	10 tn
13	4" Sidewalk Conc. Pvmt	12,500 sf
14	6" Driveway Conc. Pvmt	10,000 sf
15	8" Reinf. Driveway Conc. Pvmt	3,000 sf
16	WCR Const. w/Det. Warn.	50 ea
17	Colored Conc. Pvmt (8" Min.)	50 sy
18	4" Colored Conc. Sidewalk	50 sf
19	Brick Pavers (Concrete) Reconstr.	50 sy
20	Granite Pavers Reconstr.	20 sy
21	Comb. Curb & Gutter Repair	1,000 lf
22	Mono Edge Curb Repair	500 lf
23	Compacted Soil Fill (95% Std Density)(Contr. Furnished)	20 tn
24	Compacted Asph. Millings Fill (95% Std Density)(Contr. Furnished)	100 tn
25	Compacted Crushed Conc. Fill (95% Std Density)(Contr. Furnished)	100 tn
26	Utility Test Hole Repair	200 ea
27	Protective Steel Plating	50 sy
28	Exploratory Excavation	5 ea
29	Flowable Fill	50 cy
30	Fescue Sod	50 sy
31	Bermuda Sod	50 sy
32	Zoysia Sod	50 sy
33	Electronic Message Board	10 day
34	Curb Drain (6")	5 ea
35	Curb Drain (8")	5 ea
36	Concr Removal, backfill & seed	100 sy
37	Crack Sealing (RoadSaver #221 or equal)	150 lf
MEASURED QUANTITY BID ITEMS (620701)		
38	SS MH Adj w/new Ring & Lid	2 ea
39	SS MH Adj using existing Ring & Lid	2 ea
MEASURED QUANTITY BID ITEMS (636246)		
40	Ring & Lid for Water Meter Vaults	5 ea
41	Valve Box Ring & Lid replacement	4 ea
MEASURED QUANTITY BID ITEMS (133116)		
42	SWS MH Adj w/new Ring & Lid	1 ea
43	SWS MH Adj using existing Ring & Lid	1 ea

Construction Subtotal

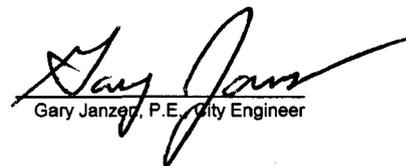
- Design Fee
- Engineering & Inspection
- Administration
- Publication
- Water Dept
- Contingency

Total Estimated Cost

\$1,114,800.00

CITY OF WICHITA)
 STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.


 Gary Janzer, P.E., City Engineer

Sworn to and subscribed before me this _____ (DATE)

 City Clerk

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

**NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL JANUARY 6, 2015**

PRELIMINARY ESTIMATE of the cost of water distribution system to serve Bellechase Addition (District II) (448-90576/735484/470-157) – Total Estimated Cost \$110,000.

To the City Council
Wichita, Kansas

Date of CC 1/6/2014
(OCA/PROJ) 735484/448-90576
(PPN) 470-157

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

PRELIMINARY ESTIMATE of the cost of water distribution system to serve Bellechase Addition.

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

Total Estimated Cost \$110,000

CITY OF WICHITA
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.


for Gary Janzen, City Engineer

Sworn to and subscribed before me this _____ day of _____, 2015.

City Clerk

PRELIMINARY ESTIMATE of the cost of water distribution system to serve Bellechase Addition (District II) (448-90576/735484/470-157) – Total Estimated Cost \$110,000.

Page _____ Exhibit _____

**NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL JANUARY 6, 2015**

PRELIMINARY ESTIMATE of the cost of water distribution system to serve Clear Creek Addition (District II) (448-90620/735503/470-176) – Total Estimated Cost \$45,900.

To the City Council
Wichita, Kansas

Date of CC 1/6/2014
(OCA/PROJ) 735503/448-90620
(PPN) 470-176

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

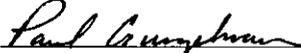
PRELIMINARY ESTIMATE of the cost of water distribution system to serve Clear Creek Addition.

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

Total Estimated Cost \$45,900

CITY OF WICHITA
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.



or Gary Janzen, City Engineer

Sworn to and subscribed before me this _____ day of _____, 2015.

City Clerk

Page _____ Exhibit _____

PRELIMINARY ESTIMATE of the cost of water distribution system to serve Clear Creek Addition (District II) (448-90620/735503/470-176) – Total Estimated Cost \$45,900.

Page _____ Exhibit _____

**STATEMENTS OF COST
SPECIAL ASSESSMENTS
SEPTEMBER, 2015**

WATER:

- a. Statement of Cost for constructing Water Distribution System to serve Bellechase 3rd Addition (north of Harry, east of 127th Street East) – Total Cost - \$86,258.54 (plus idle fund interest estimated - \$115.10, plus temporary financing estimated - \$26.36), plus main benefit fee - \$22,743.00. Financing to be issued at this time - \$109,143.00 (735484/448-90576/470-157).
- b. Statement of Cost for constructing Water Distribution System to serve Absolute Natural Stone Addition (south of Kellogg, west of 127th Street East) – Total Cost - \$30,954.97 (plus idle fund interest estimated \$145.03). Financing to be issued at this time - \$31,100.00 (735496/448-90590/470-169).
- c. Statement of Cost for constructing Water Distribution System to serve Liberty Park 3rd Addition (south of 13th Street North, east of 135th Street West) – Total Cost - \$38,626.04 (plus idle fund interest estimated - \$162.11, plus temporary financing estimated - \$11.85). Financing to be issued at this time - \$38,800.00 (735502/448-89987/470-175).
- d. Statement of Cost for constructing Water Distribution System to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East) – Total Cost - \$38,925.48 (plus idle fund interest estimated - \$174.52, plus main benefit fee - \$6,101.00). Financing to be issued at this time - \$45,201.00 (735503/448-90620/470-176).
- e. Statement of Cost for constructing Water Distribution System to serve Emerald Bay Estates 2nd Addition (north of 21st Street North, west of West Street) – Total Cost - \$72,183.29 (plus idle fund interest estimated - \$216.71). Financing to be issued at this time - \$72,400.00 (735508/448-90633/470-181).

SANITARY SEWER:

- f. Statement of Cost for constructing Lateral 130, Sanitary Sewer No. 23 to serve Anderson Acres Addition and Leewood Heights 3rd Addition (east of Meridian, north of 53rd Street North)– Total Cost - \$73,470.85 (plus idle fund interest estimated - \$207.84, plus temporary financing estimated - \$21.31, plus main benefit fee - \$5,370.00). Financing to be issued at this time - \$79,070.00 (744325/468-84761/480-017).
- g. Statement of Cost for constructing Lateral 6, Main 20 Southwest Interceptor Sewer to serve U-Needa Self Storage Addition (south of 21st Street North, east of Hoover) – Total Cost - \$41,166.84 (plus idle fund interest estimated - \$120.58, plus temporary financing estimated - \$12.58). Financing to be issued at this time - \$41,300.00 (744346/468-84873/480-038).
- h. Statement of Cost for constructing Lateral 27, Main 13, War Industries Sewer to serve Absolute National Stone Addition (south of Kellogg, west of 127th Street East) – Total Cost - \$72,526.24 (plus idle fund interest estimated - \$161.91, plus temporary financing estimated - \$11.85). Financing to be issued at this time - \$72,700.00 (744358/468-84875/480-050).
- i. Statement of Cost for constructing Lateral 63, Cowskin Interceptor Sewer to serve Courtyards at Auburn Hills Addition (north of Kellogg, west of 135th Street West) – Total Cost - \$167,319.99 (plus idle fund interest estimated - \$129.67, plus temporary financing estimated - \$50.34, plus main benefit fee - \$45,085.00). Financing to be issued at this time - \$212,585.00 (744362/468-84917/480-054).

- j. Statement of Cost for constructing Lateral 15, Northwest Interceptor Sewer to serve Liberty Park 3rd Addition (south of 13th Street North, east of 135th Street West) – Total Cost - \$39,430.56 (plus idle fund interest estimated - \$157.32, plus temporary financing estimated - \$12.12). Financing to be issued at this time - \$39,600.00 (744363/468-83853/480-055).
- k. Statement of Cost for constructing Lateral 440, Four Mile Creek Sewer to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East) – Total Cost - \$81,442.79 (plus idle fund interest estimated - \$257.21). Financing to be issued at this time - \$81,700.00 (744364/468-84923/480-056).

STORM WATER:

- l. Statement of Cost for constructing Storm Water Sewer No. 676, to serve Remington Place Addition (south of 21st Street North, east of Webb Road)– Total Cost - \$45,486.79; (plus idle fund interest estimated - \$213.21). Financing to be issued at this time - \$45,700.00 (751524/468-84933/485-415).

PAVING:

- m. Statement of Cost for constructing Paving on 36th Street North to serve Agnes Addition, House of Stewarts Addition, James C. Green Addition and unplatted tracts (south of 37th Street North, east of Arkansas) – Total Cost - \$261,982.71, (plus idle fund interest estimated - \$131.70, plus temporary financing estimated - \$185.59). Financing to be issued at this time - \$262,300.00 (766265/472-84992/490-283).
- n. Statement of Cost for constructing Paving on 27th Street North to serve Greenwich Business Center Addition (east of Greenwich, south of 29th Street North) – Total Cost - \$563,867.20, (plus idle fund interest estimated - \$169.44, plus temporary financing estimated - \$2,263.36). Financing to be issued at this time - \$566,300.00 (766266/472-84981/490-284).
- o. Statement of Cost for constructing Paving on Hoover Court to serve Airport Industrial Park Addition (south of Harry, west of Hoover) – Total Cost - \$244,833.66, (plus idle fund interest estimated - \$168.09, plus temporary financing estimated - \$98.25). Financing to be issued at this time - \$245,100.00 (766289/472-85067/490-307).
- p. Statement of Cost for constructing Paving on Rocky Creek Road, Bellechase, and Bellechase Court to serve Bellechase 3rd Addition (north of Harry, east of 127th Street East) – Total Cost - \$918,444.87, (plus idle fund interest estimated - \$238.69, plus temporary financing estimated - \$316.44). Financing to be issued at this time - \$919,000 (766290/472-85078/490-308).
- q. Statement of Cost for constructing Paving on Cherry Creek and Cherry Creek Court to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) – Total Cost - \$163,555.19, (plus idle fund interest estimated - \$194.85, plus temporary financing estimated - \$49.96). Financing to be issued at this time - \$163,800 (766301/472-84560/490-319).
- r. Statement of Cost for constructing Paving on Fawnwood, Jayson, Kennedy, and Fawnwood Court to serve The Woods Addition (east of 151st Street West, north of Maple) – Total Cost - \$291,814.69, (plus idle fund interest estimated - \$204.67, plus temporary financing estimated - \$80.64). Financing to be issued at this time - \$292,100 (766302/472-84948/490-320).

- s. Statement of Cost for constructing Paving on Verona, Verona Circle, Verona Court, Siena, and Siena Court to serve Courtyards at Auburn Hills Addition (north of Kellogg, west of 135th Street West) – Total Cost - \$698,807.25, (plus idle fund interest estimated - \$830.11, plus temporary financing estimated - \$62.64). Financing to be issued at this time - \$699,700 (766303/472-85128/490-321).
- t. Statement of Cost for constructing Paving on Marblefalls and Marblefalls Court to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside) – Total Cost - \$232,212.74, (plus idle fund interest estimated - \$217.73, plus temporary financing estimated - \$69.53). Financing to be issued at this time - \$232,500 (766304/472-84266/490-322).
- u. Statement of Cost for constructing Paving on Forestview and Lost Creek to serve Liberty Park 3rd Addition (south of 13th Street North, east of 135th Street West) – Total Cost - \$261,578.25, (plus idle fund interest estimated - \$383.26, plus temporary financing estimated - \$38.49). Financing to be issued at this time - \$262,000 (766305/472-84069/490-323).
- v. Statement of Cost for constructing Paving on Tara Falls and Tara Falls Court to serve Casa Bella Addition (north of Pawnee, west of 127th Street East) – Total Cost - \$153,590.63, (plus idle fund interest estimated - \$309.37). Financing to be issued at this time - \$153,900 (766308/472-84338/490-326).
- w. Statement of Cost for constructing Paving on Westgate, Greenfield, and Greenfield Circle to serve Southern Ridge 4th Addition (south of Pawnee, west of Maize) – Total Cost - \$157,206.80, (plus idle fund interest estimated - \$393.20). Financing to be issued at this time - \$157,600 (766310/472-85045/490-331).

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
448-90576

City Clerk
Wichita, Kansas

OCA# 735484
PPN# 470-157

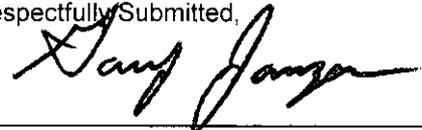
Dear City Clerk:

Following is the cost of constructing:

Water Distribution System No. 90576 to serve Bellechase 3rd Addition (north of Harry, east of 127th Street East)

Contract Amount	\$59,982.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$2,138.01
Engineering & Inspection	\$23,411.83
Publication	\$706.70
Abstract	\$20.00
Construction Cost	<hr/> \$86,258.54
Idle Fund Interest Estimated	\$115.10
Temporary Financing Estimated	<hr/> \$26.36
Subtotal	\$86,400.00
Main Benefit Fee (Water or Sewer projects only)	\$22,743.00
TOTAL COST	<hr/> \$109,143.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$86,400.00

Benefit Fee \$22,743.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$110,000.00
Increase by 1% per month after: October 1, 2012

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas

January 6, 2015

448-90590

City Clerk
Wichita, Kansas

OCA# 735496

PPN# 470-169

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System No. 90590 to serve Absolute Natural Stone Addition (south of Kellogg, west of 127th Street East)

Contract Amount	\$14,238.65
Measured Items - Driveways	(\$575.00)
Water Department Parts and Installation	\$1,965.07
Administration	\$755.00
Engineering & Inspection	\$14,361.41
Publication	\$189.85
Abstract	\$20.00
Construction Cost	<hr/> \$30,954.97
Idle Fund Interest Estimated	\$145.03
Temporary Financing Estimated	\$0.00
Subtotal	<hr/> \$31,100.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$31,100.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$31,100.00

Benefit Fee \$0.00

September 15, 2015

Chesney 816

20 15 years

Petition/Resolution Amount: \$63,000.00

Increase by 1% per month after: April 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
448-89987

City Clerk
Wichita, Kansas

OCA# 735502
PPN# 470-175

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System No. 89987 to serve Liberty Park 3rd Addition (south of 13th Street North, east of 135th Street West)

Contract Amount	\$22,688.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$957.71
Engineering & Inspection	\$14,681.78
Publication	\$278.55
Abstract	\$20.00
Construction Cost	<hr/> \$38,626.04
Idle Fund Interest Estimated	\$162.11
Temporary Financing Estimated	\$11.85
Subtotal	<hr/> \$38,800.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$38,800.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$38,800.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$48,000.00
Increase by 1% per month after: December 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
448-90620

City Clerk
Wichita, Kansas

OCA# 735503
PPN# 470-176

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System No. 90620 to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East)

Contract Amount	\$25,377.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$949.40
Engineering & Inspection	\$12,350.73
Publication	\$228.35
Abstract	\$20.00
Construction Cost	\$38,925.48
Idle Fund Interest Estimated	\$174.52
Temporary Financing Estimated	\$0.00
Subtotal	\$39,100.00
Main Benefit Fee (Water or Sewer projects only)	\$6,101.00
TOTAL COST	\$45,201.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$39,100.00

Benefit Fee \$6,101.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$45,900.00
Increase by 1% per month after: October 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
448-90633

City Clerk
Wichita, Kansas

OCA# 735508
PPN# 470-181

Dear City Clerk:

Following is the cost of constructing:

Water Distribution System No. 90633 to serve Emerald Bay Estates 2nd Addition (north of 21st Street North, west of West Street)

Contract Amount	\$53,836.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$1,760.57
Engineering & Inspection	\$16,187.77
Publication	\$378.95
Abstract	\$20.00
Construction Cost	\$72,183.29
Idle Fund Interest Estimated	\$216.71
Temporary Financing Estimated	\$0.00
Subtotal	\$72,400.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$72,400.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$72,400.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$97,000.00
Increase by 1% per month after: May 1, 2014

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas

January 6, 2015

468-84761

City Clerk
Wichita, Kansas

OCA#

744325

PPN#

480-017

Dear City Clerk:

Following is the cost of constructing:

Lateral 130, Sanitary Sewer No. 23 to serve Anderson Acres Addition and Leewood Heights 3rd Addition (east of Meridian, north of 53rd Street North)

Contract Amount	\$51,524.89
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$1,818.31
Engineering & Inspection	\$19,869.05
Publication	\$238.60
Abstract	\$20.00
Construction Cost	\$73,470.85
Idle Fund Interest Estimated	\$207.84
Temporary Financing Estimated	\$21.31
Subtotal	\$73,700.00
Main Benefit Fee (Water or Sewer projects only)	\$5,370.00
TOTAL COST	\$79,070.00

Respectfully Submitted,



 Gary Janzen, P.E., City Engineer

Property \$73,700.00

Benefit Fee \$5,370.00

September 15, 2015

Chesney 816

20 15 years

Petition/Resolution Amount: \$85,000.00

Increase by 1% per month after: January 1, 2011

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-84873

City Clerk
Wichita, Kansas

OCA# 744346
PPN# 480-038

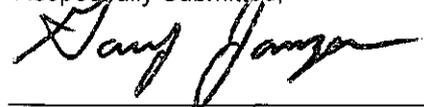
Dear City Clerk:

Following is the cost of constructing:

Lateral 6, Main 20, Southwest Interceptor Sewer to serve U-Needa Self Storage Addition (south of 21st Street North, east of Hoover)

Contract Amount	\$32,968.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$1,020.65
Engineering & Inspection	\$6,943.74
Publication	\$214.45
Abstract	\$20.00
Construction Cost	\$41,166.84
Idle Fund Interest Estimated	\$120.58
Temporary Financing Estimated	\$12.58
Subtotal	\$41,300.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$41,300.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$41,300.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$43,000.00
Increase by 1% per month after: December 12, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-84875

City Clerk

OCA# 744358
PPN# 480-050

Dear City Clerk:

Following is the cost of constructing:

Lateral 27, Main 13, War Industries Sewer to serve Absolute Natural Stone Addition (south of Kellogg, west of 127th Street East)

Contract Amount	\$57,666.05
Measured Items - Driveways	(\$978.75)
Water Department Parts and Installation	\$0.00
Administration	\$1,768.93
Engineering & Inspection	\$13,884.16
Publication	\$165.85
Abstract	<u>\$20.00</u>
Construction Cost	\$72,526.24
Idle Fund Interest Estimated	\$161.91
Temporary Financing Estimated	<u>\$11.85</u>
Subtotal	\$72,700.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
 TOTAL COST	 <u>\$72,700.00</u>

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$72,700.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$78,700.00
Increase by 1% per month after: April 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-84917

City Clerk
Wichita, Kansas

OCA# 744362
PPN# 480-054

Dear City Clerk:

Following is the cost of constructing:

Lateral 63, Cowskin Interceptor Sewer to serve Courtyards at Auburn Hills Addition (north of Kellogg, west of 135th Street West)

Contract Amount	\$116,688.43
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$4,146.34
Engineering & Inspection	\$46,044.37
Publication	\$420.85
Abstract	\$20.00
Construction Cost	\$167,319.99
Idle Fund Interest Estimated	\$129.67
Temporary Financing Estimated	\$50.34
Subtotal	\$167,500.00
Main Benefit Fee (Water or Sewer projects only)	\$45,085.00
TOTAL COST	\$212,585.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$167,500.00

Benefit Fee \$45,085.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$289,000.00
Increase by 1% per month after: November 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-83853

City Clerk
Wichita, Kansas

OCA# 744363
PPN# 480-055

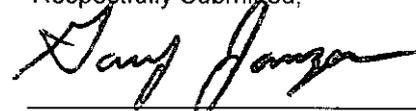
Dear City Clerk:

Following is the cost of constructing:

Lateral 15, Northwest Interceptor Sewer to serve Liberty Park 3rd Addition (south of 13th Street
North, east of 135th Street West)

Contract Amount	\$23,711.40
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$977.33
Engineering & Inspection	\$14,580.28
Publication	\$141.55
Abstract	\$20.00
Construction Cost	<hr/> \$39,430.56
Idle Fund Interest Estimated	\$157.32
Temporary Financing Estimated	<hr/> \$12.12
Subtotal	\$39,600.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$39,600.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$39,600.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$46,000.00
Increase by 1% per month after: December 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-84923

City Clerk
Wichita, Kansas

OCA# 744364
PPN# 480-056

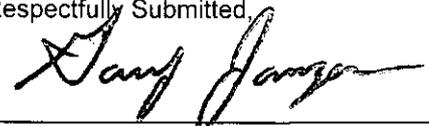
Dear City Clerk:

Following is the cost of constructing:

Lateral 440, Four Mile Creek Sewer to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East)

Contract Amount	\$57,973.00
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$1,986.41
Engineering & Inspection	\$21,228.73
Publication	\$234.65
Abstract	\$20.00
Construction Cost	\$81,442.79
Idle Fund Interest Estimated	\$257.21
Temporary Financing Estimated	\$0.00
Subtotal	\$81,700.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$81,700.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$81,700.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$89,000.00
Increase by 1% per month after: October 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
468-84933

City Clerk
Wichita, Kansas

OCA# 751524
PPN# 485-415

Dear City Clerk:

Following is the cost of constructing:

Storm Water Sewer No. 676 to serve Remington Place Addition (south of 21st Street North, east of Webb Road)

Contract Amount	\$35,881.92
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$1,109.43
Engineering & Inspection	\$8,349.19
Publication	\$126.25
Abstract	\$20.00
Construction Cost	<hr/> \$45,486.79
Idle Fund Interest Estimated	\$213.21
Temporary Financing Estimated	<hr/> \$0.00
Subtotal	\$45,700.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$45,700.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$45,700.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$63,400.00
Increase by 1% per month after: February 1, 2014

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84992

City Clerk
Wichita, Kansas

OCA# 766265
PPN# 490-283

Dear City Clerk:

Following is the cost of constructing:

Paving on 36th Street North to serve Agnes Addition, House of Stewarts Addition, James C. Green Addition, and unplatted tracts (south of 37th Street North, east of Arkansas)

Contract Amount	\$181,693.10
Measured Items - Driveways	\$20,678.00
Water Department Parts and Installation	\$0.00
Administration	\$6,627.87
Engineering & Inspection	\$52,531.44
Publication	\$432.30
Abstract	\$20.00
Construction Cost	<hr/> \$261,982.71
Idle Fund Interest Estimated	\$131.70
Temporary Financing Estimated	<hr/> \$185.59
Subtotal	\$262,300.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$262,300.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property	\$227,545.25
GO	\$34,754.75
Benefit Fee	\$0.00

September 15, 2015
Chesney 816
20 15 years

Petition/Resolution Amount: \$258,500.00
Increase by 1% per month after: March 1, 2011

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84981

City Clerk
Wichita, Kansas

OCA# 766266
PPN# 490-284

Dear City Clerk:

Following is the cost of constructing:

Paving on 27th Street North to serve Greenwich Business Center Addition (east of Greenwich,
south of 29th Street North)

Contract Amount	\$422,402.50
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$15,410.42
Engineering & Inspection	\$125,726.98
Publication	\$307.30
Abstract	\$20.00
Construction Cost	<hr/> \$563,867.20
Idle Fund Interest Estimated	\$169.44
Temporary Financing Estimated	<hr/> \$2,263.36
Subtotal	\$566,300.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$566,300.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$566,300.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$788,000.00
Increase by 1% per month after: February 1, 2011

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas

January 6, 2015

472-85067

City Clerk
Wichita, Kansas

OCA# 766289

PPN# 490-307

Dear City Clerk:

Following is the cost of constructing:

Paving on Hoover Court to serve Airport Industrial Park Addition (south of Harry, west of Hoover)

Contract Amount	\$204,377.40
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$6,145.21
Engineering & Inspection	\$33,794.85
Publication	\$496.20
Abstract	\$20.00
Construction Cost	<u>\$244,833.66</u>
Idle Fund Interest Estimated	\$168.09
Temporary Financing Estimated	<u>\$98.25</u>
Subtotal	\$245,100.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<u>\$245,100.00</u>

Respectfully Submitted,


Gary Janzen, P.E., City Engineer

Property \$245,100.00

Benefit Fee \$0.00

September 15, 2015

Chesney 816

20 15 years

Petition/Resolution Amount: \$246,000.00
Increase by 1% per month after: September 1, 2012

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-85078

City Clerk
Wichita, Kansas

OCA# 766290
PPN# 490-308

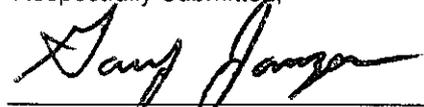
Dear City Clerk:

Following is the cost of constructing:

Paving on Rocky Creek Road, Bellechase, and Bellechase Court to serve Bellechase 3rd
Addition (north of Harry, east of 127th Street East)

Contract Amount	\$790,796.16
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$22,858.66
Engineering & Inspection	\$104,100.50
Publication	\$669.55
Abstract	\$20.00
Construction Cost	<hr/> \$918,444.87
Idle Fund Interest Estimated	\$238.69
Temporary Financing Estimated	<hr/> \$316.44
Subtotal	\$919,000.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$919,000.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$919,000.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$936,600.00
Increase by 1% per month after: September 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84560

City Clerk
Wichita, Kansas

OCA# 766301
PPN# 490-319

Dear City Clerk:

Following is the cost of constructing:

Paving on Cherry Creek and Cherry Creek Court to serve Tara Creek Addition (north of Pawnee, west of 127th Street East)

Contract Amount	\$137,948.63
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$4,053.54
Engineering & Inspection	\$21,275.02
Publication	\$258.00
Abstract	\$20.00
Construction Cost	\$163,555.19
Idle Fund Interest Estimated	\$194.85
Temporary Financing Estimated	\$49.96
Subtotal	\$163,800.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$163,800.00

Respectfully Submitted,


Gary Janzen, P.E., City Engineer

Property \$163,800.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$179,300.00
Increase by 1% per month after: February 1, 2007

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84948

City Clerk
Wichita, Kansas

OCA# 766302
PPN# 490-320

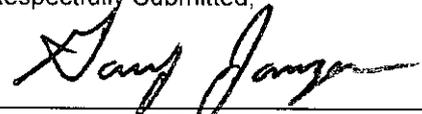
Dear City Clerk:

Following is the cost of constructing:

Paving on Fawnwood, Jayson, Kennedy, and Fawnwood Court to serve The Woods Addition
(east of 151st Street West, north of Maple)

Contract Amount	\$239,185.40
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$7,221.82
Engineering & Inspection	\$45,103.57
Publication	\$283.90
Abstract	\$20.00
Construction Cost	\$291,814.69
Idle Fund Interest Estimated	\$204.67
Temporary Financing Estimated	\$80.64
Subtotal	\$292,100.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$292,100.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$292,100.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$305,000.00
Increase by 1% per month after: December 1, 2010

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-85128

City Clerk
Wichita, Kansas

OCA# 766303
PPN# 490-321

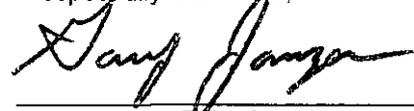
Dear City Clerk:

Following is the cost of constructing:

Paving on Verona, Verona Circle, Verona Court, Siena, and Siena Court to serve Courtyards at
Auburn Hills Addition (north of Kellogg, west of 135th Street West)

Contract Amount	\$546,363.70
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$17,125.05
Engineering & Inspection	\$134,654.30
Publication	\$644.20
Abstract	\$20.00
Construction Cost	<hr/> \$698,807.25
Idle Fund Interest Estimated	\$830.11
Temporary Financing Estimated	\$62.64
Subtotal	<hr/> \$699,700.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$699,700.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$699,700.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$841,000.00
Increase by 1% per month after: November 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas

January 6, 2015

472-84266

City Clerk
Wichita, Kansas

OCA# 766304

PPN# 490-322

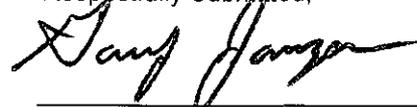
Dear City Clerk:

Following is the cost of constructing:

Paving on Marblefalls and Marblefalls Court to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside)

Contract Amount	\$190,809.19
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$5,753.48
Engineering & Inspection	\$35,364.27
Publication	\$265.80
Abstract	\$20.00
Construction Cost	<hr/> \$232,212.74
Idle Fund Interest Estimated	\$217.73
Temporary Financing Estimated	<hr/> \$69.53
Subtotal	\$232,500.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	<hr/> \$232,500.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$232,500.00

Benefit Fee \$0.00

September 15, 2015

Chesney 816

20 15 years

Petition/Resolution Amount: \$282,000.00

Increase by 1% per month after: July 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84069

City Clerk
Wichita, Kansas

OCA# 766305
PPN# 490-323

Dear City Clerk:

Following is the cost of constructing:

Paving on Forestview and Lost Creek to serve Liberty Park 3rd Addition (south of 13th Street
North, east of 135th Street West)

Contract Amount	\$215,427.40
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$6,429.71
Engineering & Inspection	\$39,238.24
Publication	\$462.90
Abstract	<u>\$20.00</u>
Construction Cost	\$261,578.25
Idle Fund Interest Estimated	\$383.26
Temporary Financing Estimated	<u>\$38.49</u>
Subtotal	\$262,000.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
 TOTAL COST	 <u>\$262,000.00</u>

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$262,000.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$297,000.00
Increase by 1% per month after: December 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas
January 6, 2015
472-84338

City Clerk
Wichita, Kansas

OCA# 766308
PPN# 490-326

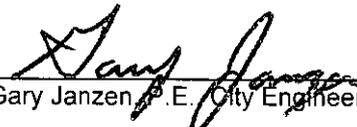
Dear City Clerk:

Following is the cost of constructing:

Paving on Tara Falls and Tara Falls Court to serve Casa Bella Addition (north of Pawnee, west of 127th Street East)

Contract Amount	\$118,615.50
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$3,746.11
Engineering & Inspection	\$30,960.67
Publication	\$248.35
Abstract	\$20.00
Construction Cost	\$153,590.63
Idle Fund Interest Estimated	\$309.37
Temporary Financing Estimated	\$0.00
Subtotal	\$153,900.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$153,900.00

Respectfully Submitted,


Gary Janzen, P.E., City Engineer

Property \$153,900.00

Benefit Fee \$0.00

September 15, 2015
Chesney 816

20 15 years

Petition/Resolution Amount: \$162,000.00
Increase by 1% per month after: August 1, 2013

PROJECT STATEMENT OF COST

Revised 1-5-2015

Approved /Accepted by City Council

Wichita, Kansas

January 6, 2015

472-85045

City Clerk
Wichita, Kansas

OCA# 766310

PPN# 490-331

Dear City Clerk:

Following is the cost of constructing:

Paving on Westgate, Greenfield, and Greenfield Circle to serve Southern Ridge 4th Addition
(south of Pawnee, west of Maize)

Contract Amount	\$127,462.25
Measured Items - Driveways	\$0.00
Water Department Parts and Installation	\$0.00
Administration	\$3,834.31
Engineering & Inspection	\$25,557.54
Publication	\$332.70
Abstract	\$20.00
Construction Cost	\$157,206.80
Idle Fund Interest Estimated	\$393.20
Temporary Financing Estimated	\$0.00
Subtotal	\$157,600.00
Main Benefit Fee (Water or Sewer projects only)	\$0.00
TOTAL COST	\$157,600.00

Respectfully Submitted,



Gary Janzen, P.E., City Engineer

Property \$157,600.00

Benefit Fee \$0.00

September 15, 2015

Chesney 816

20 15 years

Petition/Resolution Amount: \$170,000.00

Increase by 1% per month after: December 1, 2012

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Supplemental Design Agreement No. 2 for Improvements to Southfork Commercial Addition (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Agreement No. 2.

Background: On June 18, 2013, the City Council approved an agreement with Poe & Associates, Inc. for the design of improvements for the Southfork Commercial Addition. The approved design fee was \$245,950. On April 22, 2014, the City Council approved Supplemental Design Agreement No. 1 in the amount of \$200,000, which provided staking, inspection, and as-built services as required by City engineering standards. This brought the total design fee to \$445,950.

Analysis: The project was issued a notice to proceed with construction on March 21, 2014. After construction began, updates to the Roadside Design Guidelines were made which led to re-design of a wall, signalization, and traffic control items within the project. The changes also required on-site meetings and additional inspection days. The proposed supplemental agreement provides for the extra work required of the consultant.

Financial Considerations: Payment to Poe & Associates will be on a lump sum basis of \$97,020. The addition of this supplemental agreement will bring the total design service fee to \$542,970. Funding is available in the existing approved budget, which is funded by special assessments reimbursed through tax increment financing as approved by the City Council on April 17, 2012.

Legal Considerations: The Law Department has reviewed and approved Supplemental Agreement No. 2 as to form.

Recommendation/Action: It is recommended that the City Council approve Supplemental Agreement No. 2 and authorize the necessary signatures.

Attachments: Supplemental Agreement No. 2.

SUPPLEMENTAL AGREEMENT NO. 2
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED JUNE 18, 2013
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
POE & ASSOCIATES, INC.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated June 18, 2013) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **SOUTHFORK COMMERCIAL ADDITION:**

Paving Washington	472-85050	766279
SWD 385	468-84826	751507

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

RE-DESIGN OF A WALL, SIGNALIZATION AND TRAFFIC CONTROL ITEMS
(as per the updates to the Roadside Design Guidelines)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 472 85050	\$72,765.00
Project No. 468 84826	<u>\$24,255.00</u>
TOTAL:	\$ 97,020.00

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by _____;

EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2015.

CITY OF WICHITA

Carl Brewer, Mayor

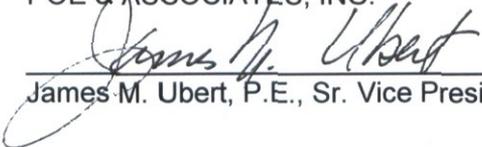
ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim City Attorney
and Director of Law

POE & ASSOCIATES, INC.



James M. Ubert, P.E., Sr. Vice President

ATTEST:



William P. Fox, P.S., Vice President

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: Approval of Bond Counsel Contract Amendment
INITIATED BY: Department of Law
AGENDA: Consent

Recommendation: Approve the contract amendment.

Background: Following the issuance of Requests for Proposals, the City Council approved a contract with Gilmore & Bell, P.C. as the provider for Bond Counsel services on December 4, 2012. The agreement with Gilmore & Bell, P.C. provided for a two (2) year contract term.

Analysis: The current contract with Gilmore & Bell, P.C. expires on December 31, 2014 or until such time thereafter that a new Bond Counsel is selected by the City. An extension of the contract dated December 4, 2012 is requested for a one (1) year period, from January 1, 2015 through December 31, 2015, with options to renew the contract under the same terms and conditions for two (2) successive one (1) year terms by mutual agreement of both parties. The contract terms in this amendment matches the terms and is consistent with other specialized professional contracts.

Financial Considerations: Payments for bond counsel services are generally made from bond proceeds or, in conduit financings and certain special obligation financings (such as industrial revenue bond issues or special obligation CID or TIF bond issues), from funds provided by the business or developer on whose behalf the bonds are issued.

Legal Considerations: Purchasing has prepared the contract amendment and the amendment has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the contract amendment and authorize the necessary signatures.

Attachments: Contract amendment

**CONTRACT AMENDMENT
for
BOND COUNSEL SERVICES**

THIS CONTRACT AMENDMENT is entered into this 6th day of January, 2015, by and between the **City of Wichita, Kansas**, A Municipal Corporation, hereinafter called "**CITY**", and **GILMORE & BELL, P.C.** hereinafter called "**BOND COUNSEL**".

WITNESSETH THAT:

WHEREAS, on the 4th day of December, 2012, the above-named parties entered into a contract for Bond Counsel Services for the Law Department of the City of Wichita as per the proposal and specifications on August 31, 2012 and as approved by the City Council on December 4, 2012; and

NOW, THEREFORE, the above named parties hereby agree, covenant and contract with each other that the terms of the original contract, dated the 4th day of December, 2012, is hereby reaffirmed and re-executed for and on behalf of these parties except for the following amendment, modification and change as approved by City Council on January 6, 2015:

The **CITY** wishes to **extend** the contract dated December 4, 2012 with **BOND COUNSEL** for a one (1) year period, from **January 1, 2015 through December 31, 2015**, with options to renew the contract under the same terms and conditions for two (2) successive one (1) year terms by mutual agreement of both parties.

Representative's Authority to Contract. By signing this contract amendment, the representative of the Bond Counsel represents that he or she is duly authorized by the Bond Counsel to execute this contract amendment, and that the Bond Counsel has agreed to be bound by all its provisions.

IN WITNESS WHEREOF, the parties hereto have executed this contract amendment the day and year first above written.

ATTEST:

THE CITY OF WICHITA

Janis Edwards
Deputy City Clerk

Carl Brewer
Mayor

APPROVED AS TO FORM:

GILMORE & BELL, P.C.

Sharon L. Dickgrafe/gms

Sharon L. Dickgrafe, Interim City
Attorney & Director of Law

Signature

JOE L. NORTON

Print Signature Name

Chairman

Title (An Authorized Member)

Exhibit A

REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.

- B. Requirements of the State of Kansas:
 - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
 - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
 - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
 - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
 2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
 3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
 4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides *written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.*

Agenda Item No. II-8

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Mayor and City Council
SUBJECT: Payment for Settlement of Claim
INITIATED BY: Law Department
AGENDA: Consent

Recommendation: Authorize payment of \$11,500 as a full settlement of the subject claim.

Background: This claim arises from a traffic accident which occurred on December 30, 2013, involving a City of Wichita bus.

Analysis: The claimant has offered to accept a lump sum payment of \$11,500 as full settlement of all her claims against the City of Wichita. Due to the uncertainty and risk of an adverse judgment at trial, the Law Department recommends the settlement. The settlement of this claim does not constitute an admission of liability on the part of the City or the employee; rather, it is merely a settlement to resolve a disputed claim.

Financial Considerations: Funding for this settlement payment is available from the City's Self Insurance Fund. Finance is directed to make any budget adjustments required and to issue any general obligation bonds, as necessary, to provide for payment of the approved settlement.

Legal Considerations: The Law Department recommends settlement of this claim for the amount of \$11,500. The bonding resolution has been prepared and approved as to form by the law department.

Recommendations/Actions: It is recommended that the City Council authorize payment of \$11,500 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the resolution.

Attachments: Bonding resolution.

RESOLUTION NO. 15-000

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO FUND A CIVIL LITIGATION SETTLEMENT.

WHEREAS, K.S.A. 75-6113 (the "Act") provides that payment of any judgments, compromises or settlements for which a municipality is liable pursuant to K.S.A. 75-6101 *et seq.*, and amendments thereto, may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or if the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants, temporary notes or general obligation bonds, provided that warrants or temporary notes issued shall mature serially at such yearly dates as to be payable by not more than 10 tax levies and any bonds shall be issued in accordance with the provisions of the general bond law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of the state of Kansas; and

WHEREAS, the City of Wichita, Kansas (the "City"), is a municipality within the meaning of the Act; and

WHEREAS, the governing body of the City has heretofore approved a certain Settlement Agreement relating to an incident occurring on December 30, 2013, involving a City of Wichita bus, under which Settlement Agreement the City is liable pursuant to K.S.A. 75-6101 *et seq.* to pay a settlement in the amount of \$11,500 and related expenses (the "Settlement"); and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to authorize the issuance of general obligation bonds of the City to finance the Settlement and related costs.

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

SECTION 1. Financing. The City is hereby authorized to issue general obligation bonds (the "Bonds") pursuant to the authority of the Act in an amount necessary to pay the costs of the Settlement, plus interest on interim financing and associated financing costs. Bonds may be issued to reimburse Settlement expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 2. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe,
Interim Director of Law

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: Payment for Settlement of Claim
INITIATED BY: Law Department
AGENDA: Consent

Recommendation: Authorize payment of \$27,500 as a full settlement of the claim.

Background: This claim arises from a traffic accident which occurred on February 17, 2014, involving a City of Wichita police car.

Analysis: The claimant has offered to accept a lump sum payment of \$27,500 as full settlement of all her claims against the City of Wichita. Due to the uncertainty and risk of an adverse judgment at trial, the Law Department recommends the settlement. The settlement of this claim does not constitute an admission of liability on the part of the City or the employee; rather, it is merely a settlement to resolve a disputed claim.

Financial Considerations: Funding for this settlement payment is available from the City's Self Insurance Fund. Finance is directed to make any budget adjustments required and to issue any general obligation bonds, as necessary, to provide for payment of the approved settlement.

Legal Considerations: The Law Department recommends settlement of this claim for the amount of \$27,500. The bonding resolution has been prepared and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council authorize payment of \$27,500 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the resolution.

Attachments: Bonding resolution.

RESOLUTION NO. 15-001

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO FUND A CIVIL LITIGATION SETTLEMENT.

WHEREAS, K.S.A. 75-6113 (the "Act") provides that payment of any judgments, compromises or settlements for which a municipality is liable pursuant to K.S.A. 75-6101 *et seq.*, and amendments thereto, may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or if the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants, temporary notes or general obligation bonds, provided that warrants or temporary notes issued shall mature serially at such yearly dates as to be payable by not more than 10 tax levies and any bonds shall be issued in accordance with the provisions of the general bond law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of the state of Kansas; and

WHEREAS, the City of Wichita, Kansas (the "City"), is a municipality within the meaning of the Act; and

WHEREAS, the governing body of the City has heretofore approved a certain Settlement Agreement relating to an incident occurring on February 17, 2014, involving a City of Wichita patrol car, under which Settlement Agreement the City is liable pursuant to K.S.A. 75-6101 *et seq.* to pay a settlement in the amount of \$27,500 and related expenses (the "Settlement"); and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to authorize the issuance of general obligation bonds of the City to finance the Settlement and related costs.

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

SECTION 1. Financing. The City is hereby authorized to issue general obligation bonds (the "Bonds") pursuant to the authority of the Act in an amount necessary to pay the costs of the Settlement, plus interest on interim financing and associated financing costs. Bonds may be issued to reimburse Settlement expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 2. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe,
Interim Director of Law

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Mayor and City Council Members
SUBJECT: Buffalo Park Construction (District V)
INITIATED BY: Department of Park and Recreation
AGENDA: Consent

Recommendations: Approve the project and adopt the resolution.

Background: The 2011-2020 Capital Improvement Plan (CIP) includes funding for construction of improvements at Buffalo Park, near Central and Maize Road. The design firm of Oschner Hare & Hare, LLC (OHH) is finalizing construction plans that include an interactive water feature (spray park), restroom/shelter building, and a parking lot, along with additional amenities. To gather community input, design charrettes were held with area stakeholders. For technical support, the staff from the Public Works & Utilities Department were engaged throughout plan development to assist in analyzing design concepts, provide input on bid documents/project provisions, and offer construction support in an effort to minimize costs while creating a quality project.

Analysis: Final base design includes a “neighborhood green” (an open space for leisure activities and gatherings), a restroom/shelter building and an improved parking lot off of Maize Road. The highlight of the project will be the interactive water feature which is based on prairie themes. Sculptural features and plantings will represent native grasses. This will be the first interactive water feature in West Wichita.

The former fishing pond was drained because of invasive algae and drainage issues. If funding allows, it will be replaced with a bicycle pump track. The track will use the terrain of the pond bottom to create a continuous loop of rolling bumps and banked corners which will allow riders to use their bodies to create forward momentum without pedaling. The enhanced design also includes an expanded parking lot.

Financial Considerations: The 2011-2020 CIP includes \$500,000 in 2012 and \$500,000 in 2013 for Buffalo Park construction. The funding source is General Obligation Bonds for the base project.

A grant has been submitted for \$250,000 from the Land & Water Conservation Fund (LWCF). Successful applicants should be selected in early 2015. The Kansas Department of Wildlife, Parks & Tourism (KDWP) is also pursuing grant funds for Buffalo Park through the Outdoor Recreation Legacy Partnership Program. Any additional grant funding will be used for the enhanced amenities designed by OHH.

Legal Considerations: The Law Department has approved the authorizing Resolution as to form.

Recommendation/Actions: It is recommended that the City Council approve the project, adopt the Resolution and authorize the necessary signatures.

Attachments: Bonding Resolution.

RESOLUTION NO. 15-002

RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF BUFFALO PARK IMPROVEMENTS.

WHEREAS, the City of Wichita, Kansas (the “City” or the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council (the “Governing Body”) of the City is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements as follows:

Labor, material, and equipment necessary for design and construction of an interactive water feature (spray park), restroom/shelter building, bicycle pump track, landscaping and parking lot improvements.

(collectively, the “Project”) and to provide for the payment of the costs thereof by the issuance of general obligation bonds of the City.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be completed at an estimated cost of \$1,000,000.

Section 2. Project Financing. The costs of the Project, interest on financing and administrative and financing costs shall be payable from the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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ADOPTED by the City Council of the City of Wichita, Kansas, on January 6, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe,
Interim City Attorney and Director of Law

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Contract for Pre-Employment and Fit-for-Duty Assessments
(All Districts)

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the contract.

Background: The Police Department has a continual need to contract for pre-employment assessments, fit-for-duty assessments and assessment of employees for transfer to specialty units. The current contract expires January 31, 2015.

Analysis: A Request for Proposal (FP440064) was issued to secure a qualified contractor and one proposal was received. Based on experience, qualifications, proposal specifications, level of service, and cost, the staff of the Police Department recommends River Park Psychology Consultants LLC. The Police Department currently uses River Park Psychology Consultants for Pre-Employment assessments and Fit-for Duty assessments and has been satisfied with their services for the past eight years.

Financial Considerations: The funding of \$20,000 for Pre-Employment and Fit-for-Duty assessments is included in Police Department contractuals budget. This contract is effective February 1, 2015 through January 31, 2016 with an option to renew under the same terms and conditions for three additional one year periods.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the contract and authorize the necessary signatures.

Attachments: Professional Service Contract – River Park Psychology Consultants, LLC

CONTRACT

For

PROFESSIONAL SERVICES

Between

THE CITY OF WICHITA, KANSAS

WICHITA POLICE DEPARTMENT

and

RIVER PARK PSYCHOLOGY CONSULTANTS, LLC

THIS CONTRACT, made this 6th day of January, 2015, by and between THE CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and RIVER PARK PSYCHOLOGY CONSULTANTS, LLC party of the second part, hereafter called the "CONTRACTOR."

WITNESSETH:

WHEREAS the CITY has identified the need for Pre-Employment and Fit-for-Duty Assessments to be provided to the Wichita Police Department; and

WHEREAS, CONTRACTOR has available and offers to provide the necessary professional services pursuant to a Request For Formal Proposal - FP440064 to provide pre-employment services for Police Applicants, Police Reserves, Crimes Scene Investigators, City Hall Security Officers, Warrant Officers and any other department members as designated by the Chief of Police, fitness-for-duty assessments, and assessment of suitability for candidates for transfer to specialty units; and

WHEREAS, the CITY is authorized to employ pre-employment and fit for duty services for the Wichita Police Department;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

- A. The CONTRACTOR shall furnish professional services as set out in Formal Proposal - FP440064 and as approved by City Council on January 6, 2015.
- B. This Contract is contingent upon the maintenance of the proper certifications and licenses for mental health care providers of the State of Kansas by the CONTRACTOR and its employees during the term of the contract, and the loss of said certifications and/or licenses by CONTRACTORS' employees, or any one of them, may be grounds for immediate termination of the contract by the CITY. CONTRACTOR shall possess experience to provide training and experience in the evaluation of law enforcement personnel; be familiar with police psychology literature and the job function of the department member being evaluated.
- C. CONTRACTOR shall provide pre-employment assessments for police applicants. To comply with Kansas law, K.S.A. 74-5605 (6) Standards for approval of psychological testing: Have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment:
(7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with

reasonable skill, safety and judgment; K.S.A. 74-5602: Definitions: "Police Officer" or "Law Enforcement Officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. The CITY requires that psychological testing be performed on all Police Applicants who have received conditional employment offers. Police Reserves, City Hall Security Officers, Warrant Officers, Crime Scene Investigators, and any other department members designated by the Chief of Police (or his/her designee) shall also receive psychological testing. This will include assessment of suitability for candidates for transfer to specialty unit, and, for fit-for-duty assessment for mandated supervisor referrals.

- D. Assess approximately 40-60 Police Applicants, Warrant Officer Applicants, Reserve Officer Applicants, Crime Scene Investigators, and City Hall Security Screeners. Assessment may be conducted annually in the following areas: Career Interest, Cognitive ability, Psychopathology, Personality Traits, Intellectual functioning, Multi-tasking ability, Writing ability and Verbal skills.
- E. CONTRACTOR shall provide psychological assessment of suitability for candidates for transfer to specialty units.
- F. CONTRACTOR shall provide Fitness-for-Duty (FFD) Assessments. An FFD assessment is defined as: A formal, specialized examination of an incumbent department member that results from: 1.) Evidence that the department member may be unable to safely or effectively perform a defined job and; 2.). A reasonable basis

for believing that the cause may be attributable to a psychological condition or impairment. The central purpose of a Fitness-for-Duty assessment is to determine whether the department member is able to safely and effectively perform his or her job functions (International Association Chief's of Police (IACP) 2009).

- G. Counseling services will normally be provided by a Licensed Specialist Clinical Social Worker (LSCSW) or PhD therapist (clinical psychologist). Crisis counseling services will be requested by the CITY on behalf of an individual employee in response to a critical event, or series of events. This involves determining if the employee has the ability to perform daily responsibilities and/or duties.
- H. If during the course of providing crisis counseling services, CONTRACTOR determines that a medical referral is needed for medication or other purpose, the first referral option will be the employee's or family member's primary care physician designated through his/her private healthcare insurance provider. If this is not a viable option, the referral may be made to one of the CONTRACTOR'S Advanced Registered Nurse Practitioners (ARNP), Physician Assistants (PA) or Medical Doctors (MD/psychiatrist). However, the City will not be responsible for any medication expenses.
- I. Upon request of the Chief of Police (or his/her designee), the CONTRACTOR shall provide written determination, within thirty days to the Chief of Police, of the suitability of an officer for return to duty after involvement in a critical event or after an internal investigation results in disciplinary or corrective action by the CITY. Written assessments shall include a written summary of the counseling and

assessment tests provided, along with the results, which form the basis for the written opinion and will normally be provided by a LSCSW or clinical psychologist. Any exception will be discussed and approved in advance of the assessment. The CITY reserves the right to request additional tests or re-testing for suitability determination.

- J. CONTRACTOR shall provide a written determination within thirty days of the psychological assessment of suitability of officers to transfer to special units, such as, but not limited to; the bomb unit, specialized weapons and tactics team (SWAT), special investigations bureau, as requested by the Chief of Police, or his or her designee.
- K. CONTRACTOR shall submit a monthly report by the 20 of each month of its activities to the Deputy Chief of the Support Services Division, detailing the activities of the CONTRACTOR in sufficient detail, as may be specified, to include a breakdown of hours spent by CONTRACTOR'S personnel in activities related to this contract. CONTRACTOR shall attend quarterly meetings (when deemed necessary), with the Deputy Chief of the Support Services Division and the Training Bureau Commander on the activities.
- L. Assessments and reports will be concentrated with approximately 15 to 30 applicants in an eight-week time-period, twice each year during the pre-employment process. Normally this occurs from late April through mid-June, and late October through mid-December. These numbers may be higher or lower, depending upon future

attrition experience, newly funded positions, etc. The testing cycle is also subject to change, based upon future hiring and training needs.

- M. Testing and assessment instruments will only be administered by personnel from the selected vendor.
- N. Provide at no cost, an orientation for the Wichita Police Department Training Bureau staff on the fundamentals of the tests/instruments employed; and information on how to interpret the scores and reports will be provided. Upon request by the Wichita Police Department, provide training session(s) on the Fitness-for-Duty Assessment process and other psychological information.
- O. Retests or follow-up interviews shall be conducted in Wichita, Kansas at a location that has been approved by the Wichita Police Department.
- P. The CITY retains the right to approve the location at which services are to be provided under this contract.

II. CONTRACTOR'S ADDITIONAL OBLIGATIONS AND DUTIES

- A. To provide the professional, technical, administrative and secretarial services to perform the tasks as outlined in Scope of Services.
- B. To make available during regular office hours for viewing or copying, all records, documents and other written material as the CITY may wish to examine periodically during performance of this agreement. Confidential psychological records will be released upon presentation of a release of information.
- C. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or

negligent acts of CONTRACTOR, its agents, servants, employees, or subcontractors occurring in the performance of its service under this contract or from any cause of action alleging violation of copyright, trademark, servicemark or other proprietary interest in materials used by CONTRACTOR in the performance of services under this agreement.

- D. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by CONTRACTOR and payments by the CITY during the contract period, and for three (3) years from the date of final payment under the contract for inspection by the CITY or its authorized representatives.
- E. To comply with all federal, state and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1974, and to comply with the CITY'S "Revised Non-Discrimination and Equal Employment Opportunity Statement For Contracts Or Agreements" as set forth in Exhibit "A" which is attached hereto and adopted by reference as though fully set forth herein.
- F. To accept compensation for the work herein described in such amounts and at such periods as hereinafter provided and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- G. To submit periodic billings to the CITY of the costs accrued in the performance of the services herein described.

- H. CONTRACTOR shall be responsible for the professional and technical accuracies of the work or material furnished to the CITY by the CONTRACTOR under this agreement.
- I. CONTRACTOR further agrees, covenants and represents that all work or material furnished by CONTRACTOR, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligence.
- J. CONTRACTOR agrees that its personnel will be available at all reasonable times for conferences and consultation with the City Manager, the City Attorney and/or the Chief of Police of the Wichita Police Department throughout the term of this Contract.
- K. CONTRACTOR and its professional employees agree to maintain professional liability insurance coverage during the term of this Contract, and any renewals, with the limits of such coverage to be not less than \$500,000, per occurrence. CONTRACTOR shall procure and maintain a Worker's Compensation Policy and Employer's Liability Policy. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Worker's Compensation Law. In addition, insurance policies specified herein shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or cancelled.

- L. CONTRACTOR and its employees agree that they will not discriminate against any person in the performance of services under this agreement because of race, color, sex, religion, national origin, ancestry, disability, genetic information, familial relationship, age, marital status, or veteran status.
- M. CONTRACTOR agrees to maintain the confidentiality of all tests, test results, assessments, interview notes, and statements of City employees in accordance with State and Federal laws and regulations, and the ethics of the profession, except that CONTRACTOR agrees to disclose to the City Manager, City Attorney, and Chief of Police all tests, test results, assessments, interview notes, and statements of CITY employees for use in connection with employment decisions and litigation involving the city or its employees.
- N. CONTRACTOR agrees to notify the CITY of any significant personnel changes of the CONTRACTOR, which are likely to affect the provision of services under this Contract.

III. COMPENSATION AND PAYMENT

- A. The charges for professional services related to pre-employment assessments, fitness-for-duty assessments, assessment of suitability of candidate for specialty units and training will be based on the actual hours spent in the activity to the nearest tenth of an hour. Time spent by CONTRACTOR'S personnel in preparation for counseling, assessments, training, or in telephonic communication with clients, or employees of the CITY shall not be charged to the CITY. Unless approved in advance by the CITY, all counseling, assessments and/or training services will be conducted by only

one employee from the CONTRACTOR'S staff per individual assignment, and will therefore be subject to no more than one hourly rate per assignment. The following table details the applicable costs and hourly rates:

Pre-Employment/Police Applicants	\$405.00 per applicant (is the maximum price dependent upon specifics of case.)
Fitness-for-Duty Assessments	\$405.00 per applicant (is the maximum price dependent upon specifics of case.)
Reserve Officer Applicants	\$405.00 per applicant
Specialty Units Assessments	\$405.00 per applicant (is the maximum price dependent upon specifics of case.)
Warrant Officer	\$405.00 per applicant
City Hall Security Officers	\$405.00 per applicant
Any designated Department member	\$405.00 per applicant
Crime Scene Investigators	\$405.00 per applicant

- B. Payments shall be made in accordance with City purchasing procedures upon presentation of statements for services rendered and as approved by the City Manager. There shall be no further compensation for services rendered or for expenses incurred in addition to those specified above in the absence of prior written consent of the CITY.
- C. CONTRACTOR shall maintain a contemporaneous record of hours billed to the nearest tenth of an hour, indicating in brief summary a description of the work

performed. The statements submitted for services rendered under the terms of this agreement will in no case be for more than this record will corroborate. A copy of such record shall be attached to the statement.

IV. CITY OBLIGATIONS AND DUTIES

- A. To furnish all available information and data in the CITY'S possession or control relevant in assisting CONTRACTOR in the performance of its duties under this agreement subject to any confidentiality requirements under federal or state law.
- B. To pay the CONTRACTOR for its services in accordance with the requirements of this agreement within 30 days of approved invoice.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon thirty (30) days written notice because of the CONTRACTOR'S inability to proceed with the work, or because the services of the CONTRACTOR are unsatisfactory; PROVIDED, however, that in any case the CONTRACTOR shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this Contract.
- B. That the right is reserved to the CONTRACTOR to terminate this agreement at any time, upon thirty (30) days written notice because of the CONTRACTOR'S inability to proceed with the work; PROVIDED, however, that in any case the CONTRACTOR shall continue to provide services up to the time of termination on the basis of the provisions of this Contract.

- C. That the services to be performed by the CONTRACTOR under the terms of this Contract are personal and cannot be assigned, subcontracted or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this Contract, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the CONTRACTOR shall request extensions in writing giving the reasons therefore.
- E. Neither the CITY'S review, approval or acceptance, nor payment for, any of the work or services required to be performed by the CONTRACTOR under this Contract shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this Contract.
- F. The rights and remedies of the CITY provided for under this Contract are in addition to any other rights and remedies provided by law.
- G. It is specifically agreed between the parties executing this Contract, that it is not intended by any of the provisions of any part of this Contract to create the public or any member thereof, or any City employee, a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms of this Contract.
- H. It is the intent of the parties that the provisions of this Contract are not intended to violate the Kansas Cash Basis Law (K.S.A. 10-1101, et seq.) or the Kansas Budget Law (K.S.A. 79-2925). Therefore, notwithstanding anything to the contrary herein contained, the CITY'S obligations under this Contract are to be construed in a manner

that assures that the CITY is at all times not in violation of the Cash Basis Law or the Budget Law.

- I. This agreement is effective from February 1, 2015 through January 31, 2016 (the yearly anniversary date) with an option to renew under the same terms and conditions for three (3) additional one (1) year periods. The contract shall be deemed to have been renewed for successive one (1) year periods unless either party provides written notice to the other of its intention to terminate the contract, not less than sixty (60) days prior to the yearly anniversary date.
- J. CONTRACTOR shall not be responsible for delays occasioned by the actions or inactions of the CITY, or for unavoidable delays beyond the control of the CONTRACTOR.

IN WITNESS WHEREOF, the CITY and the CONTRACTOR have executed this Contract as of the date first above written.

CITY OF WICHITA, KANSAS

BY _____
Carl Brewer, Mayor

ATTEST:

Janis Edwards
Deputy City Clerk

Approved as to Form:

Sharon L. Dickgrafe 1/9/14
Sharon L. Dickgrafe,
Interim City Attorney & Director of Law

RIVER PARK PSYCHOLOGY
CONSULTANTS, LLC

BY Bob Lystrom

TITLE: managing member

**REVISED NON-DISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM
REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated hereunder.
- B. Requirements of the State of Kansas:
 - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
 - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";

3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
 5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of

Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;

2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, disability and age, except where age is a bona fide occupational qualification, national origin or ancestry. In all solicitations or advertisements for employees, the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer," or a similar phrase;
3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she, or it, reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement, and it may be canceled, terminated or suspended in whole or in part, by the City or its agency; and further Civil Rights complaints or investigations may be referred to the State;
4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every sub-contract,

sub-purchase order or sub-agreement so that such provisions will be binding upon each sub-contractor, sub-vendor or sub-supplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Improvements to Amidon, 21st to 29th Streets North (District VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the revised budget, including redirection of funding, adopt the new and amending resolutions, approve the change order limit, and approve acceptance of the over-estimate bid.

Background: On March 20, 2012, the City Council approved a design concept for improvements to Amidon between 21st and 29th Streets North. Design work, right-of-way acquisition, and utility relocation are complete. On December 12, 2014, the project was bid for construction, with all bids exceeding the estimate.

Analysis: Increasing the budget included in the Adopted Capital Improvement Program (CIP) by \$500,000 would allow acceptance of the lowest bid received, thus eliminating a potential increase in cost and delay in construction of the improvements. In accordance with Charter Ordinance No. 222, staff recommends the City Council approve acceptance of the lowest bid based on the best interest of the City.

Amidon will be reconstructed to provide two lanes of traffic in each direction and a continuous center left turn lane. Sidewalks will be constructed along both sides of Amidon and a new pedestrian signal will be installed south of 24th Street. The intersections at 21st, 25th, and 29th Streets will be reconstructed with new traffic signals and left turn lanes at all four approaches, and a new traffic signal will be installed at the New Leaf and Twin Lakes entrance south of 21st Street.

One lane of traffic in each direction will be maintained for the duration of the project and left turns will be prohibited as necessary. Amidon will be closed to through traffic, on either side of 25th Street, for approximately six weeks for utility construction.

Financial Consideration: The existing budget, which was approved by the City Council on November 5, 2013, is \$1,770,000 funded by general obligation (GO) at-large bonds. The CIP includes \$6 million in GO bond funding in 2014 for construction. An additional \$500,000 in GO bond funding is available in the Pawnee Bridge at Arkansas River project, which was put on hold earlier this year due to a failed construction bid and is pending reprogramming in the proposed CIP for 2015. Staff requests the City Council approve the transfer of \$500,000 from the Pawnee Bridge project to the Amidon project to allow construction to begin. This will bring the total project budget to \$8,270,000 and will provide for payment of any remaining design fees, right-of-way acquisition and utility relocation costs, as well as construction costs and City staff costs for administration and oversight.

Section 1(D) of Charter Ordinance No. 222 establishes a default change order limit of 10% of the original contract amount. The ordinance also allows the City Council to set the change order limit at a ratio greater or less than the 10% default. Staff recommends excepting the default authority limit for this project and establishing a reduced change order limit without additional Council approval. The requested authorization is for a flat cap of \$50,000.

Legal Considerations: The Law Department has reviewed and approved the new and amending resolutions as to form.

Recommendation/Action: It is recommended that the City Council approve the revised budget, including the redirection of CIP funding from the Pawnee Bridge to this project; approve the \$50,000 change order limit; adopt the new and amending resolutions; approve acceptance of the lowest over-estimate bid; and authorize all necessary signatures, including those for the acquisition or granting of easements, utility relocation agreements, and all required permits.

Attachments: Map, budget sheets, new and amending resolutions, and bid tab.



Project Request

CIP Non-CIP CIP YEAR: 2012 CIP #: _____

NEIGHBORHOOD IMPROVEMENT

DEPARTMENT: 13 Public Works & Utilities DIVISION: Engineering RESOLUTION/ORDINANCE #: 15-

FUND: 400 Street Improvements SUBFUND: 415 Bridges ENGINEERING REFERENCE #: 472-84922

COUNCIL DISTRICT: 18 Council Districts 3, 4 DATE COUNCIL APPROVED: Jan 6, 2015 REQUEST DATE: _____

PROJECT #: 249142 PROJECT TITLE: Pawnee Bridge at Arkansas River

PROJECT DETAIL #: 01 PROJECT DETAIL DESCRIPTION: Pawnee Bridge at Arkansas River

OCA #: 715726 OCA TITLE: Pawnee Bridge at Arkansas River

PERSON COMPLETING FORM: Joni Chamberlain PHONE #: 268-4548

PROJECT MANAGER: Tim Davidson PHONE #: 268-4455

NEW BUDGET REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	\$928,500.00	(\$500,000.00)	\$428,500.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
Total Revenue	\$928,500.00	(\$500,000.00)	\$428,500.00

Expense Object Level 3	Original Budget	Adjustment	New Budget
2999 Contractuals	\$928,500.00	(\$500,000.00)	\$428,500.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
Total Expense:	\$928,500.00	(\$500,000.00)	\$428,500.00

NOTES:
Transfer \$500,000 to Amidon, 21st-29th, 707023 (210488).

SIGNATURES REQUIRED

DIVISION HEAD: _____
 DEPARTMENT HEAD: _____
 BUDGET OFFICER: _____
 CITY MANAGER: _____

Print Form

DATE: 12/18/14
 DATE: 12/18/14
 DATE: 12/18/14
 DATE: _____

Project Request

CIP Non-CIP CIP YEAR: 2014 CIP #: _____

NEIGHBORHOOD IMPROVEMENT

DEPARTMENT: 13 Public Works & Utilities DIVISION: Engineering RESOLUTION/ORDINANCE #: 14-

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving ENGINEERING REFERENCE #: 472-24914

COUNCIL DISTRICT: 06 Council District 6 DATE COUNCIL APPROVED: Nov 4, 2014 REQUEST DATE: _____

PROJECT #: 210488 PROJECT TITLE: Amidon, 21st to 29th Streets North

PROJECT DETAIL #: 01 PROJECT DETAIL DESCRIPTION: Amidon, 21st to 29th Streets North

OCA #: 7070-23 OCA TITLE: Amidon, 21st to 29th Streets North

PERSON COMPLETING FORM: Joni Chamberlain PHONE #: 268-4548

PROJECT MANAGER: Julianne Kallman PHONE #: 268-4236

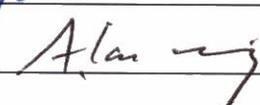
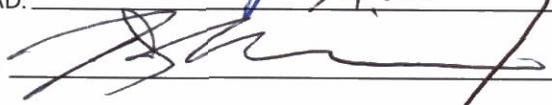
NEW BUDGET REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	\$1,770,000.00	\$6,500,000.00	\$8,270,000.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
	\$1,770,000.00	\$6,500,000.00	\$8,270,000.00

Expense Object Level 3	Original Budget	Adjustment	New Budget
2999 Contractuals	\$1,770,000.00	\$6,500,000.00	\$8,270,000.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
_____	\$0.00	\$0.00	\$0.00
Total Expense:	\$1,770,000.00	\$6,500,000.00	\$8,270,000.00

NOTES:

SIGNATURES REQUIRED

DIVISION HEAD: 
 DEPARTMENT HEAD: 
 BUDGET OFFICER: 
 CITY MANAGER: _____

Print Form

DATE: 12/17/14
 DATE: 12/18/14
 DATE: 1/7/14
 DATE: _____

PAVING BIDS RECEIVED - December 12, 2014

RQ441248/RQ4412
FB440228

472-84914

Award Date: 12/16/14

Line 1: 707023 - \$6,214,691.80

Amidon - 21st to 29th Street North

Line 2: 636306 - \$243,372.00

Line 3: 620718 - \$240,894.00

BID ITEMS	QUANTITY	UM	APAC-KANSAS INC		CONSPEC INC DBA KANSAS PAVING		CORNEJO & SONS LLC	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
Lump Sum Bid Items - Paving (707023)								
Mobilization	1	LS	800,000.00	800,000.00	250,000.00	250,000.00	400,000.00	400,000.00
Field Office & Laboratory (Type A)	1	ea	12,000.00	12,000.00	12,000.00	12,000.00	10,000.00	10,000.00
Site Clearing	1	LS	200,000.00	200,000.00	435,000.00	435,000.00	50,000.00	50,000.00
Site Restoration	1	LS	100,000.00	100,000.00	100,000.00	100,000.00	19,000.00	19,000.00
Transportation of Salvagable Materials	1	LS	6,000.00	6,000.00	3,000.00	3,000.00	6,000.00	6,000.00
Excavation	12,770	cy	30.00	383,100.00	25.00	319,250.00	10.50	134,085.00
Pvmt Removed	52,490	sy	10.00	524,900.00	8.00	419,920.00	5.25	275,572.50
Concr. Drive, Sidewalk & AC Pkg Lot Removed (in R/W)	9,870	sy	9.00	88,830.00	7.00	69,090.00	4.00	39,480.00
Gravel Street Removed	320	sy	3.00	960.00	3.50	1,120.00	3.00	960.00
Compacted Fill (95% Density)	556	cy	0.50	278.00	0.60	333.60	4.75	2,641.00
Concr. Pvmt (8") (AE) (Reinf.)	2,153	sy	55.00	118,415.00	50.00	107,650.00	49.00	105,497.00
AC Pvmt 7" (5" Bit. Base) (BM-2)	34,373	sy	30.00	1,031,190.00	30.00	1,031,190.00	25.00	859,325.00
AC Pvmt 2" Mill & Overlay (BM-2, PG 70-28)	997	sy	26.00	25,922.00	14.00	13,958.00	31.00	30,907.00
Crushed Rock Base 8", Reinf.	39,543	sy	15.00	593,145.00	9.00	355,887.00	11.00	434,973.00
Crushed Rock Base 7", Reinf.	1,780	sy	15.00	26,700.00	8.00	14,240.00	12.00	21,360.00
Crushed Rock Base 6", Reinf.	19,394	sy	15.00	290,910.00	7.00	135,758.00	9.00	174,546.00
Concr. Pvmt (9") (AE) (UnReinf.) (Reinforced)	15,731	sy	60.00	943,860.00	52.00	818,012.00	51.00	802,281.00
Concr. Median Nose	13	ea	1,200.00	15,600.00	750.00	9,750.00	825.00	10,725.00
Paving Brick (3 1/8" Holland Pavers) (Charcoal Red)	1,161	sy	100.00	116,100.00	85.00	98,685.00	99.00	114,939.00
Paving Brick (2 1/2" Holland Pavers) (Charcoal Red)	627	sy	75.00	47,025.00	50.00	31,350.00	70.00	43,890.00
Wheelchair Ramp	50	ea	1,100.00	55,000.00	650.00	32,500.00	700.00	35,000.00
Sidewalk Drain and Flume (Pre-fab)	3	ea	4,000.00	12,000.00	2,500.00	7,500.00	4,200.00	12,600.00
Concr. C&G, Type 3 (8" & 1-1/2")	4,033	lf	16.00	64,528.00	13.00	52,429.00	12.25	49,404.25
Concr. C&G, Type 1 (6" & 1-1/2")	13,920	lf	14.00	194,880.00	13.00	180,960.00	15.00	208,800.00
Concr. Curb, Mono Edge (6" & 1-1/2")	1,053	lf	5.00	5,265.00	2.00	2,106.00	7.00	7,371.00
Lump Sum Bid Items - Drainage (707023)								
Inlet, Curb (Type 1) (L=5' W=3')	28	ea	3,700.00	103,600.00	3,810.00	106,680.00	3,810.00	106,680.00
Inlet, Curb (Type 1) (L=5' W=4')	1	ea	3,800.00	3,800.00	4,285.00	4,285.00	4,285.00	4,285.00
Inlet, Curb (Type 1) (L=10' W=4')	3	ea	4,500.00	13,500.00	4,770.00	14,310.00	4,770.00	14,310.00
Inlet, Curb (Type 1) (L=10' W=3')	9	ea	4,500.00	40,500.00	4,500.00	40,500.00	4,500.00	40,500.00
Inlet, Drop (2'X4')	2	ea	3,700.00	7,400.00	4,300.00	8,600.00	4,300.00	8,600.00
Inlet, Curb (Type 2) (Double)	8	ea	3,700.00	29,600.00	4,600.00	36,800.00	4,600.00	36,800.00

MH, Standard SWS (4')	1	ea	3,700.00	3,700.00	3,100.00	3,100.00	3,100.00	3,100.00
MH, Standard SWS (5')	13	ea	3,700.00	48,100.00	3,800.00	49,400.00	3,800.00	49,400.00
MH, Standard SWS (6')	7	ea	3,900.00	27,300.00	6,600.00	46,200.00	6,600.00	46,200.00
MH, Standard SWS (8')	3	ea	4,000.00	12,000.00	11,000.00	33,000.00	11,000.00	33,000.00
MH, Reinf. Concr. (6'x6')	2	ea	4,500.00	9,000.00	7,200.00	14,400.00	7,200.00	14,400.00
Inlet Hookup	49	ea	555.00	27,195.00	500.00	24,500.00	450.00	22,050.00
Pipe, SWS 36", RCP	282	lf	87.00	24,534.00	95.00	26,790.00	95.00	26,790.00
Pipe, SWS 30", RCP	61	lf	66.00	4,026.00	73.00	4,453.00	73.00	4,453.00
Pipe, SWS 24", RCP	1,880	lf	55.00	103,400.00	50.00	94,000.00	50.00	94,000.00
Pipe, SWS 18", RCP	613	lf	46.00	28,198.00	43.00	26,359.00	43.00	26,359.00
Pipe, SWS 15", RCP	758	lf	43.00	32,594.00	40.00	30,320.00	40.00	30,320.00
Pipe, SWS, HERCP (19"x30") (24)	70	lf	73.00	5,110.00	78.00	5,460.00	78.00	5,460.00
Connect Existing 6" Drain	1	LS	1,000.00	1,000.00	450.00	450.00	450.00	450.00
Lump Sum Bid Items - Traffic (707023)								
MH Removed, Traffic	19	ea	580.00	11,020.00	500.00	9,500.00	400.00	7,600.00
Pvmt Marking	1	LS	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00
Signing	1	LS	23,500.00	23,500.00	23,500.00	23,500.00	23,500.00	23,500.00
Traffic Control	1	LS	150,000.00	150,000.00	89,000.00	89,000.00	110,000.00	110,000.00
Signalization, Twin Lakes Entrance	1	LS	138,150.00	138,150.00	138,150.00	138,150.00	138,150.00	138,150.00
Signalization, 21st Street	1	LS	161,810.00	161,810.00	161,810.00	161,810.00	161,810.00	161,810.00
Signalization, Crosswalk	1	LS	52,500.00	52,500.00	52,500.00	52,500.00	52,500.00	52,500.00
Signalization, 25th Street	1	LS	146,230.00	146,230.00	146,230.00	146,230.00	146,230.00	146,230.00
Signalization, 29th Street	1	LS	151,260.00	151,260.00	151,260.00	151,260.00	151,260.00	151,260.00
Signalization, Temporary	1	LS	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00
Lump Sum Bid Items - Landscaping (707023)								
Tree, Chinese Pistache	19	ea	285.00	5,415.00	285.00	5,415.00	285.00	5,415.00
Tree, Green Vase Zelkova	9	ea	285.00	2,565.00	285.00	2,565.00	285.00	2,565.00
Tree, Tatarian Maple	34	ea	265.00	9,010.00	265.00	9,010.00	265.00	9,010.00
Tree, Alba Eastern Redbud	12	ea	240.00	2,880.00	240.00	2,880.00	240.00	2,880.00
Tree, Oklahoma Redbud	15	ea	240.00	3,600.00	240.00	3,600.00	240.00	3,600.00
Tree, Chinese Fringe Tree	29	ea	255.00	7,395.00	255.00	7,395.00	255.00	7,395.00
Tree, Kousa Dogwood	5	ea	240.00	1,200.00	240.00	1,200.00	240.00	1,200.00
Tree, American Smoketree	11	ea	255.00	2,805.00	255.00	2,805.00	255.00	2,805.00
Tree, Sartent Crabapple	10	ea	255.00	2,550.00	255.00	2,550.00	255.00	2,550.00
Tree, Royal Raindrops Crabapple	42	ea	255.00	10,710.00	255.00	10,710.00	255.00	10,710.00
Tree, Japanese Tree Lilac	24	ea	255.00	6,120.00	255.00	6,120.00	255.00	6,120.00
Sodding	1	LS	48,370.00	48,370.00	48,370.00	48,370.00	48,370.00	48,370.00
Measured Qty Bid Items - Paving (707023)								
Driveway Concr. Pvmt (8") (Reinf.)(AE)	53,685	sf	7.00	375,795.00	6.00	322,110.00	6.00	322,110.00
Sidewalk Concr. (5")	11,826	sf	4.50	53,217.00	3.00	35,478.00	3.50	41,391.00
Sidewalk Concr. (4")	64,823	sf	4.00	259,292.00	2.75	178,263.25	3.25	210,674.75
Sidewalk Protection Curb	283	lf	20.00	5,660.00	5.00	1,415.00	20.00	5,660.00
AC Temp Pvmt (6" AC on 5" Crushed Rock Base)	396	sy	45.00	17,820.00	75.00	29,700.00	46.00	18,216.00

AC Pvmt (Variable)(0"-2")	1	ton	150.00	150.00	300.00	300.00	100.00	100.00
Concr. Drive, Sidewalk & AC Pkg Lot Removed (outside R/W)	735	sy	8.00	5,880.00	10.00	7,350.00	3.00	2,205.00
Inlet Underdrain	755	lf	20.00	15,100.00	17.50	13,212.50	17.50	13,212.50
SWS Pipe Removed	1,014	lf	11.00	11,154.00	10.00	10,140.00	10.00	10,140.00
SWS Structure Removed	45	ea	800.00	36,000.00	300.00	13,500.00	300.00	13,500.00
MH Adjusted (SS or SWS)	28	ea	800.00	22,400.00	700.00	19,600.00	700.00	19,600.00
Monitoring Well Adjusted	4	ea	1,000.00	4,000.00	300.00	1,200.00	500.00	2,000.00
Fill, Sand (Flushed & Vibrated)	3,602	lf	18.00	64,836.00	8.00	28,816.00	8.00	28,816.00
Shrub Removed	20	ea	50.00	1,000.00	75.00	1,500.00	125.00	2,500.00
Tree Removed	11	ea	500.00	5,500.00	450.00	4,950.00	600.00	6,600.00
Measured Qty Bid Items - Erosion Control (707023)								
BMP, Curb Inlet Protection	49	ea	55.00	2,695.00	55.00	2,695.00	55.00	2,695.00
BMP, Erosion Control Blanket	7,191	sy	0.80	5,752.80	0.80	5,752.80	0.80	5,752.80
BMP, Construction Entrance	1	ea	1,000.00	1,000.00	1,082.72	1,082.72	1,000.00	1,000.00
Measured Qty Bid Items - Traffic (707023)								
Portable Changeable Electr. Message Sign	120	day	30.00	3,600.00	30.00	3,600.00	50.00	6,000.00
Waterline Measured Qty Bid Items (636306)								
Pipe, WL 4"	55	lf	40.00	2,200.00	48.00	2,640.00	48.00	2,640.00
Pipe, WL 4", DICL	14	lf	54.00	756.00	120.00	1,680.00	120.00	1,680.00
Pipe, WL 6", DICL	10	lf	86.00	860.00	145.00	1,450.00	145.00	1,450.00
Pipe, WL 8"	82	lf	46.00	3,772.00	60.00	4,920.00	60.00	4,920.00
Pipe, WL 8", DICL	28	lf	54.00	1,512.00	120.00	3,360.00	120.00	3,360.00
Pipe, WL 12"	989	lf	56.50	55,878.50	68.00	67,252.00	68.00	67,252.00
Pipe, WL 12" (DICL)(RJ)	66	lf	118.00	7,788.00	140.00	9,240.00	140.00	9,240.00
Valve Assembly, 8"	1	ea	1,200.00	1,200.00	1,250.00	1,250.00	1,250.00	1,250.00
Valve Assembly, 12"	7	ea	1,600.00	11,200.00	1,525.00	10,675.00	1,525.00	10,675.00
Valve Assembly, Blowoff, 2"	1	ea	1,100.00	1,100.00	700.00	700.00	700.00	700.00
Fire Hydrant Assembly	10	ea	3,300.00	33,000.00	4,625.00	46,250.00	4,625.00	46,250.00
Fire Hydrant Removed (plug tee)	5	ea	2,100.00	10,500.00	440.00	2,200.00	440.00	2,200.00
Fire Hydrant Assy. Removed (incl. valve & tee)	4	ea	2,600.00	10,400.00	1,115.00	4,460.00	1,115.00	4,460.00
Connect to Existing 4" Main	2	ea	1,000.00	2,000.00	1,200.00	2,400.00	1,200.00	2,400.00
Connect to Existing 6" Main	1	ea	1,300.00	1,300.00	1,230.00	1,230.00	1,230.00	1,230.00
Connect to Existing 8" Main	5	ea	1,400.00	7,000.00	1,260.00	6,300.00	1,260.00	6,300.00
Connect to Existing 12" Main	11	ea	1,700.00	18,700.00	1,330.00	14,630.00	1,330.00	14,630.00
Service Relocated, 1"	19	ea	1,400.00	26,600.00	1,000.00	19,000.00	1,000.00	19,000.00
Service Relocated, 2"	2	ea	3,000.00	6,000.00	3,000.00	6,000.00	3,000.00	6,000.00
Water Meter Box Adjustment	55	ea	250.00	13,750.00	200.00	11,000.00	200.00	11,000.00
Water Valve Adjustment	13	ea	160.00	2,080.00	250.00	3,250.00	250.00	3,250.00
Fill, Sand (Flushed & Vibrated)	915	lf	10.00	9,150.00	6.00	5,490.00	6.00	5,490.00
AC Pvmt (6"), Temporary	305	sy	50.00	15,250.00	50.00	15,250.00	59.00	17,995.00
Sanitary Sewer Lump Sum Bid Items (620718)								
MH, Standard SS (4')	2	ea	13,600.00	27,200.00	7,300.00	14,600.00	7,300.00	14,600.00

MH, Standard SS (4'), Outside Drop	2	ea	23,400.00	46,800.00	17,500.00	35,000.00	17,500.00	35,000.00
Pipe, SS 8"	480	lf	106.00	50,880.00	57.00	27,360.00	57.00	27,360.00
Pipe, SS 18"	121	lf	456.00	55,176.00	162.00	19,602.00	162.00	19,602.00
Fill, Flowable	502	lf	207.00	103,914.00	230.00	115,460.00	230.00	115,460.00
MH, SS Removed	4	ea	975.00	3,900.00	500.00	2,000.00	500.00	2,000.00
Pipe, SS Removed	601	lf	20.00	12,020.00	10.00	6,010.00	10.00	6,010.00
AC Pvmnt (6"), Temporary	318	sy	50.00	15,900.00	50.00	15,900.00	59.00	18,762.00
Seal existing tap in Main DO NOT BID	1	ea	0.00	0.00	0.00	0.00	0.00	0.00
Lump Sum Bid Items - Landscaping (707023)								
Handrail	26	lf	160.00	4,160.00	300.00	7,800.00	160.00	4,160.00
Sanitary Sewer Lump Sum Bid Items (620718)								
MH Frame & Cover, Replaced	3	ea	650.00	1,950.00	700.00	2,100.00	700.00	2,100.00
Measured Qty Bid Items - Paving (707023)								
AC Pvmnt (6"), Temporary	1,325	sy	50.00	66,250.00	35.00	46,375.00	59.00	78,175.00
TOTAL BID ITEMS				\$8,749,253.30		\$7,269,364.87		\$6,698,957.80
Award 1-6-2015 subject to City Council approval of new Engineer's Estimate and budget authorization.								

RESOLUTION NO. 15-003

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Design, acquisition of right-of-way, utility relocation, administration, and construction of improvements to Pawnee Bridge at the Arkansas River (472-84922).

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act; and

WHEREAS, the Project has been previously authorized pursuant to Ordinance No. 49-672, this Resolution is intended to supplement that Ordinance and to authorize the Project pursuant to the Act.

BE IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$428,500** in accordance with the plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; and plans and specification to be placed on file in the office of the City Engineer.

Section 2. Project Financing. All or portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimbursed expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON L. DICKGRAFE
INTERIM DIRECTOR OF LAW AND CITY ATTORNEY

RESOLUTION NO. 15-004

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Design, right-of-way-acquisition and utility relocation costs, construction costs, and City staff costs for administration and oversight on Amidon, between 21st and 29th Streets North (472-84914).

(collectively, the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of \$8,270,000 in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; said plans and specifications to be placed on file in the office of the City Engineer.

Section 2. Project Financing. All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Project Management. For this Project, change orders may be approved by the City Manager or Purchasing Manager without prior Council approval if less than fifty thousand dollars (\$50,000), which level is set under the authority of Charter Ordinance 222.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe
Interim Director of Law and City Attorney

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Mayor and City Council

SUBJECT: Construction Funding for Dead End Water Main Elimination Projects
(Districts I and IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the revised budgets and adopt the amending resolutions.

Background: On December 17, 2013, the City Council approved two dead end water main elimination projects to serve Stucky Middle School and Campus High School. Design agreements were also approved on that date. The Oliver Street project, serving Stucky Middle School, extends one half-mile north from 37th Street North. The 55th Street South project, serving Campus High School, extends one half-mile west from Seneca Street. Design work is complete and construction is expected to begin in spring 2015.

Analysis: The projects will create redundancy within the system, thus reducing service interruptions due to shutdowns for maintenance and main breaks.

Financial Considerations: Project budgets of \$22,000 for Oliver Street and \$20,000 for 55th Street were approved by the City Council on December 17, 2013. Additional funding of \$375,000 for Oliver and \$300,000 for 55th Street is available in the 2014 Water Mains Replacement or Relocation (W-67) budget, which was approved by the City Council on December 10, 2013, and has been used to fund similar projects in the past. The total revised project budgets are detailed below. The funding source for both projects is future revenue bonds or water utility cash reserves.

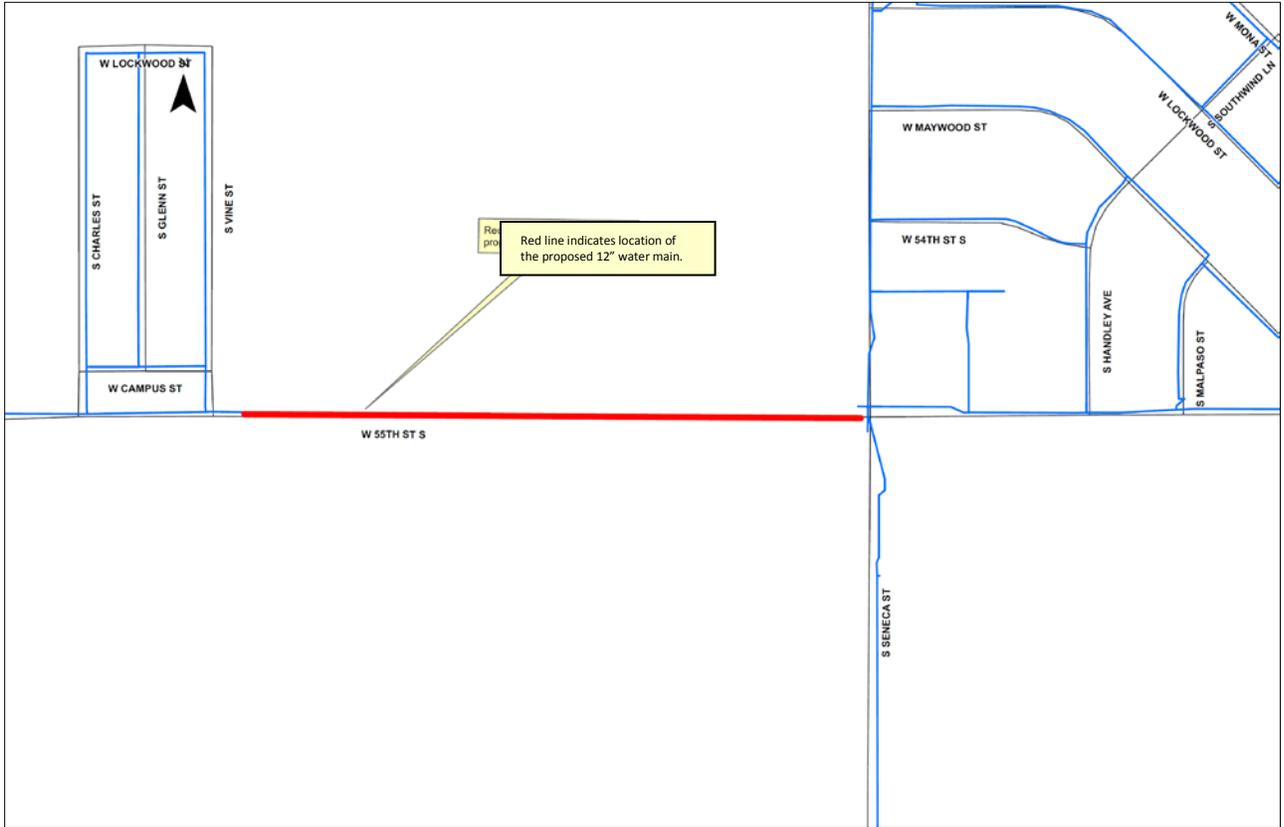
	Oliver Street (Stucky Middle School)	55 th Street South (Campus High School)	Total cost of both projects
Approved budget	\$22,000	\$20,000	\$42,000
Additional funding requested	<u>\$375,000</u>	<u>\$300,00</u>	<u>\$675,000</u>
Total revised budget	\$397,000	\$320,000	\$717,000

Legal Considerations: The amending resolutions have been reviewed and approved as to form by the Law Department.

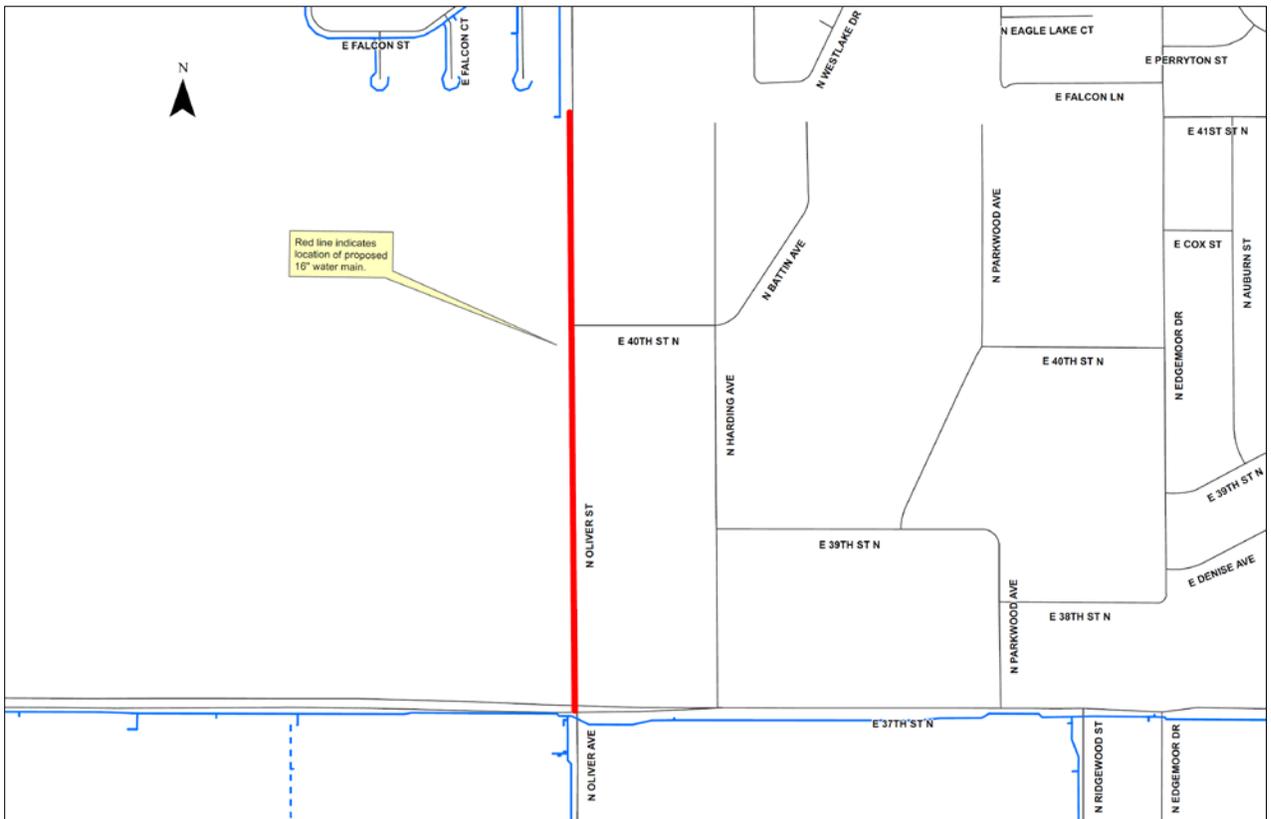
Recommendations/Actions: It is recommended that the City Council approve the revised budgets, adopt the resolutions, and authorize the necessary signatures.

Attachments: Maps, amending resolutions, and amending Notices of Intent.

55th Street South (Campus High School)



Oliver Street (Stucky Middle School)



RESOLUTION NO. 15-005

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 13-255 OF THE CITY OF WICHITA, KANSAS WHICH DECLARED IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY, TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body"), has heretofore by Ordinance No. 39-888, passed May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the City of Wichita, Kansas Water and Sewer Utility (the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (collectively, the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

WHEREAS, the Governing Body has heretofore by Resolution No. 13-255 of the City (the "Prior Resolution), found and determined that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Water Line 55th Street South (W-44)

(the "Project") at an estimated cost, including related design and engineering expenses of \$20,000; and

WHEREAS, the Prior Resolution also determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed \$21,600 in order to pay all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs (the "Bonds") to be payable from the revenues of the Utility; and

WHEREAS, the scope of the Project has expanded to include additional service connections and it therefore necessary to amend the Prior Resolution.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Amendment. *Section 1 and Section 2* of the Prior Resolution are hereby amended to read as follows:

Section 1. Project Authorization. It is hereby determined that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Water Line 55th Street South (W-44)

(the "Amended Project") at an estimated cost, including related design and engineering expenses of \$320,000. It is hereby further authorized, ordered and directed that the Amended Project be acquired, constructed and/or installed in accordance with plans and specifications therefor prepared under the direction of the City Engineer or designate and approved by the Governing Body; said plans and specifications to be placed on file in the offices of the Utility. The Amended Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

Section 2. Project Financing. In order to pay all or a portion of the costs of the Amended Project and related reserves, interest on financing and administrative and financing costs, it is hereby found and determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed \$345,600 (the "Bonds"). The Bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Amended Project in excess of the proceeds of the Bonds, if any, shall be paid from unencumbered moneys of the Utility which will be available for that purpose. The Bonds may be issued to reimburse expenditures authorized by the Prior Resolution made on or after the date which was 60 days before the date of adoption of the Prior Resolution and to reimburse additional expenditures authorized by this Resolution, which were made 60 days before the date of adoption of this Resolution, all pursuant to Treasury Regulation §1.150-2.

Section 2. Notice. Before issuing the Bonds authorized herein, there shall be published one (1) time in the official newspaper of the City, a notice of the intention of the Governing Body to undertake the Amended Project and to issue the Bonds (the "Notice"); and if within fifteen (15) days after the publication of such Notice, there shall be filed with the City Clerk, a written protest against the Amended Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the Governing Body shall thereupon submit such proposed Amended Project and the Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the City Clerk within the period of time hereinbefore stated, then the Governing Body shall have the authority to proceed with the Amended Project and issuance of the Bonds.

Section 3. Repealer; Ratification. In the event no sufficient protest petition is filed in accordance with the Act against the Amended Project and the Bonds as set forth in *Section 2* hereof, *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed. If a protest petition is filed and/or if a required referendum does not approve the Amended Project and the Bonds, the Prior Resolution remains in full force and effect with respect to the Project and the Bonds authorized therein.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, by not less than two-thirds of the members voting in favor thereof, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L Dickgrafe, Interim Director of
Law

RESOLUTION NO. 15-006

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 13-254 OF THE CITY OF WICHITA, KANSAS WHICH DECLARED IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY, TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body"), has heretofore by Ordinance No. 39-888, passed May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the City of Wichita, Kansas Water and Sewer Utility (the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (collectively, the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

WHEREAS, the Governing Body has heretofore by Resolution No. 13-254 of the City (the "Prior Resolution), found and determined that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Water Line Oliver (W-45)

(the "Project") at an estimated cost, including related design and engineering expenses of \$22,000; and

WHEREAS, the Prior Resolution also determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed \$23,760 in order to pay all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs (the "Bonds") to be payable from the revenues of the Utility; and

WHEREAS, the scope of the Project has expanded to include additional service connections and it therefore necessary to amend the Prior Resolution.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Amendment. *Section 1 and Section 2* of the Prior Resolution are hereby amended to read as follows:

Section 1. Project Authorization. It is hereby determined that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Water Line Oliver (W-45)

(the "Amended Project") at an estimated cost, including related design and engineering expenses of \$397,000. It is hereby further authorized, ordered and directed that the Amended Project be acquired, constructed and/or installed in accordance with plans and specifications therefor prepared under the direction of the City Engineer or designate and approved by the Governing Body; said plans and specifications to be placed on file in the offices of the Utility. The Amended Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

Section 2. Project Financing. In order to pay all or a portion of the costs of the Amended Project and related reserves, interest on financing and administrative and financing costs, it is hereby found and determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed \$428,760 (the "Bonds"). The Bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Amended Project in excess of the proceeds of the Bonds, if any, shall be paid from unencumbered moneys of the Utility which will be available for that purpose. The Bonds may be issued to reimburse expenditures authorized by the Prior Resolution made on or after the date which was 60 days before the date of adoption of the Prior Resolution and to reimburse additional expenditures authorized by this Resolution, which were made 60 days before the date of adoption of this Resolution, all pursuant to Treasury Regulation §1.150-2.

Section 2. Notice. Before issuing the Bonds authorized herein, there shall be published one (1) time in the official newspaper of the City, a notice of the intention of the Governing Body to undertake the Amended Project and to issue the Bonds (the "Notice"); and if within fifteen (15) days after the publication of such Notice, there shall be filed with the City Clerk, a written protest against the Amended Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the Governing Body shall thereupon submit such proposed Amended Project and the Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the City Clerk within the period of time hereinbefore stated, then the Governing Body shall have the authority to proceed with the Amended Project and issuance of the Bonds.

Section 3. Repealer; Ratification. In the event no sufficient protest petition is filed in accordance with the Act against the Amended Project and the Bonds as set forth in *Section 2* hereof, *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed. If a protest petition is filed and/or if a required referendum does not approve the Amended Project and the Bonds, the Prior Resolution remains in full force and effect with respect to the Project and the Bonds authorized therein.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, by not less than two-thirds of the members voting in favor thereof, on January 6, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L Dickgrafe, Interim Director of
Law

(Published in *The Wichita Eagle*, on _____, 2015.)

NOTICE

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You are hereby notified that the City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”), adopted Resolution No.15-005, on January 6th, 2015 (the “Resolution”). The Resolution amended Resolution No.13-255 (the “Prior Resolution”) which found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility (the “Project”), which is owned and operated by the City (the “Utility”), and authorized the issuance of revenue bonds in amount not to exceed \$21,600 in order to finance all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs. **The Resolution modified the scope of the Project to complete construction of the project and it therefore necessary to amend the Prior Resolution.**

Water Line 55th Street South (W-44)

(the “Amended Project”) at an estimated cost, including related design and engineering expenses of \$320,000, and declared the intention to issue revenue bonds an aggregate principal amount not to exceed \$345,600 under the authority of K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (the “Bonds”) in order to finance all or a portion of the costs of the Amended Project and related reserves, interest on financing and administrative and financing costs.

The Bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of the Bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

This Notice shall be published one time in the official newspaper of the City; and if, within fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Amended Project and the issuance of the Bonds, which protest is signed by not less than twenty percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the Bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Amended Project and the issuance of the Bonds is filed within said period, then the Governing Body shall have the authority to proceed with the Amended Project and issuance of the Bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on January 6th, 2015.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ Karen Sublett, City Clerk

(Published in *The Wichita Eagle*, on _____, 2015.)

NOTICE

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You are hereby notified that the City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”), adopted Resolution No. 15-006, on January 6th, 2015 (the “Resolution”). The Resolution amended Resolution No. 13-254 (the “Prior Resolution”) which found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility (the “Project”), which is owned and operated by the City (the “Utility”), and authorized the issuance of revenue bonds in amount not to exceed \$23,760 in order to finance all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs. **The Resolution modified the scope of the Project to complete construction of the project and it therefore necessary to amend the Prior Resolution.**

Water Line Oliver (W-45)

(the “Amended Project”) at an estimated cost, including related design and engineering expenses of \$397,000, and declared the intention to issue revenue bonds an aggregate principal amount not to exceed \$428,760 under the authority of K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (the “Bonds”) in order to finance all or a portion of the costs of the Amended Project and related reserves, interest on financing and administrative and financing costs.

The Bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of the Bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

This Notice shall be published one time in the official newspaper of the City; and if, within fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Amended Project and the issuance of the Bonds, which protest is signed by not less than twenty percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the Bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Amended Project and the issuance of the Bonds is filed within said period, then the Governing Body shall have the authority to proceed with the Amended Project and issuance of the Bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on January 6th, 2015.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ Karen Sublett, City Clerk

City of Wichita
City Council Meeting
January 6, 2105

TO: Mayor and City Council
SUBJECT: General Repairs to City Facilities (All Districts)
INITIATED BY: Department of Public Works & Utilities
AGENDA: Consent

Recommendation: Approve the project and adopt the bonding resolution.

Background: The Adopted 2011-2020 Capital Improvement Program (CIP) includes a project for General Repairs to City Facilities. The funding would allow maintenance, repairs, and upgrades to City Facilities including (but not limited to) roofs, heating, ventilation and cooling (HVAC) units, air distribution systems, plumbing fixtures and related devices, fountains, limited structural repairs, windows and doors, and electrical fixtures and devices. This work would occur at numerous City facilities and target the backlog of deferred maintenance and rehabilitation needs.

Analysis: The 2011-2020 CIP was approved by the City Council on March 6, 2011. This agenda item is to initiate the budgeted funds and make them available for planned maintenance repairs and improvements. The age and condition of the equipment and systems place the facilities at risk of reduced functionality if the improvements are not made.

Financial Considerations: The General Repairs to City Facilities project is included in the 2011-2020 CIP at \$3.095 million for the budget years of 2013, 2014, and 2015. Individual procurement contracts will be obtained for the individual projects based on City purchasing policies. The funding source is general obligation bonds.

Legal Considerations: The bonding resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the project, adopt the bonding resolution, and authorize the necessary signatures.

Attachments: Budget sheet, bonding resolution, and list of projects.

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2013-2015 General Repairs to City Facilities Project List

<u>Project</u>	<u>Estimated Cost</u>
Cessna Park restrooms/shelter replacements	\$650,000.00
Evergreen Library	\$220,000.00
Evergreen Pool house	\$50,000.00
Gander Mountain parking garage	\$525,000.00
Lawrence Dumont Stadium coolers, exterior wall, clubhouse roof	\$450,000.00
Library roof	\$500,000.00
Mid-America All-Indian Center cooling tower	\$150,000.00
Orchard pool house	\$50,000.00
Unscheduled projects	\$350,000.00
Wichita Art Museum irrigation system	<u>\$150,000.00</u>
	\$3,095,000.00

RESOLUTION NO. 15-007

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Governing Body is authorized, , pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

General Repairs to City Facilities. Including but not limited to Cessna Park Restroom and shelter, Evergreen Library, Evergreen pool house, Gander Mountain parking garage, Lawrence Dumont Stadium, Central Library, Mid-American All-Indian Center, Orchard pool house, Wichita Art Museum and unscheduled projects.

(including but not limited to replacement of heating, ventilation and cooling systems (HVAC), plumbing/water system upgrades, fountain equipment/system replacements, structural repairs, window and door replacement, and electrical component replacements within City Facilities, collectively, the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of \$3,095,000 in accordance with plans and specifications therefor prepared under the direction of the Fleet & Facilities Superintendent and approved by the Governing Body; said plans and specifications to be placed on file in the office of the Fleet & Facilities Superintendent.

Section 2. Project Financing. All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon Dickgrafe, Interim Director of
Law and City Attorney

**CITY OF WICHITA
City Council Meeting
January 6, 2015**

TO: Mayor and City Council
SUBJECT: Year End 2014 Budget Adjustments
INITIATED BY: Department of Finance
AGENDA: Consent

Recommendation: Approve the budget adjustments.

Background: The 2014 Revised Budget was approved by the City Council on August 12, 2014. By state law, the budgeted expenditure levels by fund cannot be exceeded. The City budget is comprised of 40 separate funds. The City has overlaid a much more restrictive budget control structure, generally requiring budget adjustments if departmental expenditure limits are exceeded, or if certain categories of departmental expenditures (salaries, contractals, commodities, capital outlay or other) are exceeded. Finally, for management purposes, staff often set internal control levels at even more restrictive levels.

Analysis: Staff has identified four areas in which expenditures will exceed budgeted amounts. Based on the current control level structure, Council approval is required to shift expenditure authority from under-expended areas of the City budget.

Housing – The 2014 Revised Housing and Community Services budget included \$50,000 budgeted in the General Fund to utilize contractors to increase the processing of Section 8 vouchers. However, Housing staff determined that utilizing overtime for the current trained staff would be more effective. Shifting \$30,000 from contractals to salaries and benefits is recommended.

Fire - Contractual expenditures in the Fire Department will exceed the budgeted amount by an estimated \$80,000. Charges by the Fleet Division of Public Works for maintenance of Fire apparatus will exceed the budgeted amount by an estimated \$43,840. In addition, utility costs for fire stations are higher than budgeted. Savings from within other line items of the Fire Department budget are recommended to be transferred.

Cultural Arts - Cultural Arts funding is expected to exceed budgeted amounts in contractals and commodities, but be within the overall allocation approved for cultural funding. Prior to 2014, the City funded utilities for the Mid-American All Indian Center (MAAIC), which then reimbursed the City for those costs. The 2014 Budget was based on the assumption that those utility costs would be shifted directly to the MAAIC. However, utility costs totaling an estimated \$76,648 (which were not budgeted) were charged to the City. The MAAIC is reimbursing the City for excess costs; there is no net impact on the General Fund. Although a Flight Festival was not budgeted in 2014, \$11,725 in expenditures from the 2013 Festival were recorded in 2014. Depending on year-end payments, other contractual costs will be an estimated \$40,000 over the budgeted amount. Shifting \$128,373 in under expenditures within the City Manager’s Office to Cultural Arts cost centers is recommended.

Jail Fees - The City of Wichita is required to pay fees for persons held in the Sedgwick County jail on municipal charges. In the past, the City has attempted to mitigate these costs through a variety of strategies. However, the fees ultimately are directly related to the number of offenders arrested and

booked into jail and the length of sentences served by municipal defendants. Total costs in 2014 will not be billed until January 2015. However, costs could exceed the budgeted amount by as much as \$857,000. Staff recommends transferring expenditure authority from within other General Fund line items to provide budget authority for these expenditures.

Financial Considerations: The recommended budget adjustments will allow staff to adjust expenditure levels to ensure all payments are processed within approved budget authority. With the recommended adjustments, General Fund expenditures are projected to be less than the 2014 Revised Budget, and consistent with projections included in the most recent financial report.

Legal Considerations: Based on City policy, budget adjustments greater than \$25,000 require the approval of the City Council.

Recommendation/Action: It is recommended that the City Council approve the budget adjustments.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: Notice of Intent to Use Debt Financing
Emergency Response at 1851 Airport Road
Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project, it is necessary to declare the intent to utilize general obligation bond funding for expenditures made on or after the date which is sixty (60) days before the notice of said intent. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six (6) months for timing considerations or in the form of General Obligation bonds for long term financing.

Analysis: On December 16, 2014, the City Council, sitting as the Wichita Airport Authority, approved a capital budget for the emergency response to the plane crash at 1851 Airport Road. To correspond with that action, this Resolution reflects the estimated project cost to be financed through the issuance of general obligation debt.

Financial Considerations: The project budget approved is \$85,000 (exclusive of interest on financing and administrative and financing costs) which will be financed with the proceeds of general obligation bonds/notes. If the debt is issued, the source of repayment for the bonds/notes will be Airport revenues.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Resolution.

RESOLUTION NO. 15-017

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF IMPROVEMENTS TO CITY AIRPORT FACILITIES.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council (the "Governing Body") of the City has heretofore, pursuant to K.S.A. 3-162, created the Wichita Airport Authority (the "Authority"); and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City (collectively, the "Act") to issue general obligation bonds of the City without an election for the purpose of purchasing land for airport purposes or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to said land used for airport purposes; and

WHEREAS, the outstanding principal amount of general obligation bonds issued pursuant to the Act shall not: (a) exceed three percent (3%) of the assessed value of all taxable tangible property within the City, and (b) be subject to or within the limitations prescribed by any other law limiting the amount of indebtedness of the City; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Emergency Response at 1851 Airport Road

for use by the Authority at the Wichita Mid-Continent Airport (the "Project") and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of \$85,000 in accordance with specifications prepared or approved by the Authority.

Section 2. Project Financing. All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be payable by the Authority and financed with the proceeds of general obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon Dickgrafe, Acting Director of Law

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: Transit Budget Adjustment (All Districts)
INITIATED BY: Wichita Transit
AGENDA: Consent

Recommendation: Approve the budget adjustment.

Background: Wichita Transit is financed with a combination of local funds and grant funds. Many, but not all, of these grants require some City match, usually 20 percent of the total expenditures. Grant funds are drawn down to reimburse the City after City funds have been initially committed. Current projections indicate that Wichita Transit will be approximately \$175,000 over budget in contractual expenditures.

Wichita Transit has experienced increased expenditures in the following areas: utilities, printing, job recruitment, and IT maintenance. Though software implemented in 2009 has greatly improved customer service, scheduling services and operational supervision, the cost to maintain the software programs has been costly, especially in recent years as warranties and base year coverage has expired.

Analysis: Transit staff has maximized the usage of grant funds for personnel and fuel, which leaves less room in the grant fund budget to further cover eligible expenditures. By maximizing grant funds for personnel expenditures, there is expected to be budget authority left over in personnel services in the Transit local fund. There is also expected to be some authority left in other expenditures, mainly due to a paratransit van purchase being pushed to 2015 and lower than expected planning expenditures. To insure that contractual costs are covered through the end of the year, authorization for adjustments of remaining funds in these areas is requested.

Financial Consideration: Expenditures savings in personnel services and other expenditures budget line items are anticipated to offset approximately \$175,000 in projected line items over in expenditures. The Transit Fund is not certified by the State of Kansas. The 2014 revised Transit budget is \$5,613,296.

Legal Consideration: City Council approval is required for budget transfers in excess of \$25,000.

Recommendation/Actions: It is recommended that the City Council approve the budget adjustment not to exceed \$180,000 for the Transit Fund.

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Mayor and City Council

SUBJECT: Removal of Main Benefit Fee Assessment for Southwest Passage and Red Rock Village Additions (District IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the amending resolution and place the amending ordinance on first reading.

Background: On July 20, 2010, the City Council approved a petition and resolution for a sanitary sewer lift station and force main improvements to serve Southwest Passage and Red Rock Village Additions, south of Pawnee, west of 119th Street West. The lift station will provide sewer service to the developments until the City extends a public sewer main to serve the area, at which time the lift station will be removed. The petition included assessment of a main benefit fee in the amount of \$78,500, the current rate for property owners' share of sewer main construction. The City owns and maintains the lift station.

On October 18, 2011, the City Council approved an ordinance assessing the project cost and main benefit fee to the property. Of the 37 lots in Southwest Passage, 15 are developed. The 43 lots in Red Rock Village remain undeveloped and without City improvements.

Analysis: A sewer main serving this area would be funded by the Utility. Current demand and projected growth does not warrant a project in the next Capital Improvement Program. The main benefit fee rate is set to fund 50% of sewer mains, in theory. Current practice allows the fee to either be collected at the time of connection or assessed with an improvement petition. An amended resolution and amended ordinance have been prepared to remove the main benefit fee from the petition and subsequent assessment. In return, the main benefit fee will be collected on individual lots as part of the connection fee when a new structure connects to City sewer at the then current rate. The City will forfeit collection of fees from the 15 residences currently served by City sewer.

Financial Considerations: The main benefit fee was set to be assessed over 15 years, three of which have been billed, with annual per-lot assessments of approximately \$114, including interest, on most lots in Southwest Passage, and \$51 on the remaining lots. Approximately \$10,035 in paid assessments will be refunded to the current property owners from the Sewer Utility Fund, and the remaining amount will not be assessed in future years. Property owners must be current on all special assessments before assessments will be refunded.

Legal Considerations: The Law Department has reviewed and approved the amending resolution and amending ordinance as to form.

Recommendation/Action: It is recommended that the City Council approve the request, adopt the amending resolution, place the amending ordinance on first reading, and authorize the necessary signatures.

Attachments: Amending resolution and amending ordinance.

ORDINANCE NO. 49-926

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 49-134 OF THE CITY OF WICHITA, KANSAS, LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF MAIN 6, COWSKIN INTERCEPTOR FORCE MAIN SEWER, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST.

WHEREAS, prior to the adoption of Ordinance No. 49-134 of the City of Wichita, Kansas, the Governing Body had determined that the costs to be spread by such Ordinance were \$266,800.00, including an amount provided by Resolution No. 10-193 of the City of Wichita, Kansas to be assessed as a main benefit fee; and,

WHEREAS, the Governing Body, on December __, 2014, amended Resolution No. 10-193 of the City of Wichita, Kansas, by the adoption of Resolution No. 14-__ of the City of Wichita, Kansas, to remove the main benefit fee component from the total costs to be assessed, reducing such total costs for assessment as of the date of Ordinance No. 49-134 of the City of Wichita, Kansas, to the amount of \$188,300.00; and,

WHEREAS, it is now necessary to reduce the assessments levied in Section 1 of Ordinance No. 49-134 of the City of Wichita, Kansas, accordingly.

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

Section 1. Amendment. Section 1 of Ordinance No. 49-134 of the City of Wichita, Kansas is hereby amended to read as follows:

Section 1. Special assessments to pay the costs of said improvements as authorized by Resolution No. 10-193 of the City of Wichita, Kansas, as amended in its Section 3 by Resolution No. 14-__ of the City of Wichita, Kansas, adopted July 23, 2010 and December __, 2014, respectively, and published on August 4, 2010 and December __, 2014, respectively, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

Section 2. Repeal and Ratification. The prior version of Section 1 of Ordinance No. 49-134 of the City of Wichita, Kansas, as the same hitherto existed, is repealed and replaced by the amended version set forth above, and all the rest and remainder of the operative text of Ordinance No. 49-134 is hereby ratified and confirmed.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the Governing Body and publication once in the official City newspaper.

PASSED by the City Council of the City on January 6, 2015, and **SIGNED** by the Mayor.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim City
Attorney and Director of Law

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RESOLUTION NO. 15-020

A RESOLUTION AMENDING AND REPEALING SECTION 3 OF RESOLUTION NO. 10-193, WHICH RESOLUTION FOUND ADVISABLE, AND AUTHORIZED CONSTRUCTION OF, MAIN 6, COWSKIN INTERCEPTOR SEWER FORCE MAIN (SOUTH OF PAWNEE, WEST OF 119TH ST. WEST) IN THE CITY OF WICHITA, KANSAS.

WHEREAS, Section 3 of Resolution No. 10-193 of the City of Wichita, Kansas, contained provisions assessing certain main benefit fees to lots and parcels in the improvement district addressed by such Resolution; and,

WHEREAS, the City Council (the “Governing Body”) of the City now finds and determines that certain of the assumptions underlying the said assessment of main benefit fees have not come to fruition, such that it is appropriate to repeal the provisions initially made for such assessment of main benefit fees.

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

Section 1. Amendment. Section 3 of Resolution No. 10-193 of the City of Wichita, Kansas, is hereby amended to read as follows:

Section 3. That the cost of said improvements provided for hereof is estimated to be One Hundred Seventy-Nine Thousand Dollars (\$179,000), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2010, exclusive of the costs of temporary financing. .

Section 2. Repeal of Prior Version. The prior version of Section 3 of Resolution No. 10-193 of the City of Wichita, Kansas, as the same hitherto existed, is hereby repealed and replaced by the amended version set forth above, and the rest and remainder of the operative text of Resolution No. 10-193 is hereby ratified and confirmed.

Section 3. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 6th, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim City
Attorney and Director of Law

No # : 6726 A842271226

Page : 1 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
LOT 1 BLOCK 1 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63036 00574948 BAXTER BRIAN A & SARAH A & RENA 2404 S MONUMENT WICHITA KS 67235
LOT 2 BLOCK 1 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63037 00574949 ROGER OSWALD CONSTRUCTION LLC 3208 N WILD THICKET ST WICHITA KS 67205-1990
LOT 3 BLOCK 1 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63038 00574950 ROGER OSWALD CONSTRUCTION LLC 3208 N WILD THICKET ST WICHITA KS 67205-1990
LOT 1 & LOT 2 EXC BEG SLY MOST COR LOT 2 TH NW 53 FT TH NE 120.22 FT 74.09 FT TH SW 128.71 FT TO BEG BLOCK 2 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63039 00574951 DANAHY CONSTRUCTION INC

No #: 6726 A842271226

Page: 2 of 21

DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			PO BOX 75638 WICHITA KS 67275-5638
THAT PART LOT 2 BEG SLY MOST COR TH NW 53 FT TH NE 120.22 FT TH SE 74.09 FT TH SW 128.71 FT TO BEG BLOCK 2 SOUTHWEST PASSAGE ADDITION	3,458.57	1.837	D 63040 00574952 DANAHY CONSTRUCTION INC PO BOX 75638 WICHITA KS 67275-5638
TH FT LOT 3 BEG SLY MOST COR TH NW ALG CUR 38 FT TH NELY 130.97 FT TH SELY 54.06 FT TH SWLY 135.84 FT TO BEG & LOT 4 EXC BEG SLY MOST COR TH NWLY ALG CUR 22 FT TH NE 148.31 FT TO NELY LI TH SE 34.21 FT TO ELY MOST COR TH SWLY 158.73 FT TO BEG BLOCK 2 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63041 00574953 MIKE LOVE CONSTRUCTION INC PO BOX 7 VALLEY CENTER KS 67147-0007

No # : 6726 AB42271226

Page : 3 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
BEG SLY MOST COR LOT 4 TH NWLY ALG CUR 22 FT TH NE 148.31 FT TO NELY LI TH SE 34.21 FT TO ELY MOST COR TH SW 158.73 FT TO BEG BLOCK 2 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 83042 00574954 ROGER OSWALD CONSTRUCTION LLC 3208 N WILD THICKET ST WICHITA KS 67205-1990
LOT 5 BLOCK 2 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 83043 00574955 ROGER OSWALD CONSTRUCTION LLC 3208 N WILD THICKET ST WICHITA KS 67205-1990
LOT 1 BLOCK 3 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 83044 00574956 ROGER OSWALD CONSTRUCTION LLC 3208 N WILD THICKET ST WICHITA KS 67205-1990
LOT 2 BLOCK 3 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 83045 00574957

No # : 6726 A842271226

Page : 4 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			DOLD MICHAEL J 7318 BARRINGTON CT WICHITA KS 67212-7315
LOT 1 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63046 00574958 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 2 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63047 00574959 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 3 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63048 00574860 DOLD MICHAEL J 7318 BARRINGTON CT WICHITA KS 67212-7315
LOT 4 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63049 00574861

No # : 6726 A842271226

Page : 5 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1980
LOT 5 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63050 00574962 DOLD MICHAEL J 7318 BARRINGTON CT WICHITA KS 67212-7315
LOT 6 BLOCK 4 SOUTHWEST PASSAGE ADD	1,537.14	.816	D 63051 00574963 WEBER LARRY H II & BILLI J 54 MISTY DR RICHMOND HILL GA 31324
LOT 7 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63052 00574964 DARLING DAVID A & JULIE A 2433 S CANYON ST WICHITA KS 67235
LOT 8 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63053 00574965

No #: 6726 A842271226

Page: 6 of 21

DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
			DANAHY CONSTRUCTION INC PO BOX 75838 WICHITA.KS 67275-5838
LOT 9 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63054 00574968 HERNDON ASHLEY & JOHNATHAN 2425 S CANYON WICHITA KS 67227
LOT 10 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63055 00574967 DANAHY CONSTRUCTION INC PO BOX 75838 WICHITA.KS 67275-5838
LOT 11 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63056 00574968 HUDSON JOEL T & KELLY D 2417 S CANYON WICHITA KS 67227
LOT 12 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63057 00574969

No #: 6726 A842271226

Page: 7 of 21

DATE: 6/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District.	Assessment	Percent	Property Owner
			ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 13 BLOCK 4 SOUTHWEST PASSAGE ADD	1,537.14	.816	D 63058 00574970 HUFFMAN JOSEPH C & BRITTANY L 2409 S CANYON WICHITA KS 67227
LOT 14 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63059 00574971 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 15 BLOCK 4 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63060 00574972 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 1 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63061

No #: 6726 A842271226

Page: 8 of 21

DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			00574973 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 2 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63062 00574974 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 3 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63063 00574975 DANAHY CONSTRUCTION INC PO BOX 75638 WICHITA KS 67275-5638
LOT 4 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63064 00574976 MIKE LOVE CONSTRUCTION INC PO BOX 7 VALLEY CENTER KS 67147- 0007

No #: 6726 A842271228

Page: 9 of 21

DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
LOT 6 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63065 00574977 DANAHY CONSTRUCTION INC PO BOX 75638 WICHITA KS 67275-5638
LOT 6 BLOCK 5 SOUTHWEST PASSAGE ADD	1,537.14	.816	D 63068 00574978 SCHOENFELD GREGORY P & KIM M 103013 W RED ROCK WICHITA KS 67235
LOT 7 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63067 00574979 MIKE LOVE CONSTRUCTION INC PO BOX 7 VALLEY CENTER KS 67147- 0007
LOT 8 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63068 00574980 DOLD MICHAEL J 7318 BARRINGTON CT WICHITA KS 67212-7315

No #: 6726 A842271226

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
LOT 9 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63068 00574981 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 10 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63070 00574982 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 11 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63071 00574983 ROGER OSWALD CONSTRUCTION LLC 3206 N WILD THICKET ST WICHITA KS 67205-1990
LOT 12 BLOCK 5 SOUTHWEST PASSAGE ADD	3,458.57	1.837	D 63072 00574984 DOLD MICHAEL J 7318 BARRINGTON CT

No #: 6726 A842271226

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			WICHITA KS 67212-7315
LOT 1 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64539 00598706 DEVELOPMENT PARTNERSHIP LLC 15018 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 2 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64540 00598707 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 3 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64541 00598708 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 4 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64542 00598709 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929

No #: 8726 A842271226

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
LOT 5 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64543 00598710 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 6 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64544 00598711 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 7 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64545 00598712 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 8 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64546 00598713 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 9 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64547

No # : 6726 A842271226

Page : 13 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			00598714 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 10 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64548 00598715 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 11 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64549 00598716 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 12 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64550 00598717 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 13 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64551 00598718

No # : 6726 A842271226

Page : 14 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 14 BLOCK 1 RED ROCK VILLAGE ADD	1,537.14	.816	D 64552 00598720 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 1 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64553 00598721 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 2 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64554 00598722 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 3 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64555 00598723 DEVELOPMENT PARTNERSHIP LLC

No #: 6728 AB42271228

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
			15019 W US HIGHWAY 54 WICHITA KS 67235-8929.
LOT 4 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64556 00598724 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 5 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64557 00598725 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 6 BLOCK 2 RED ROCK VILLAGE ADD	1,537.14	.816	D 64558 00598726 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 1 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64559 00598727 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929

No #: 6726 A842271226

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
LOT 2 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64560 00598728 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 3 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64561 00598729 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 4 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64562 00598730 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 5 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64563 00598731 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929

No #: 6726 A842271228

Page : 17 of 21

DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
LOT 6 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64564 00598732 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 7 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64565 00598733 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 8 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64566 00598734 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 9 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64567 00598735 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 10 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D 64568

No # : 6726 AB42271226

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DATE : 8/8/2011

PETITIONED : YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
			00598738 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8928
LOT 11 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D.64569 00598737 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8928
LOT 12 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D.64570 00598738 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8928
LOT 13 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D.64571 00598739 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8928
LOT 14 BLOCK 3 RED ROCK VILLAGE ADD	1,537.14	.816	D.64572 00598740

No #: 6726 A842271226

Page: 19 of 21

DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel In Benefit District	Assessment	Percent	Property Owner
			DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 1 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64573 00598741 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 2 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64574 00598742 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 3 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64575 00598743 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 4 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64576 00598744 DEVELOPMENT PARTNERSHIP LLC

No #: 6726 AB42271226

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DATE: 8/8/2011

PETITIONED: YES

Legal of Parcel in Benefit District	Assessment	Percent	Property Owner
			15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 6 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64577 00598745 DEVELOPMENT PARTNERSHIP LLC 15019 W US HIGHWAY 54 WICHITA KS 67235-8929
LOT 8 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64578 00598746 SOUTHWEST PASSAGE HOA ASSOC ETAL 8414 W CENTRAL AVE WICHITA KS 67212-3814
LOT 7 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64579 00598748 SOUTHWEST PASSAGE HOA ASSOC ETAL 8414 W CENTRAL AVE WICHITA KS 67212-3814
LOT 8 BLOCK 4 RED ROCK VILLAGE ADD	1,537.14	.816	D 64580 00598749 SOUTHWEST PASSAGE HOA ASSOC ETAL 8414 W CENTRAL AVE WICHITA KS 67212-3814

No # : 6726 AB42271226

Page : 21 of 21

DATE: 8/8/2011

PETITIONED : YES

Legal of Parcel in Benefit District	Assesment	Percent	Property Owner
LOT 9 BLOCK 4 RED ROCK VILLAGE ADD	1,537.32	.816	D 64581 00598750 SOUTHWEST PASSAGE HOA ASSOC ETAL 9414 W CENTRAL AVE WICHITA KS 67212-3814
Project Totals	\$188,300.00	100.00	

Second Reading Ordinances for January 6, 2015 (first read on December 16, 2014)

A. Amendments to River Vista Apartments Development Agreement, TIF Project Plan and River District STAR Bond Project Plan. (District VI)

ORDINANCE NO. 49-914

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT (RIVER VISTA VILLAGE PROJECT) IN THE CITY OF WICHITA, KANSAS; AUTHORIZING A CERTAIN PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; APPROVING THE MAXIMUM AMOUNT AND METHOD OF ASSESSMENT; AND APPROVING THE METHOD OF FINANCING THE PROJECT.

ORDINANCE NO. 49-915

AN ORDINANCE ADOPTING A REDEVELOPMENT PROJECT PLAN AMENDMENT FOR THE WEST BANK APARTMENTS PROJECT AREA LOCATED WITHIN THE EAST BANK REDEVELOPMENT DISTRICT.

ORDINANCE NO. 49-916

AN ORDINANCE AMENDING THE STAR PROJECT PLAN FOR THE RIVER DISTRICT STAR BOND PROJECT AREA FOR THE EAST BANK REDEVELOPMENT DISTRICT AND THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS TO PAY A PORTION OF THE COSTS OF DESIGN AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE AND SITE IMPROVEMENTS RELATED THERETO.

ORDINANCE NO. 49-917

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS TO PAY ALL OR A PORTION OF THE COSTS OF CERTAIN IMPROVEMENTS RELATED TO THE EAST BANK REDEVELOPMENT DISTRICT, WEST BANK APARTMENTS PROJECT AREA.

B. Charter Ordinances Relating to the Appointment of Municipal Court Judges and Municipal Court Procedures.

CHARTER ORDINANCE NO. 223

A CHARTER ORDINANCE EXEMPTING THE CITY OF WICHITA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4107, 12-4108, 13-628a AND 13-628d AND AMENDMENTS THERETO RELATING TO APPOINTMENT OF MUNICIPAL COURT JUDGES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT AND REPEALING CHARTER ORDINANCES 90, 117, 135, 142, 152, 186, 191 AND 207.

CHARTER ORDINANCE NO. 224

A CHARTER ORDINANCE EXEMPTING THE CITY OF WICHITA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112, 12-4203, 12-4208, 12-4212, 12-4213, 12-4305, 12-4410, 12-4411, 12-4509, 12-4511, 12-4516 AND 12-4156a AND AMENDMENTS THERETO RELATING TO MUNICIPAL COURT PROCEDURES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT AND REPEALING CHARTER ORDINANCES 122, 163, 164, 167, 168, 170, 175, 199, 202, 204, 210, 217, 218 AND 220.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: Z-3341 – Zone Change Request From SF-6 Single-family Residential and LC Limited Commercial to GC General Commercial on Property Located South of 47th Street South Between the Kansas Turnpike (I-35) East of the Riverside Drainage Ditch (900 Feet East of Broadway). (District III)
INITIATED BY: Metropolitan Area Planning Department
AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to platting within 1 year and to conditions (10-1)

Staff Recommendation: Approve, subject to platting within 1 year and to conditions..

CPO Recommendation: Approve, subject to MAPD staff comments (7-0).

Background: The applicant is requesting the creation of Community Unit Plan DP-249 (CUP 249) for 52 acres of land currently zoned SF-6 Single-family Residential and LC Limited Commercial located south of 47th Street South and 900 feet east of Broadway. A companion zone change request (Z-3341) for GC General Commercial is also being requested.

The proposed CUP depicts six parcels plus two reserves, and would permit 550,110 square feet of maximum building coverage (30% of net parcel area). All parcels are proposed to have the same permitted uses – only the uses listed under the “commercial uses” section of the GC General Commercial district. The applicant’s agent indicated they did not want uses listed in the “residential”, “public and civic”, “industrial” or “agricultural” use categories of the GC district. All uses the require Conditional Use permits in the GC district would be permitted only by amending the CUP. Some of the uses permitted in the GC district are: animal care, banks, construction sales and service, outside storage and vehicle and equipment sales, general retail sales, restaurants, tavern or drinking establishment (subject to conditions), wholesale firms, manufacturing, and warehouses. A total of 45 buildings would be permitted.

Parcels 1, 5 and 6 would have building height limits of 30 feet. Parcels 2, 3 and 4 do not have CUP imposed height restrictions, which would permit building heights up to 80 feet, plus two additional feet of height for each foot of setback beyond the minimum required setbacks. There are two “Reserves” indicated on the plan. One reserve is located on the east next to the Interstate Highway and one on the south. These reserves are restricted to detention, signage, buffering and landscaping.

Signage would be permitted per the sign code. No portable, flashing (except for time/temperature, public service message). Rotation or moving signs are permitted. A center identification sign would be permitted in one of the reserves.

A 25-foot setback along the eastern edge of the drainage canal is the only building setback shown.

Two access points are proposed. Access from the north would be via 47th Street South at Emporia (extended). Emporia extended is currently a private road that provides access to a commercial strip center

located south of 47th Street and west of the drainage canal. The applicant proposes to use Emporia extended as the northern access point and loop a new road east across the drainage canal, then swing south along I-35 right-of-way then swing west back across the canal to connect up with Custy, which provides access to the west, to Broadway. Currently, Emporia extended is a private street not under the applicant's ownership. Cross-lot access circulation agreements will be provided with the plat. With the total square footage proposed for this development, this site at full build-out will potentially generate an estimated 27,755 vehicles per day. Even with road improvements proposed by staff and accepted by the applicant, the level of additional traffic will further deteriorate service levels, and ultimately, the 47th Street/I-135 interchange needs to be reconstructed.

Adjacent land uses include retail commercial uses to the north, the interstate highway on the east, single-family residential to the south. Most of the property to the west is residential, but there are some commercial uses and a communication tower.

Staff recommended approval subject to conditions chiefly designed to insure that adequate traffic improvements would be guaranteed, and a reasonable time be afforded to complete a study of 47th Street/I-135 interchange right-of-way needs. CPO recommended approval but discussed the following items: pedestrian safety, support for MAPD staff comments, potential for this project to generate traffic congestion, and the configuration of the proposed access routes.

Analysis: The MAPC heard this case on October 28, 1999. There were adjoining property owners who spoke in support of the application, but wanted to have noted their concern regarding any interruption of access to their businesses caused by street improvements that might be triggered by this application. There was one owner who also wanted it known that he expected a fair price for any of his land that might be needed for access for this project. The MAPC followed staff's recommendations, except for reducing the timeframe for staff's recommendation to restrict development on Parcel 1 (staff recommended no development until a KDOT/KTA study is completed or until December 31, 2001, whichever is sooner. The MAPC approved a restriction on development of Parcel 1 for only six months.)

Since the original approval of this zone change, there have been a number of adjustments and changes to the plan. Additionally, every year up to the recording of the plat in October 2014, a plat extension was filed to continue the case with the knowledge that the case would continue and for the eventual reconstruction of the 47th Street interchange. The attached ordinance is ready for second reading and publishing to establish the zone change.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the ordinance, authorize the necessary signatures and prepare the ordinance for publication.

Attachments: Ordinance

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3341

Zone change from SF-5 Single-family Residential (SF-5) and LC Limited Commercial (LC) to GC General Commercial (GC) on approximately 50.4 acres described as:

Lots 1 through 8, Block 1, Southfork Commercial Addition to Wichita, Kansas; generally located southwest of I-135 and E. 47th Street S.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Sharon Dickgrafe, Interim City Attorney

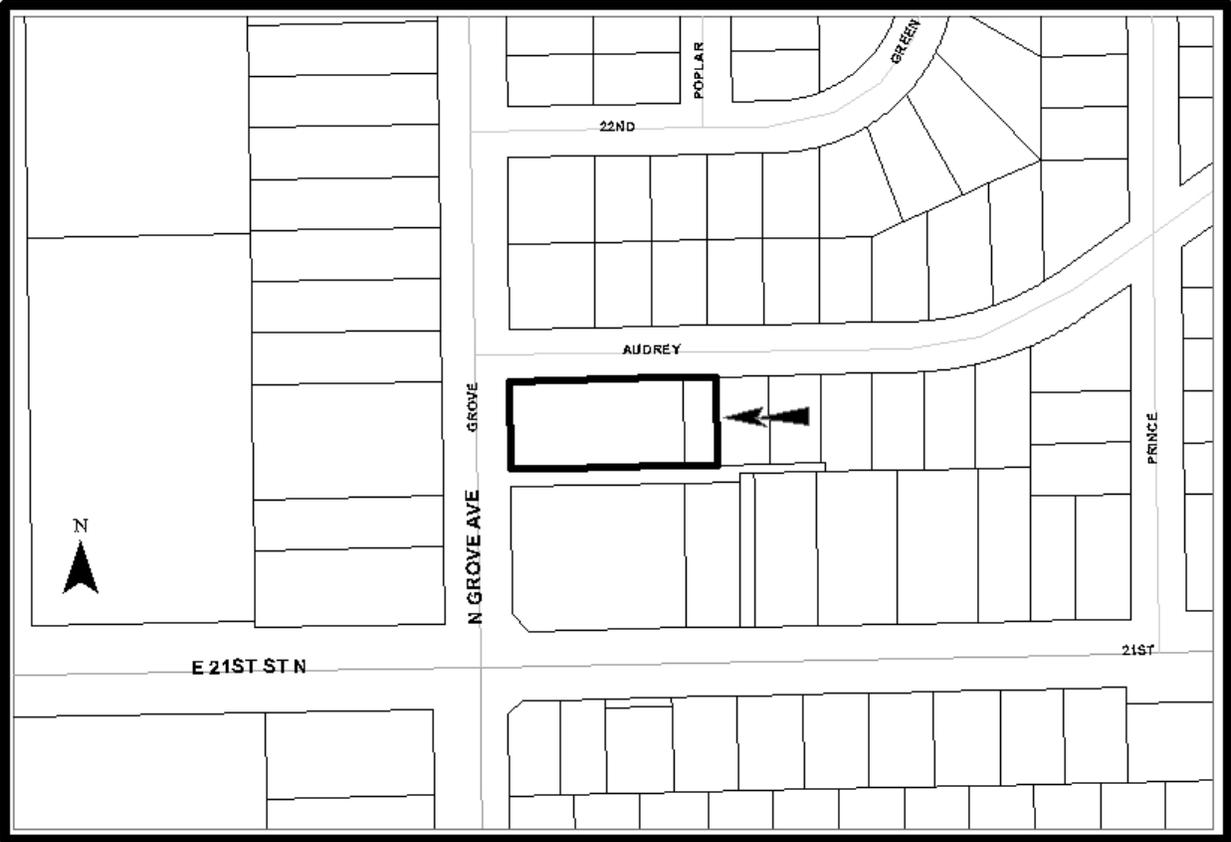
City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: ZON2014-00027 – Zone change from B Multi-Family Residential to LC Limited Commercial on Property Located on the Southeast Corner of North Grove Avenue and East Audrey Street (one block north of East 21st Street North) (District I)
INITIATED BY: Metropolitan Area Planning Department
AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board I recommended approval of the request (5-2).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The application area is .56 platted acre located at the southeast corner of North Grove Avenue and East Audrey Street (north of East 21st Street and east of North Grove Avenue) that is zoned B Multi-Family Residential (B). The applicants are seeking to rezone the property to the Limited Commercial (LC) district.

The subject property is platted into four lots of nearly equal area, and is currently developed with outdoor basketball courts that were likely associated with the property located to the south that was once used as a Boys and Girls Club. Access to the site is via a driveway from Audrey Street. Another driveway is located off of North Grove Avenue mid-block between Audrey Street and 21st Street. An alley was located in the same location as the driveway off of North Grove Avenue; however, it has been vacated. With the vacation of the alley, it would be easier to combine the subject property with the LC zoned land located to the south. It is staff's understanding that a single entity is expected to own both the subject tract and the site containing the old Boys and Girls Club. The site has mature landscape screening along the north, east and west property lines.

Properties located to the north, across East Audrey Street, are zoned B, Two-Family Residential (TF-3) or Single-Family Residential (SF-5), and are developed with duplex or single-family residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29 Multi-Family Residential (MF-29), and are developed with retail sales, office/warehouse combination or triplex residential uses.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. The LC district permits a wide range of uses, such as: residential – single-family thru multifamily; public and civic – community assembly, hospital or government service; commercial – hotel, office, general retail or restaurant; agriculture – agricultural research. Base building setbacks in the LC district are: front – 20 feet; interior side – zero or five feet; street side – 10 feet; and rear -10 feet. However, minimum side and rear compatibility setbacks of 15 feet would be required if the property is rezoned to LC. Building height in the LC district are permitted to be up to 80 feet.

In contrast to the LC district, the purpose of the B zoning district is to accommodate very high density multi-family residential development and complementary land uses. The B district permits: the full range of residential uses –single-family residential thru multi-family and assisted living; public and civic uses – community assembly, hospital or college and commercial uses – medical service. Building setbacks in the B district are: front – 20 feet; interior side – five feet; street side – five feet; and rear – 15 feet. Maximum building height in the B district is 55 feet.

Redevelopment of the site under LC zoning will trigger a number of code required development standards, such as: a six-foot wooden screening fence, solid landscaping, a berm, or some combination of the three to be located along the east property line; a minimum 15-foot compatibility building setback would be required along the east property line and that portion of the application area located across the Audrey Street from TF-3 zoning, but not for that portion of the site across Audrey Street from B zoning; screening of outdoor work or storage areas from ground level view; a 20-foot setback from the east property line for dumpsters; a building height limit of 35 feet if a building is located within 50 feet of property zoned TF-3 or SF-5, and the height of outdoor lighting sources is limited to 15 feet if located within 200 feet of a residential zoning district. Redevelopment of the site will trigger landscape code requirements for parking lot, buffer and street yard landscaping.

The sign code would allow an on-site ground or pole sign with an area of 51 square feet along North Grove Avenue and a 50 square-foot sign along Audrey Street. The sign code would not allow building signage facing Audrey Street; however, building signage would be permitted along Grove Avenue.

Analysis: On November 20, 2014, the Metropolitan Area Planning Commission (MAPC) approved the application subject to the development conditions listed below and contained in Protective Overlay #293:

1. The site permits LC uses permitted by right except for the following: “nightclub in the city”;

“tavern and drinking establishment”; “entertainment establishment in the city”; “construction and sales and service”; “sexually oriented business” or an office or business that provides loans in exchange for vehicle titles.

2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

On December 1, 2014, District Advisory Board (DAB) I voted 5-2 to recommend approval. The two negative votes reflect concern with not knowing what business will occupy the site.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #293 and place the ordinance on first reading.

Attachments: MAPC minutes, DAB memo and ordinance.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2014-00027

Zone change request from B Multi-family Residential (B) to LC Limited Commercial (LC) described as:
Lots 1-4, Schreck's Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #293:

1. The site permits LC uses permitted by right except for the following: "nightclub in the city"; "tavern and drinking establishment"; "entertainment establishment in the city"; "construction and sales and service"; "sexually oriented business" or an office or business that provides loans in exchange for vehicle titles.
2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 13th day of January 16th, 2015.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Sharon Dickgrafe, Interim City Attorney

EXCERPT MINUTES OF THE NOVEMBER 20, 2014 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2014-00027 – City of Wichita (John Philbrick) and Nuot Nguyen / Baughman Company, P.A. (Russ Ewy) request a City zone change request from B Multi-family Residential to LC Limited Commercial on property described as:

Lots 1 thru 4, Schreck's Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is .56 platted acre located at the southeast corner of North Grove Avenue and East Audrey Street (north of East 21st Street and east of North Grove Avenue) that is zoned B Multi-Family Residential (B). The applicants are seeking to rezone the property to the Limited Commercial (LC) district.

The subject property is platted into four lots of nearly equal area, and is currently developed with outdoor basketball courts that were likely associated with the property located to the south that was once used as a Boys and Girls Club. Access to the site is via a driveway from Audrey Street. Another driveway is located off of North Grove Avenue mid-block between Audrey Street and 21st Street. An alley was located in the same location as the driveway off of North Grove Avenue; however, it has been vacated. With the vacation of the alley, it would be easier to combine the subject property with the LC zoned land located to the south. It is staff's understanding that a single entity is expected to own both the subject tract and the site containing the old Boys and Girls Club. The site has mature landscape screening along the north, east and west property lines.

Property located to the north, across East Audrey Street, are zoned B, Two-Family Residential (TF-3) or SF-5 Single-Family Residential (SF-5), and are developed with duplex or single-family residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29 Multi-Family Residential (MF-29), and are developed with retail sales, office/warehouse combination or triplex residential uses.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. The LC district permits a wide range of uses, such as: residential – single-family thru multifamily; public and civic – community assembly, hospital or government service; commercial – hotel, office, general retail or restaurant; agriculture – agricultural research. Base building setbacks in the LC district are: front – 20 feet; interior side – zero or five feet; street side – 10 feet; and rear -10 feet. However, minimum side and rear compatibility setbacks of 15 feet would be required if the property is rezoned to LC. Building height in the LC district are permitted to be up to 80 feet.

In contrast to the LC district, the purpose of the B zoning district is to accommodate very high density multi-family residential development and complementary land uses. The B district permits: the full range of residential uses – single-family residential thru multi-family and assisted living; public and civic uses – community assembly, hospital or college and commercial uses – medical service. Building setbacks in the B district are: front – 20 feet; interior side – five feet; street side – five feet; and rear – 15 feet. Maximum building height in the B district is 55 feet.

Redevelopment of the site under LC zoning will trigger a number of code required development standards, such as: a six-foot wooden screening fence, solid landscaping, a berm, or some combination of the three to be located along the east property line; a minimum 15-foot compatibility building setback would be required along the east property line and that portion of the application area located across the Audrey Street from TF-3 zoning, but not for that portion of the site across Audrey Street from B zoning; screening of outdoor work or storage areas from ground level view; a 20-foot setback from the east property line for dumpsters; a building height limit of 35 feet if a building is located within 50 feet of

property zoned TF-3 or SF-5, and the height of outdoor lighting sources is limited to 15 feet if located within 200 feet of a residential zoning district. Redevelopment of the site will trigger landscape code requirements for parking lot, buffer and street yard landscaping.

The sign code would allow an on-site ground or pole sign with an area of 51 square feet along North Grove Avenue and a 50 square-foot sign along Audrey Street. The sign code would not allow building signage facing Audrey Street; however, building signage would be permitted along Grove Avenue.

CASE HISTORY: The property is platted as Lots 1-4, Schreck's Addition, which was recorded in 1951.

ADJACENT ZONING AND LAND USE:

North: B and TF-3; two-family residential and single-family residential

South: LC; office or retail sales building

East: SF-5; single-family residential

West: LC; warehouse, retail sales, multi-family residential

PUBLIC SERVICES: North Grove Avenue is a paved two-lane collector that has approximately 80 feet of full right-of-way. East Audrey Street is a local two-lane street with approximately 60 feet of full right-of-way. All municipal services are available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "urban residential" uses. The "urban residential" category includes areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. A full range of residential uses – single-family through multi-family, patio homes and townhouses – are anticipated. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-servicing uses may also be found in this category. The preferred 20 year land use map of the 2004 "21st Street Revitalization Plan" depicts the site as appropriate for "neighborhood retail" uses. The "neighborhood retail" category "envisions smaller, niche shops that serve the adjacent communities."

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends the request be approved subject to development conditions listed below and contained in Protective Overlay #293:

1. The site permits LC uses permitted by right except for the following: "nightclub in the city"; "tavern and drinking establishment"; "entertainment establishment in the city"; "construction and sales and service"; "sexually oriented business" or an office or business that provides loans in exchange for vehicle titles.
2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property located to the north, across East Audrey Street, are zoned B, TF-3 or SF-5, and are developed with duplex or single-family residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29, and are developed with retail sales, office/warehouse combination or triplex residential uses. Surrounding property is a mix of residential and non-residential uses; however, the properties located on East Audrey Street, east of North Grove Avenue, are residential.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned B which permits a broad range of residential uses – single-family through high-density multifamily – as well as a few non-residential uses such a church, hospital or day care. The site has remained essentially undeveloped or underdeveloped, except for its current accessory use as a basketball court for the vacant Boys and Girls Club building located to the south. If the property is attached to the property to the south, which is zoned LC, it makes sense for the entire site to be similarly zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development standards should mitigate anticipated impacts of rezoning the property to the LC district.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning the site should make the site more attractive to re-development, which could create new job opportunities or services to area residents. Denial would presumably represent a loss of economic opportunity for the perspective purchaser.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category includes areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. A full range of residential uses – single-family through multi-family, patio homes and townhouses – are anticipated. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-servicing uses may also be found in this category. The preferred 20 year land use map of the 2004 “21st Street Revitalization Plan” depicts the site as appropriate for “neighborhood retail” uses. The “neighborhood retail” category “envisions smaller, niche shops that serve the adjacent communities.”
6. Impact of the proposed development on community facilities: Services are in place or can be extended to serve the site.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

B. JOHNSON moved, **MILLER STEVENS** seconded the motion, and it carried (8-0).



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Alana Haynes, Community Liaison
SUBJECT: ZON2014-00027 Rezoning of .56 acre of property to the Limited Commercial (LC) district.

DATE: December 5, 2014

On Monday, December 1, 2014, the District I Advisory Board considered a request for a rezoning of .56 acre of property to the Limited Commercial (LC) district.

Kathy Morgan, City Planner, presented and **DAB Members** were provided the MAPD staff report for review.

DAB member- The old boys and girls club was zoned light commercial, why was it was not zoned all at one time? **Morgan:** It was not necessary to use it for the boys and girls club.

DAB member- Is the owner the same owner that is purchasing the Old Boys and Girls Club? **Morgan:** Yes, to my understanding they are the same owners.

DAB member- What will they use the property for and do you know anything about the developer? When things come into our community, we should know what the plans are.

Phil Myer, agent for the developer, It is very difficult to approve zoning on a specific, single use, we only consider land use.

Citizen- This is a big concern and I understand about the zoning. I have been in the neighborhood for over 50 years, we have not been notified about the building being for sale. It is not good for rumors to go around we need to hear from city officials about the plans for the area.

Morgan- This has already been heard at the Nov. 20th Planning Commission, the City Council is left to decide. You can protest up to Dec. 4th at 5 p.m. and the case will be heard on December 23, 2014 at City Council Meeting and the seconded hearing will be on January 6, 2015.

DAB member- What was the decision and count at the planning? It was a unanimously vote, and it was approved.

DAB member- Is this normal to not receive detail information on the plans?

Myer- They generally have an ideal of the zoning. They do not have to be specific on the specifics of the plans, as long as it is allowable use.

Dan Heflin motion to disapprove zoning case ZON2014-00027, until further information is available, James Roseboro seconded. Motioned failed, 5-2.

Please review this information when ZON2014-27 considered.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

SUBJECT: ZON2014-00029 – Zone Change From Single-family Residential to MF-18 Multi-Family Residential on Property Located 100 Feet South of West Funston Street, East of South Silver Street; Two and One-Quarter Blocks South of West Harry Street, East of the Arkansas River (District III)

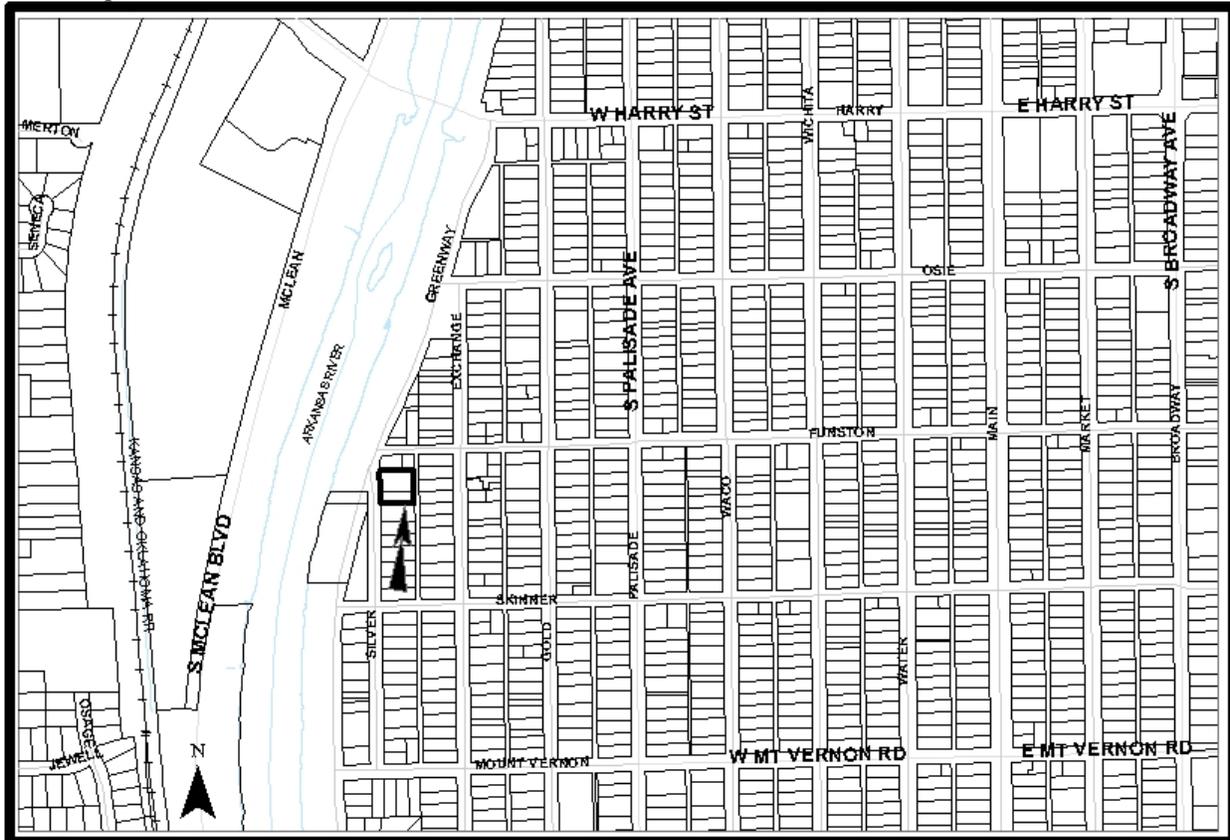
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board I recommended approval of the request (7-1).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting MF-18 Multi-Family Residential (MF-18) zoning on .436 acre. The site is located 100 feet south of West Funston Street, east of South Silver Street (two and one-quarter blocks south of West Harry Street, east of the Arkansas River), and is addressed as 1814 and 1816 South Silver Street. At the subject site, South Silver Street intersects with South Greenway Boulevard, a paved two-lane local street. The subject site is currently zoned SF-5 Single-Family Residential (SF-5), and is developed with two single-family residences and some accessory structures. The application area contains five and one-quarter lots that are divided into two separate tax parcels, each with a single-family residence. The residences were built in 1920 and 1940. Staff does not have any information regarding the structural conditional of the homes; however, the county's appraised value for the two structures is \$26,300 and \$30,580. If the request is approved, the applicant's stated intention is to develop two structures containing four dwelling units apiece, which is not permitted by the site's current zoning.

The minimum lot area per dwelling unit for multi-family uses in the MF-18 zoning district is 2,500 square feet. Two four-plex structures require a lot area of 20,000 square feet. The applicant will need to obtain an administrative adjustment to the lot area requirement in order to construct two four-plex structures on the site. The maximum number of multi-family residential dwelling units that could be built by-right on the site is seven. Building setbacks in the MF-18 district are: front-25 feet; rear-20 feet; interior side-six feet. Maximum building height is 45 feet. The SF-5 district has a minimum lot area of 5,000 square feet, and the following building setbacks: front-25 feet; rear-20 feet; interior side-six feet. In the SF-5 district the minimum lot width is 50 feet while the maximum building height is 35 feet. As currently zoned, with an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.

Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences.

Analysis: On December 3, 2014, District Advisory Board (DAB) III voted 7-1 to recommend approval. The applicant was asked about his plans for the existing residences located on the site, and would any new structures meet building and parking code requirements? The applicant indicated from an economic return viewpoint one of the residences was damaged by fire beyond repair, and his intention was to rent the other residence. The applicant indicated he would meet code requirements. Staff advised DAB members that one person had called to state his opposition to the request.

On December 4, 2014, the Metropolitan Area Planning Commission (MAPC) approved the application subject to applicable development standards and the submission of a no-protest agreement for the paving of South Silver Street. There was not anyone but the applicant present to speak to the request.

No official protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the requested zone change subject to the submission of a no-protest agreement for the paving of South Silver Street and place the ordinance on first reading.

Attachments: MAPC minutes, DAB memo and ordinance.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2014-00029

Zone change request from SF-5 Single-family Residential (SF-5) to MF-18 Multi-Family Residential (MF-18) subject to the submission of a no-protest agreement for the paving of South Silver Street on property located 100 feet south of West Funston Street, east of South Silver Street (1814 and 1816 South Silver Street) described as Lot 297 except the North 15 feet and all of Lots 298, 299, 300, 301 and 302, Supplemental Plat of Rosenthal's 5th Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 6th day of January, 2015.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Sharon Dickgrafe, Interim City Attorney

**EXCERPT MINUTES OF THE DECEMBER 4, 2014 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2014-00029 - Rick Hopper (applicant) request a City zone change from SF-5 Single-family Residential to MF-18 Multi-family Residential on property described as:

Lot 297 EXCPT the North 15 feet and all of lots 298, 299, 300, 301 and 302, Supplemental Plat of Rosenthal's 5th Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting MF-18 Multi-Family Residential (MF-18) zoning on .436 acre. The site is located 100 feet south of West Funston Street, east of South Silver Street (two and one-quarter blocks south of West Harry Street, east of the Arkansas River), and is addressed as 1814 and 1816 South Silver Street. At the subject site, South Silver Street intersects with South Greenway Boulevard, a paved two-lane local street. The subject site is currently zoned SF-5 Single-Family Residential (SF-5), and is developed with two single-family residences and some accessory structures. The application area contains five and one-quarter lots that are divided into two separate tax parcels, each with a single-family residence. The residences were built in 1920 and 1940. Staff does not have any information regarding the structural conditional of the homes; however, the county's appraised value for the two structures is \$26,300 and \$30,580. If the request is approved, the applicant's stated intention is to develop two structures containing four dwelling units apiece, which is not permitted by the site's current zoning.

The minimum lot area per dwelling unit for multi-family uses in the MF-18 zoning district is 2,500 square feet. Two four-plex structures require a lot area of 20,000 square feet. The applicant will need to obtain an administrative adjustment to the lot area requirement in order to construct two four-plex structures on the site. The maximum number of multi-family residential dwelling units that could be built by-right on the site is seven. Building setbacks in the MF-18 district are: front-25 feet; rear-20 feet; interior side-six feet. Maximum building height is 45 feet. The SF-5 district has a minimum lot area of 5,000 square feet, and the following building setbacks: front-25 feet; rear-20 feet; interior side-six feet. In the SF-5 district the minimum lot width is 50 feet while the maximum building height is 35 feet. As currently zoned, with an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.

Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences.

CASE HISTORY: None identified.

ADJACENT ZONING AND LAND USE:

North: TF-3; two single-family residences
South: SF-5; single-family residences
East: SF-5; single-family residences
West: unzoned street right-of-way and the Arkansas River

PUBLIC SERVICES: The site is served by public sanitary sewer and water. Silver Street is a local two-lane sand and gravel street that has approximately 56 feet of right-of-way. South Silver Street intersects with South Greenway Boulevard west of the application area and acts as a collector street to

take local traffic to points north and south since there is not any direct west bound traffic as the Arkansas River blocks direct westward traffic.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for “urban residential” uses. The “urban residential” category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, duplexes, townhouses, apartments and multi-family units. “Residential locational guidelines” contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that MF-18 zoning be approved subject to the site being developed in conformance with applicable development standards and the submission of a no-protest agreement for the paving of South Silver Street .

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north is zoned TF-3 but is developed with two single-family residences located on two separate parcels. Land located to the northeast, across West Funston Street, is zoned TF-3 and SF-5, and is developed with single-family residences. Lots located to the east are zoned SF-5 and developed with single-family residences. Farther east, across South Exchange Place, are lots zoned TF-3; however, most of the lots are developed with single-family residences. There is a property or two located east of South Exchange Place that is developed with a duplex. Land located to the south is predominantly zoned SF-5 and developed with single-family residences. The application area is located at the junction of South Silver Street and Greenway Boulevard. Greenway Boulevard functions much like a collector street and minimizes traffic through the immediate neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools. Staff does not have any information on the structural condition of the existing homes; however, the county’s appraised value is \$26,300 and \$30,580. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return. With an administrative adjustment or variance for minimum lot width, theoretically the application area could be redeveloped with three single-family residences.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of MF-18 zoning will introduce a more intense zoning district than the SF-5 and TF-3 districts currently found in the larger area surrounding the application area. The most common zoning in the area is SF-5 with a few TF-3 zoned lots. The usual objections to multi-family zoning center on the premise that rental property is not maintained to the same level and owner-occupied property and that rental units generate difficulties with parking and increased EMS or police calls. Staff does not have any documentation to verify those allegations.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would presumably provide the applicant with a greater economic opportunity and would add to the number of dwelling units within the community. Denial would presumably represent some loss of economic opportunity.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide Map, adopted in May 2005, indicates the site is appropriate for “urban residential” uses. The “urban residential” category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, duplexes, townhouses, apartments and multi-family units. “Residential locational guidelines” contained in the May 2005 update of the comprehensive plan state that medium and high-density residential uses should: 1) be allocated within walking distance of neighborhood commercial centers, parks, schools, public transportation routes, concentrations of employment, major thoroughfares and utility trunk lines; 2) have direct access to arterial or collector streets and 3) not overload or create congestion in existing and planned facilities. The site has nearly direct access to a street that functions as a collector street. The comprehensive plan’s urban residential category does not make a distinction between single-family and multi-family uses. That distinction is left up to the zoning surrounding each application area, which in this case, is SF-5 and TF-3.

6. Impact of the proposed development on community facilities: Existing facilities are in place to accommodate expected demands on city services. If approved, the requirement for a no-protest agreement for the paving of South Silver Street addresses anticipated impacts.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (8-0).



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Case Bell, Community Liaison
SUBJECT: ZON2014-29
DATE: December 3, 2014

Dale Miller, Planning, presented on a request for a change to MF-18 Multi-Family Residential (MF-18) zoning on .436 acre. The site is located 100 feet south of West Funston Street, east of South Silver Street (two and one-quarter blocks south of West Harry Street, east of the Arkansas River), and is addressed as 1814 and 1816 South Silver Street. At the subject site, South Silver Street intersects with South Greenway Boulevard, a paved two-lane local street. The subject site is currently zoned SF-5 Single-Family Residential (SF-5), and is developed with two single-family residences and some accessory structures. The application area contains five and one-quarter lots that are divided into two separate tax parcels, each with a single-family residence. The residences were built in 1920 and 1940. Staff does not have any information regarding the structural conditional of the homes; however, the county's appraised value for the two structures is \$26,300 and \$30,580. If the request is approved, the applicant's stated intention is to develop two structures containing four dwelling units apiece, which is not permitted by the site's current zoning.

The area currently takes up 5.5 city lots. There were two houses on the property; one is a small one bedroom homes and the other one had a fire with extensive damage. The developer is considering building a four-plex or du-plex and notes that there is currently already some multi-family in the area.

Questions:

DAB? Has there been any formal protest? **A:** There has been one petition, but no formal protest. The petitioner wanted the property to stay single family.

DAB? Are you planning on taking down the one bedroom home as well? **A:** No, it was just remodeled and could be used as a place for the manager or maybe a laundry room.

DAB? Does it need to meet commercial standards such as parking with the proposed zoning? **A:** Yes it would.

The DAB III members voted 7-1 to recommend that the request for MF-18 zoning be approved subject to the site being developed in conformance with applicable development standards and the submission of a no-protest agreement for the paving of South Silver Street.

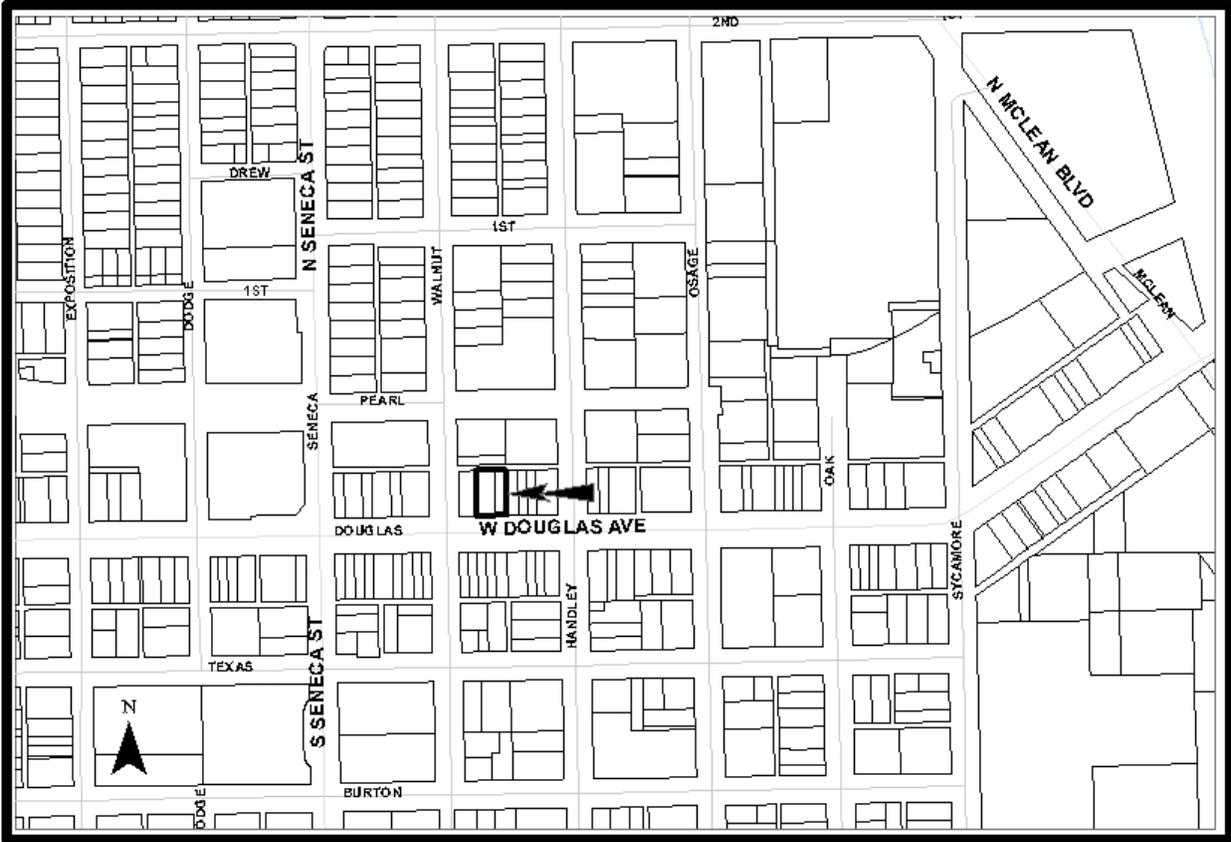
City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: ZON2014-00030 – Zone Change From Limited Commercial to Central Business District on Property Located on the North Side of West Douglas Avenue, Approximately 75 Feet East of North Walnut Street (914 and 924 West Douglas Avenue) (District VI)
INITIATED BY: Metropolitan Area Planning Department
AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board VI recommended approval of the request (6-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The application area is approximately 9,500 square feet of Limited Commercial (LC) zoned land subject to the Delano Overlay Neighborhood District (D-O) located approximately 75 feet east of North Walnut Street, north of West Douglas Avenue. The application area is comprised of three 25-foot wide, platted lots and seventeen inches of a party wall. The site is developed with zero-lot line brick one- and two-story buildings, addressed as 914 and 924 West Douglas. The buildings cover the entire site except for an approximately 16-foot by 50-foot area whose access is provided by an alley located at the rear of the buildings. The applicant is seeking to re-develop the site with residential uses upstairs and retail uses located on the ground floor; however, the site cannot provide the minimum required number of off-street parking spaces. Therefore, the applicant is requesting Central Business District (CBD) zoning since the CBD district does not require the owner to provide off-street parking spaces.

The application area is part of the Delano District that was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have off-street parking, and have been supported by on-street public parking. Some of the business owners in the district have purchased additional property, and have provided off-street parking for their businesses. Rezoning the site to CBD would eliminate the code's off-street parking requirement, and would add a broader range of permitted uses to the application area.

In general terms, the LC district permits a wide range of uses – single-family, multi-family, office and retail sales uses that do not require substantial areas of outside storage and display. The CBD district permits a broader range of commercial uses than the LC district; however, the D-O district prohibits a significant range of the more intense LC and CBD by-right uses, such as: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district requires a substantial number of more intense uses to obtain “conditional use” approval even though the use may be a permitted use by the base zoning district, such as: car wash, manufacturing, warehousing or wholesale or business services.

Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse that is reported to be part of Friends University's art center. The property located to the east is zoned LC. Lots located to the south, across West Douglas Avenue, are zoned LC and LI. Property located to the west is zoned LC. All surrounding property is developed with a wide range of retail sales, office, restaurant and personal service uses.

Per Article IV of the Unified Zoning Code, multi-family uses are required to provide 1.25 (one-bedroom dwelling units) to 1.75 (two bedroom dwelling units) off-street parking spaces. The number of parking spaces required for commercial uses varies with the use; however, in general, retail uses require one space per 333 square feet of building floor area.

A Metropolitan Area Planning Department parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting West Douglas Avenue, between Sycamore Street and Seneca Street, do not provide the current code required number of off-street parking spaces. The planning department analysis estimates that 5,373 off-street spaces are required; an estimated 3,989 spaces have been provided.

A similar request for CBD zoning was approved for property located one block east at the northeast corner of West Douglas Avenue and Handley Street.

Analysis: On December 1, 2014, District Advisory Board (DAB) VI voted (6-0) to recommend approval. There was not anyone from the public present to speak to the request.

On December 4, 2014, the Metropolitan Area Planning Commission (MAPC) approved the application (8-0). There was not anyone but the applicant present to speak to the request.

No official protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the requested zone change and place the ordinance on first reading.

Attachments: MAPC minutes, DAB memo and ordinance.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2014-00030

Zone change request from LC Limited Commercial (LC) to CBD Central Business District (CBD) on property located on the north side of West Douglas Avenue, approximately 75 feet east of North Walnut Street (914 and 924 West Douglas Avenue) described as Lots 25 and 27 together with Lot 29 and the 17-inch part wall adjacent to said lot, all on Chicago now Douglas Avenue, West Wichita Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 6th day of January 6th, 2015.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Sharon Dickgrafe, Interim City Attorney

**EXCERPT MINUTES OF THE DECEMBER 4, 2014 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2014-00030 - Shirley A. Brown (owner); Tim Dugger (contract purchaser) / Kaw Valley Engineering (Tim Austin) request a City zone change from LC Limited Commercial to CBD Central Business District on property described as:

Lots 25 and 27 together with Lot 29 and the 17 inch party wall adjacent to said lot, all on Chicago now Douglas Avenue, West Wichita Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is approximately 9,500 square feet of Limited Commercial (LC) zoned land subject to the Delano Overlay Neighborhood District (D-O) located approximately 75 feet east of North Walnut Street, north of West Douglas Avenue. The application area is comprised of three 25-foot wide, platted lots and seventeen inches of a party wall. The site is developed with zero-lot line brick one- and two-story buildings, addressed as 914 and 924 West Douglas. The buildings cover the entire site except for an approximately 16-foot by 50-foot area whose access is provided by an alley located at the rear of the buildings. The applicant is seeking to re-develop the site with residential uses upstairs and retail uses located on the ground floor; however, the site cannot provide the minimum required number of off-street parking spaces. Therefore, the applicant is requesting Central Business District (CBD) zoning since the CBD district does not require the owner to provide off-street parking spaces.

The application area is part of the Delano District that was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have off-street parking, and have been supported by on-street public parking. Some of the business owners in the district have purchased additional property, and have provided off-street parking for their businesses. Rezoning the site to CBD would eliminate the code's off-street parking requirement, and would add a broader range of permitted uses to the application area.

In general terms, the LC district permits a wide range of uses – single-family, multi-family, office and retail sales uses that do not require substantial areas of outside storage and display. The CBD district permits a broader range of commercial uses than the LC district; however, the D-O district prohibits a significant range of the more intense LC and CBD by-right uses, such as: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district requires a substantial number of more intense uses to obtain “conditional use” approval even though the use may be a permitted use by the base zoning district, such as: car wash, manufacturing, warehousing or wholesale or business services.

Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse that is reported to be part of Friends University's art center. The property located to the east is zoned LC. Lots located to the south, across West Douglas Avenue, are zoned LC and LI. Property located to the west is zoned LC. All surrounding property is developed with a wide range of retail sales, office, restaurant and personal service uses.

Per Article IV of the Unified Zoning Code, multi-family uses are required to provide 1.25 (one-bedroom dwelling units) to 1.75 (two bedroom dwelling units) off-street parking spaces. The number of parking spaces required for commercial uses varies with the use; however, in general, retail uses require one space per 333 square feet of building floor area.

A Metropolitan Area Planning Department parking study of West Douglas Avenue between Sycamore Street and Seneca Street reveals that most of the businesses fronting West Douglas Avenue, between Sycamore Street and Seneca Street, do not provide the current code required number of off-street parking

spaces. The planning department analysis estimates that 5,373 off-street spaces are required; an estimated 3,989 spaces have been provided.

A similar request for CBD zoning was approved for property located one block east at the northeast corner of West Douglas Avenue and Handley Street.

CASE HISTORY: The West Wichita Addition was recorded in 1872.

ADJACENT ZONING AND LAND USE:

North: LI; warehouse

South: LC and LI; retail sales, office, personal services, restaurants

East: LC; retail sales, restaurants

West: LC; vacant retail sales building, restaurants

PUBLIC SERVICES: The site is served by all normally supplied municipal services. West Douglas Avenue has 100 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above.

RECOMMENDATION: Based upon information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located north of the application area, across an alley, is zoned LI and appears to be a warehouse. The property located to the east is zoned LC and developed with retail and restaurant uses. Lots located to the south, across West Douglas Avenue, are zoned LC and LI and developed with retail uses, offices and restaurants. Property located to the west is zoned LC and is a vacant retail sales building and restaurants. The Delano District was initially developed in the 1870's and then redeveloped in the early 1900's when there were not any requirements for property owners to provide off-street parking. Therefore, many of the uses in the Delano District do not have the minimum code required off-street parking, and have been supported by public on-street parking.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC, subject to the D-O Overlay, which permits a wide range of uses – single-family, multi-family, office and retail sales. Surrounding property is zoned similarly as the subject site. As currently zoned, the site could likely be put to economic use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The CBD district permits a broader range of commercial uses; however, the D-O district prohibits a significant range of uses regardless of a site's base zoning: adult entertainment, correctional facilities, correctional placement facilities or off-site signage. The D-O district also requires a substantial number of uses to obtain "conditional use" approval even though the use may be a permitted use by the base zoning district: car wash, manufacturing, warehousing or wholesale or business services. Because of the overlay zoning district, approval of the request should not negatively impact nearby uses.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Denial of the request will make redevelopment of the site

much more difficult as the developer will need to find additional parking. Approval could potentially increase the poaching of existing off-street parking spaces. However, staff does not have any studies to quantify that concern. It is in the community's best interest to have existing buildings occupied.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Delano Neighborhood Plan indicates the site is appropriate for commercial mixed uses. The intent of the commercial mixed use designation is to encourage true mixed-use facilities wherein there is commercial and/or offices on the ground floor, and residential above. The site's current zoning complies with adopted plan objectives; however, rezoning the site to CBD would make it easier to redevelop the site in a manner consistent with adopted plans.
6. Impact of the proposed development on community facilities: Existing community facilities are in place to adequately support proposed uses.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to the staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (8-0).



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Martha Sanchez, Community Liaison, District VI
SUBJECT: ZON2014-0030
DATE: December 1, 2014

On Monday, December 1, 2014, the District VI Advisory Board considered a request from applicant Shirley A. Brown (owner); Tim Dugger (contract purchaser) / Kaw Valley Engineering (Tim Austin) for rezoning to Central Business District (CBD). Current zoning is Limited Commercial (LC) and proposed site is approximately 9,500 square feet and is located at 914 and 924 West Douglas.

The DAB Members were provided with the MAPD staff report with a recommendation to approve. Tim Austin from Kaw Valley Engineering representing the applicant was present to answer or clarify any concerns.

Member of the DAB and the public asked the following questions:

DAB: What are the types of residential uses allowed in CBD zoning? **A:** CBD zoning allows all the residential uses from Single-Family through Multi-Family use.

DAB: If the applicate develops residential apartment units, will they have to provide dedicated parking for the tenets? **A:** If CBD zoning is approved, the tenant doesn't have to provide dedicated parking to residential or business tenants.

Council Member Miller: The applicant has the same opportunity to use the public parking along Douglas Ave, just like customers, citizens, tenants, and other property owners in the area have.

The DAB members voted (6-0) to recommend approval for the rezoning of the site.

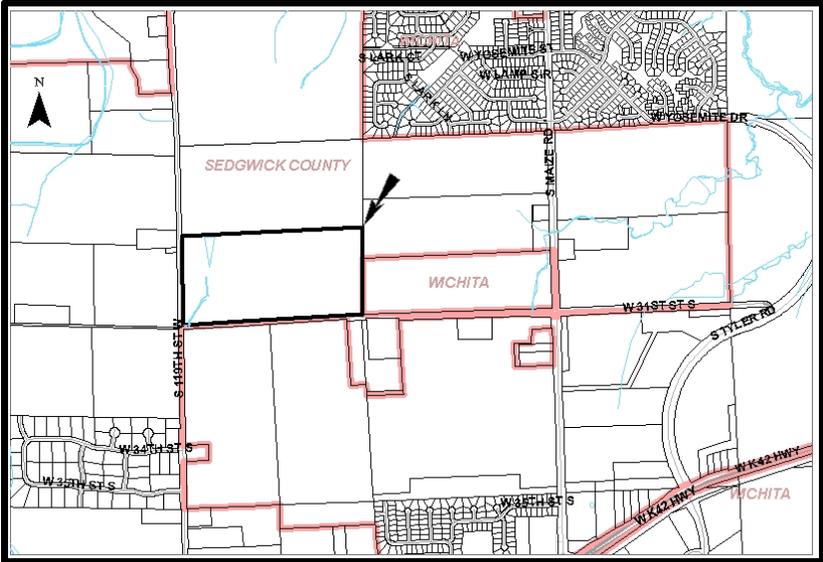
Please review this information when **ZON2014-00030** is considered.

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: SUB2013-00038 -- Plat of Skyway West 4th Addition Located on the Northeast Corner of 31st Street South and 119th Street West (District IV)
INITIATED BY: Metropolitan Area Planning Department
AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)



Background: The site consists of one lot on 78 acres. The plat was recently annexed into the City of Wichita. A zone change (ZON2012-00032) has been approved from Single-Family Residential (SF-20) to Limited Industrial (LI).

Analysis: The applicant has submitted 100 percent Petitions and a Certificate of Petitions for sewer and water improvements. The applicant has submitted a Drainage Acknowledgement regarding cross-lot drainage as required by Stormwater Management. The applicant has submitted a Restrictive Covenant to provide for the ownership and maintenance responsibilities of the reserves being platted.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: The Law Department has reviewed and approved the Certificate of Petitions,

Drainage Acknowledgement, Restrictive Covenant and Resolution as to form and the documents will be recorded with the Register of Deeds.

The Law Department has reviewed and approved the Ordinance as to form.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and place the Ordinance on first reading. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Attachments: Certificate of Petitions.
Drainage Acknowledgement
Restrictive Covenant.
Ordinance.
Resolutions.

COPY

CERTIFICATE OF PETITION

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

We, the JEDCO, LLC, a Kansas limited liability company, owners of SKYWAY WEST 4TH ADDITION, Wichita, Sedgwick County, Kansas, do hereby certify that petition(s) for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

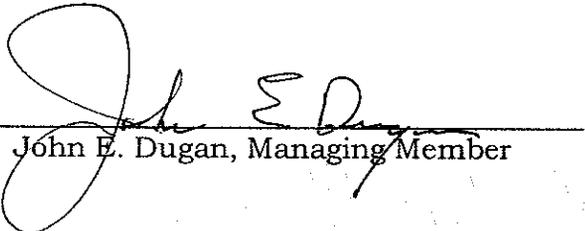
1. Sanitary Sewer Improvements
2. Water Line Improvements

As a result of the above-mentioned petition(s) for improvements, all lots or portions thereof within Skyway West 4th Addition, may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 11th day of December, 2014.

JEDCO, LLC

By: _____



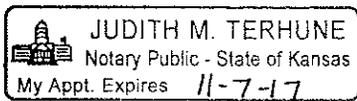
John E. Dugan, Managing Member

X

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came John E. Dugan as Managing Member of JEDCO, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

X

DRAINAGE ACKNOWLEDGEMENT

THIS DRAINAGE ACKNOWLEDGEMENT made this 11th day of December, 20 14, made by JEDCO, LLC, a Kansas limited liability company, (hereafter "JEDCO").

WITNESSETH

WHEREAS, JEDCO is the owner of the following described property:

PARCEL 'A'

Lot 1, Block A, Skyway West 4th Addition,
Wichita, Sedgwick County, Kansas

and

WHEREAS, the property to the north of said Parcel 'A' is described as follows:

PARCEL 'B'

The North Half of the Southwest Quarter of Section 6, Township 28 South,
Range 1 West, Sedgwick County, Kansas

and

WHEREAS, said Parcel 'A' and Parcel 'B' are contiguous to and lie directly adjacent to each other, and

WHEREAS, the natural drainage of surface water from Parcel 'B' presently drains over, across, and through Parcel 'A' and the owner of said Parcel 'A' is willing to accept said natural drainage pattern, and

WHEREAS, the owner of Parcel 'A' is willing to provide perpetual cross lot drainage access for the benefit of Parcel 'B' over, across, and through said Parcel 'A', until such time as Parcel 'B' is developed, and a drainage plan for said Parcel 'B' is approved by the City of Wichita.

X

NOW, THEREFORE, in consideration of the premises:

1. The owner of Parcel 'A' hereby subjects said Parcel 'A' to the following acknowledgement:

That said Parcel 'B' may continue to drain over, across and through said Parcel 'A' as necessary in accordance with the final drainage plan for Skyway West 4th Addition which is filed with the City of Wichita until such time as said Parcel 'B' is developed and a drainage plan for said Parcel 'B' is approved by the City of Wichita.

2. The owner of Parcel 'A' further agrees that it will not alter or impede the natural drainage of surface water from said Parcel 'B' over, across and through said Parcel 'A' without the written consent the owners of said Parcel 'B'.

The acknowledgement shall run with the land and shall be binding upon and inure to the benefit of the above owners, and all subsequent owners and occupiers of the above-described Parcels.

EXECUTED the day and year first above written.

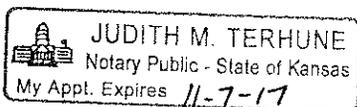
JEDCO, LLC

By: John E. Dugan
John E. Dugan, Managing Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came John E. Dugan as Managing Member of JEDCO, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

X

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

COPY

RESTRICTIVE COVENANT

THIS DECLARATION made this 11th day of December, 2014, by JEDCO, LLC, a Kansas limited liability company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

SKYWAY WEST 4TH ADDITION

Lot 1, Block A

WHEREAS, Declarant is desirous in connection therewith that various provisions for the maintenance and responsibility for the maintenance be placed of record for Reserves "A" and "B", Skyway West 4th Addition, Wichita, Sedgwick County, Kansas.

NOW, THEREFORE, Declarant hereby declares and covenants:

1. That Reserves "A" and "B" are reserved for open space, landscaping, berms, lakes and drainage purposes.
2. Reserves "A" and "B" shall be owned and maintained by the owner of Lot 1.
3. That the owners hereby grant an irrevocable easement to whichever appropriate governing body or authority has jurisdiction, to enter upon the Reserves, as defined, for the purposes of maintaining such Reserves. This easement is conditioned upon the following event or events happening:

A. That the Declarant or the Lot Owner, as may be appropriate, has failed to maintain the reserves in a reasonable and prudent manner.

and,

B. That the appropriate governing body has given written notice to the Declarant or the Lot Owner and neither entity has responded in initiating corrective action within thirty (30) days of such notice. If the governing body has taken action to maintain the reserve under this covenant, the Declarant or Lot Owner shall pay

X

promptly the costs expended. If the costs are not paid within thirty (30) days of the rendering of an account, the costs shall be considered an assessment against Lot 1, Block A, in Skyway West 4th Addition, and shall be considered a lien thereon and be treated in the same manner as a special assessment.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in Lots in SKYWAY WEST 4TH ADDITION, Wichita, Sedgwick County, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written.

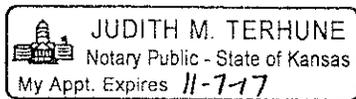
JEDCO, LLC

By: John E. Dugan
John E. Dugan, Managing Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came John E. Dugan as Managing Member of JEDCO, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

X

Published in The Wichita Eagle on

ORDINANCE NO. 49-925

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00032

Zone change request from SF-20 Single-family Residential to LI Limited Industrial on property described as:

Skyway West 4th Addition, Wichita, Sedgwick County, Kansas.

Generally located on the Northeast Corner of 31st Street South and 119th Street West.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 13 day of January, 2015.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim
Director of Law & City Attorney

132019

First Published in the Wichita Eagle on January 9, 2015

RESOLUTION NO. 15-018

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 8, MAIN 5, COWSKIN INTERCEPTOR SEWER, (NORTH OF 31ST STREET SOUTH, EAST OF 119TH STREET WEST) 468-85011** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 8, MAIN 5, COWSKIN INTERCEPTOR SEWER, (NORTH OF 31ST STREET SOUTH, EAST OF 119TH STREET WEST) 468-85011** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 8, Main 5, Cowskin Interceptor Sewer, (north of 31st Street South, east of 119th Street West) 468-85011.**

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Nineteen Thousand Dollars (\$19,000)** exclusive of interest on financing and administrative and financing costs, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2015** exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of One Hundred Forty-Eight Thousand Two Hundred Seventy-Four Dollars (\$148,274).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SKYWAY WEST 4TH ADDITION

Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block A, **SKYWAY WEST 4TH ADDITION** shall pay 100 percent of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

132019

First Published in the Wichita Eagle on January 9, 2015

RESOLUTION NO. 15-019

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE IMPROVEMENT OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90657 (NORTH OF 31ST STREET SOUTH, EAST OF 119TH STREET WEST)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **WATER DISTRIBUTION SYSTEM NUMBER 448-90657 (NORTH OF 31ST STREET SOUTH, EAST OF 119TH STREET WEST)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Water Distribution System Number 448-90657 (north of 31st Street South, east of 119th Street West)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Six Thousand Dollars (\$106,000)** exclusive of interest on financing and administrative and financing costs, with **85.5** percent payable by the improvement district and **14.15** percent payable by City of Wichita from Water Department Water Utility Improvement Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2015**, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing water main, such benefit fee to be in the amount of Seventy-Seven Thousand One Hundred Two Dollars (\$77,102).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SKYWAY WEST 4TH ADDITION

Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block A, SKYWAY WEST 4TH ADDITION, shall pay 100 percent of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council

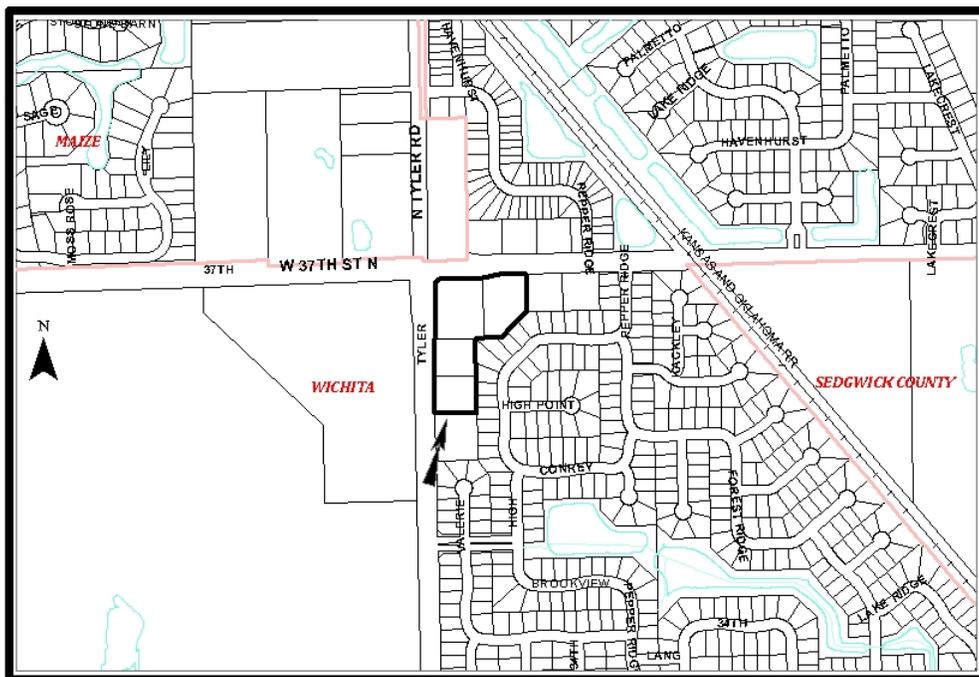
SUBJECT: SUB2014-00031 -- Plat of Tyler's Landing 5th Addition located on the Southeast Corner of 37th Street North and Tyler Road (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)



Background: The site consists of 22 lots on 6.43 acres zoned LC Limited Commercial. The site has been approved (CUP2014-00013) for an Amendment to the Tyler's Landing Commercial Plaza Community Unit Plan (DP-267) to allow residential uses for the site.

Analysis: The applicant has submitted 100 percent Petitions and a Certificate of Petitions for sewer, water, paving, median and drainage improvements. The applicant has submitted an Access Easement for the benefit of Lot 10. The applicant has submitted a Release of Joint Access Easement associated with the original plat. The applicant has submitted a financial guarantee and a Restrictive Covenant to assure that the private street will be constructed to a public street standard. The applicant has provided a Restrictive Covenant restricting the use of a 15-foot street, drainage and utility easement adjoining a narrow street right-of-way. The applicant has submitted a Restrictive Covenant to provide for the ownership and maintenance responsibilities of the reserves being platted. The applicant has submitted a Notice of Community Unit Plan (CUP) identifying the approved CUP and special conditions for development.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: The Law Department has reviewed and approved the Certificate of Petitions, Access Easement, Release of Joint Access Easement, Restrictive Covenants, Notice of Community Unit Plan and Resolutions as to form and the documents will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

Attachments: Certificate of Petitions.
Access Easement.
Release of Joint Access Easement.
Restrictive Covenants.
Notice of Community Unit Plan.
Resolutions.

COPY

CERTIFICATE OF PETITION

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

We, R & R Realty, LLC, a Kansas limited liability company, owners of TYLER'S LANDING 5TH ADDITION, Wichita, Sedgwick County, Kansas, do hereby certify that petition(s) for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

- 1. Sanitary Sewer Improvements
- 2. Water Improvements
- 3. Median Improvements on 37th St. N. and Paving Improvements on 37th St. N. Ct.
- 4. Storm Water Sewer Improvements

As a result of the above-mentioned petition(s) for improvements, all lots or portions thereof within Tyler's Landing 5th Addition, may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 25th day of November, 2014.

R & R Realty, LLC

By: _____

Jay W. Russell, Manager

Ritchie Associates, Inc., Manager

By: _____

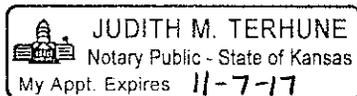
Kevin M. Mullen, President

x

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



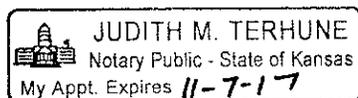
Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

COPY

GRANT OF ACCESS EASEMENT

WHEREAS, R & R Realty, LLC, a Kansas limited liability company, is the owner of the real property hereinafter described:

Lots 10 and 11, Block A,
Tyler's Landing 5th Addition,
Wichita, Sedgwick County, Kansas

and

WHEREAS it is determined that it is in the best interests of the parties and their successors and assigns that a certain common easement, as hereinafter described, be established and conveyed for the use and benefit of all the parties hereto, their successors, assigns, and licensees.

NOW, THEREFORE, be it known that the undersigned does hereby grant and convey for itself, its successors, grantees, licensees and assignees in interest, the right to use for ingress and egress the access easement as are hereinafter setforth.

Access easement for ingress and egress to Lots 10 and 11, Block A, Tyler's Landing 5th Addition, from Tyler Ct., over and across the following real estate:

The south 30.00 feet of Lot 11, Block A, Tyler's Landing 5th Addition,
Wichita, Sedgwick County, Kansas.

It is agreed that such easement shall be a perpetual easement until and unless amended, revoked, or released by all of the parties in interest or their successors or assigns and that the same shall be a covenant running with the land and shall be binding upon the grantors herein, their grantees, their heirs, assigns, licensees, successors, and assignees in interest.

It is further contracted and covenanted that such easement shall be for driveway, ingress, and egress purposes and such easement shall not be used for parking purposes or utilized in any manner so as to impede or inconvenience the use of such easement for the purposes herein setforth. Maintenance of said easements shall be in the mutual interests and responsibilities to all party's interest and their successors, heirs, and/or assigns.

X

In testimony whereof the undersigned has set their hands this 25th day of November, 2014.

R & R Realty, LLC

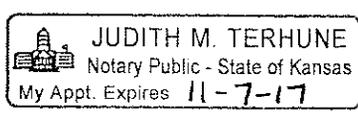
By: [Signature]
Jay W. Russell, Manager
Ritchie Associates, Inc., Manager

By: [Signature]
Kevin M. Mullen, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



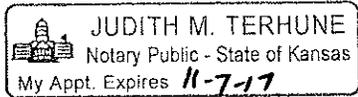
[Signature]
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

RELEASE OF JOINT ACCESS EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that:

WHEREAS, R & R Realty, LLC, a Kansas limited liability company, was a Grantor on a Grant of Joint Access Easement dated November 10, 2004, recorded January 6, 2005, as DOC.#/FLM-PG: 28638787, which instrument in part, grants two private joint access easements over and across portions of Lots 2, 3, 4, and 5, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas, and

WHEREAS, said joint access easement provides for release of said easement by all parties in interest, and

WHEREAS, said joint access easement thereby granted is not now, and never has been utilized, and

WHEREAS, R & R Realty, LLC is in the process of re-platting said Lots 2, 3, 4, and 5, Block A, Tyler's Landing Commercial Addition into a subdivision to be called Tyler's Landing 5th Addition, and

WHEREAS, R & R Realty, LLC, as the owner of said Lots 2, 3, 4, and 5, in said Block A, desires to release said joint access easement.

NOW THEREFORE, for value received, R & R Realty, LLC, hereby releases, and disclaims such easement, or claim there over, across and upon so much of the following property:

Joint access easement between Lots 2 and 3, Block A, Tyler's Landing Commercial Addition, for ingress and egress to Tyler Road, over and across the following real estate:

The north 15.00 feet of the west 52.00 feet of Lot 2, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas, together with the south 15.00 feet of the west 52.00 feet of Lot 3 in said Block A.

x

and

Joint access easement between Lots 4 and 5, Block A, Tyler's Landing Commercial Addition, for ingress and egress to 37th Street North, over and across the following real estate:

The east 15.00 feet of the north 52.00 feet of Lot 4, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas, together with that part of Lot 5 in said Block A described as follows: Beginning at the NW corner of said Lot 5; thence southerly along the west line of said Lot 5, 52.00 feet; thence easterly perpendicular to the west line of said Lot 5, 15.00 feet; thence northerly parallel with the west line of said Lot 5, 54.25 feet to a point on the north line of said Lot 5; thence westerly along the north line of said Lot 5, 15.17 feet to the point of beginning.

Dated this 25th day of November, 2014.

R & R Realty, LLC

By:

Jay W. Russell, Manager

Ritchie Associates, Inc., Manager

By:

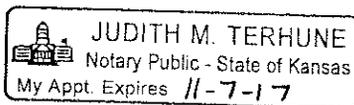
Kevin M. Mullen, President

STATE OF KANSAS)
COUNTY OF SEDGWICK)

SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same on behalf, and as the act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

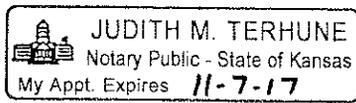
(My Appointment Expires: 11-7-17)

X

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same on behalf, and as the act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

COPY

RESTRICTIVE COVENANT

This covenant, executed this 25th day of November, 2014.

WITNESSETH:

WHEREAS, the undersigned is platting certain real property to be known as Tyler's Landing 5th Addition, Wichita, Sedgwick County, Kansas; and

WHEREAS, the undersigned is the current owner of the following described portion of Tyler's Landing 5th Addition, Wichita, Sedgwick County, Kansas:

TYLER'S LANDING 5TH ADDITION

Lots 1 through 13, Block A,
(hereafter "Subject Lots")

and

WHEREAS, the undersigned desires to construct private streets, to be platted as Tyler Ct. (Lots 1 through 6, Block A), designated as Reserve "A" on the plat, and Tyler Ct. (Lots 7 through 13, Block A), designated as Reserve "B" on the plat, to provide access to Subject Lots; and

WHEREAS, the City of Wichita desires that no building permits be issued on Subject Lots until such time that subject private streets are constructed or an acceptable guaranty has been submitted, accepted and approved by the City of Wichita for said paving.

NOW THEREFORE, The undersigned owner of Subject Lots does hereby subject said Lots to the following covenants and restrictions:

No building permits shall be issued for any permanent structures on Subject Lots until such time that the owner of said Subject Lots provides acceptable certification to the City of Wichita that Tyler Ct.(s) and W 37th Ct. N. have been constructed to meet the requirement of the City Engineer's Office; or an acceptable guaranty has been submitted, accepted and approved by the City of Wichita to provide

X

for the paving of subject streets if the owner of said Subject Lots fails to construct the streets privately.

This covenant runs with the land and is binding on the future owners and assigns.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written above.

R & R Realty, LLC

By: _____

Jay W. Russell, Manager

Ritchie Associates, Inc., Manager

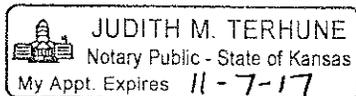
By: _____

Kevin M. Mullen, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



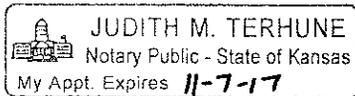
Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgraft, Interim City Attorney
& Director of Law

COPY

RESTRICTIVE COVENANT

THIS DECLARATION made this 25th day of November, 2014, by R & R Realty, LLC, a Kansas Limited Liability Company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

TYLER'S LANDING 5TH ADDITION

Lots 1 through 22, Block A

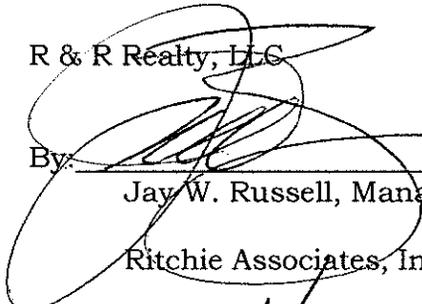
WHEREAS, the Declarant is desirous in connection therewith that various restrictions be placed of record on the 15 foot street, drainage and utility easement.

NOW, THEREFORE, Declarant hereby declares and covenants that retaining walls, change of grade, fences, earth berms, and mass plantings shall be prohibited within the said easement. Furthermore, the Declarant hereby agrees that any planting within the said easement shall be reviewed by the City Forestry Division, prior to installation.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land, and is binding on all successors in title to all Lots, as platted in said Tyler's Landing 5th Addition, Wichita, Sedgwick County, Kansas.

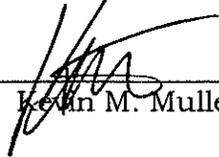
EXECUTED the date and year first above written.

R & R Realty, LLC

By: 

Jay W. Russell, Manager

Ritchie Associates, Inc., Manager

By: 

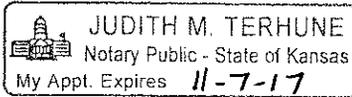
Kevin M. Mullen, President

k

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



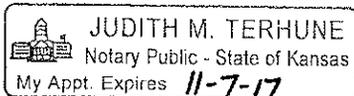
Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

COPY

RESTRICTIVE COVENANT

THIS DECLARATION made this 25th day of November, 2014, by R & R Realty, LLC, a Kansas Limited Liability Company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

TYLER'S LANDING 5TH ADDITION
Lots 1 through 22, Block A

WHEREAS, Declarant is desirous in connection therewith that various provisions for the maintenance and responsibility for the maintenance be placed of record for Reserves "A", and "B", Tyler's Landing 5th Addition, Wichita, Sedgwick County, Kansas.

NOW, THEREFORE, Declarant hereby declares and covenants:

1. That Reserves "A" and "B" are hereby reserved for private streets, including sidewalks, drainage purposes, landscaping, open space and utilities.

Reserve "A" shall provide access to or from Lots 1 through 6, inclusive, Block A.

Reserve "B" shall provide access to or from Lots 7 through 9, inclusive, Block A, and Lots 11 through 13, inclusive, Block A. Lot 10, Block A shall have access to or from Reserve "B" over and across Lot 11, Block A as provided by an access easement by separate instrument.

Reserves "A" and "B" shall be owned and maintained by the homeowners association for the addition.

2. That a Homeowner's Association shall be formed and incorporated as a non-profit corporation under Kansas Statutes, at the Declarant's sole cost. Reserves "A" and "B", as designated on the plat of Tyler's Landing 5th Addition, shall be deeded to the Homeowner's Association upon its incorporation or within 30 days thereafter.

x

3. That the declaration of covenants and other provisions of the Homeowner's Association being formed shall provide specific pertinent language requiring that the Homeowner's Association shall include the first or any other subsequent phase or phases for the maintenance of any and all common areas contiguous to Reserves "A" and "B", to Tyler's Landing 5th Addition under the same scope of responsibility as the initial phase of development.

4. That the owners hereby grant an irrevocable easement to whichever appropriate governing body or authority has jurisdiction, to enter upon the Reserve, as defined, for the purposes of maintaining such Reserve. This easement is conditioned upon the following event or events happening:

A. That the Declarant or the Homeowners Association, as may be appropriate, has failed to maintain the reserve in a reasonable and prudent manner.
and,

B. That the appropriate governing body has given written notice to the Declarant or the Homeowners Association and neither entity has responded in initiating corrective action within thirty (30) days of such notice. If the governing body has taken action to maintain the reserve under this covenant, the Declarant or Homeowners Association shall pay promptly the costs expended. If the costs are not paid within thirty (30) days of the rendering of an account, the costs shall be considered an assessment against all lots in Tyler's Landing 5th Addition, and shall be considered a lien thereon and be treated in the same manner as a special assessment.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in Lots in TYLER'S LANDING 5TH ADDITION, Wichita, Sedgwick County, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written.

R & R Realty, LLC

By: _____

Jay W. Russell, Manager

Ritchie Associates, Inc., Manager

By: _____

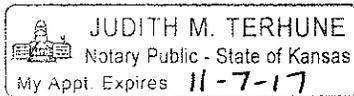
Kevin M. Mullen, President

✕

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



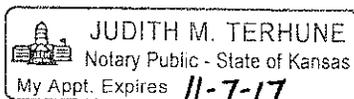
Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

COPY

NOTICE OF COMMUNITY UNIT PLAN

THIS NOTICE made this 25th day of November, 2014, by R & R Realty, LLC, a Kansas limited liability company, hereinafter called Declarant.

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

TYLER'S LANDING 5TH ADDITION

Lots 1 through 22, Block A

and

WHEREAS, Declarant is desirous to file notice that a community unit plan approved by the Wichita City Council is on file with the Metropolitan Area Planning Department, known as Tylers Landing Commercial Plaza Community Unit Plan (DP-267).

NOW, THEREFORE, the Declarant wants to make notice that the approved community unit plan has placed restrictions on the use and requirements on the development of the above described real property. The Metropolitan Area Planning Department is located on the 10th Floor, City Hall, Wichita, Kansas, (316) 268-4421.

The community unit plan shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to said Tyler's Landing 5th Addition.

x

EXECUTED the day and year first written above.

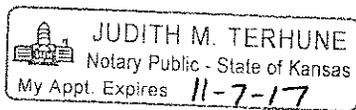
R & R Realty, LLC
By: [Signature]
Jay W. Russell, Manager
Ritchie Associates, Inc., Manager

By: [Signature]
Kevin M. Mullen, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



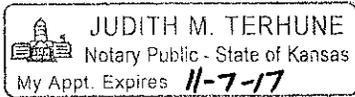
[Signature]
Notary Public

(My Appointment Expires: 11-7-17)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 24th day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., as Manager of R & R Realty, LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

X

First Published in the Wichita Eagle on January 9th, 2015

RESOLUTION NO. 15-008

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER SEWER NO. 689 (SOUTH OF 37TH, EAST OF TYLER) 468-85007** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER SEWER NO. 689 (SOUTH OF 37TH, EAST OF TYLER) 468-85007** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Sewer No. 689 (south of 37th, east of Tyler) 468-85007**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Ten Thousand Dollars (\$110,000)** exclusive of interest on financing and administrative and financing costs, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2014**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TYLER'S LANDING 5TH ADDITION

Lots 1 through 22, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size/and or value: Lots 1 through 22, Block A, TYLER'S LANDING 5TH ADDITION shall each pay 1/22 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2014.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

First Published in the Wichita Eagle on January 9th, 2015

RESOLUTION NO. 15-009

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE IMPROVEMENT OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90655 (SOUTH OF 37TH, EAST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **WATER DISTRIBUTION SYSTEM NUMBER 448-90655 (SOUTH OF 37TH, EAST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Water Distribution System Number 448-90655 (south of 37th, east of Tyler)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Ninety-Three Thousand Dollars (\$93,000)** exclusive of interest on financing and administrative and financing costs, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2014**, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing water main, such benefit fee to be in the amount of Six Thousand Six Hundred Seventy-Four Dollars (\$6,674).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TYLER'S LANDING 5TH ADDITION
Lots 1 through 22, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 22, Block A, TYLER'S LANDING 5TH ADDITION, shall each pay 1/22 of the total cost of the improvements.

That the method of assessment of the water main benefit fee for which the improvement district is liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 13, and Lots 15 through 22, Block A, TYLER'S LANDING 5TH ADDITION shall each pay 37/1000 of the benefit fee assessment; and Lot 14, Block A, TYLER'S LANDING 5TH ADDITION shall pay 223/1000 of the benefit fee assessment.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2014.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

132019

First Published in the Wichita Eagle on January 9th, 2015

RESOLUTION NO. 15-010

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING **MEDIAN MODIFICATION IMPROVEMENTS ON 37TH STREET NORTH, AND PAVING IMPROVEMENTS ON 37TH COURT NORTH FROM THE SOUTH LINE OF 37TH STREET NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF 37TH, EAST OF TYLER) 472-85193** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING **MEDIAN MODIFICATION IMPROVEMENTS ON 37TH STREET NORTH, AND PAVING IMPROVEMENTS ON 37TH COURT NORTH FROM THE SOUTH LINE OF 37TH STREET NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF 37TH, EAST OF TYLER) 472-85193** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **median modification improvements on 37th Street North and paving improvements on 37th Court North, from the south line of 37th Street North, south to and including the cul-de-sac (south of 37th, east of Tyler) 472-85193.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Ninety-Five Thousand Dollars (\$95,000)** exclusive of interest on financing and administrative and financing costs, with 100 Percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2014**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TYLER'S LANDING 5TH ADDITION
Lots 15 through 22, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 15 through 22, Block A, **TYLER'S LANDING 5TH ADDITION** shall each pay 1/8

of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 6th day of

January, 2015

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

132019

First Published in the Wichita Eagle on January 9th, 2015

RESOLUTION NO. 15-011

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 35, MAIN 19, SOUTHWEST INTERCEPTOR SEWER (SOUTH OF 37th, EAST OF TYLER) 468-85006** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 35, MAIN 19, SOUTHWEST INTERCEPTOR SEWER (SOUTH OF 37th, EAST OF TYLER) 468-85006** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 35, Main 19, Southwest Interceptor Sewer (south of 37th, east of Tyler) 468-85006**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Twenty-Five Thousand Dollars (\$125,000)** exclusive of interest on financing and administrative and financing costs, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2014**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TYLER'S LANDING 5TH ADDITION
Lots 1 through 22, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 22, Block A, **TYLER'S LANDING 5TH ADDITION** shall each pay 1/22 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6 That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

City of Wichita
City Council Meeting
January 6, 2015

TO: Mayor and City Council
SUBJECT: DED2014-00012 Dedication of Utility Easement located East of Meridian, South of Pawnee (District IV)
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.



Background: The Dedication is associated with Lot Split Case No. LSP2014-00022 (Southwest Village 1st Addition). The lot split has created three lots from two platted lots.

Analysis: The Dedication DED2014-00012 is for constructing, repairing and maintaining utility systems.

Financial Considerations: There are no financial considerations associated with the Dedication.

Legal Considerations: The Law Department has approved the Dedication as to form and the document will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.

Attachment: Dedication of Utility Easement.

PUBLIC UTILITY EASEMENT

THIS EASEMENT made this 3 day of Dec, 2014, by and between KW DEVELOPMENTS, LLC of the first part and the City of Wichita, of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer and all other public utilities, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

The West 12 feet of Lots 16 and 17, Block 1, First Addition to Southwest Village, Wichita, Sedgwick County, Kansas.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer and all other public utilities.

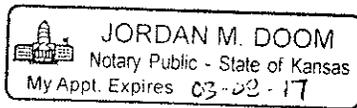
IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

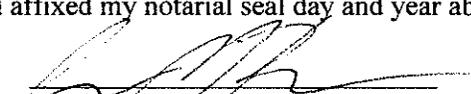

Nick Kennedy – President of KW Developments, LLC

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Be it remembered that on this 3 day of DECEMBER, 2014, before me, a notary public in and for said County and State, came Nick Kennedy President of KW Developments LLC to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal day and year above written.

SEAL




Jordan M. Doom Notary Public

My Commission expires: March 8, 2017

APPROVED AS TO FORM:

DED2014-00012
LSP 2014-00022

Sharon Dickgrafe, Interim
Director of Law & City Attorney

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Wichita Airport Authority

SUBJECT: Operating Budget Adjustments - Utilities
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the 2014 operating budget adjustments.

Background: The Airport department budget includes a total of \$2,976,400 for electricity and natural gas expenses. A portion (\$1,028,400) is for utilities used in Airport department facilities or those payable by the Wichita Airport Authority (WAA) under negotiated lease agreements (“Airport Utilities”). The remainder of the budget amount (\$1,948,000) is for utilities that are rebilled to users of the electric and natural gas systems owned by the WAA (“Re-billable Utilities”). The Re-billable Utilities are passed through to users at a higher rate and therefore a revenue budget of \$2,118,000 was included to represent a nine percent projected margin.

Analysis: Due to higher than projected usage and rates for electricity and natural gas, it is necessary to increase the utility budget by \$300,000, a ten percent increase. The majority of the increase is due to the Re-billed Utilities to the contractors on-site to build the new terminal building and parking garage. Staff has identified savings in the Airport department budget in the categories of data processing, consumables used by the public, environmental testing, employee certifications, equipment maintenance and repairs that will offset the Airport Utilities increase.

Financial Considerations: An increase of \$300,000 is needed with \$50,000 of that being offset by identified budget savings. The remainder of the increase is offset by the correlating increase in revenues.

Legal Considerations: The Airport budget is not certified by State Statute; however, budget adjustments exceeding \$25,000 require Governing Body approval.

Recommendations/Actions: It is recommended that the WAA approve the 2014 operating budget adjustments.

Attachments: None.

City of Wichita
City Council Meeting
January 6, 2015

TO: Wichita Airport Authority

SUBJECT: South Maintenance Yard Paving and Drainage Improvements
Change Order No. 2
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the change order.

Background: The South Maintenance Yard Paving and Drainage Improvements Project made improvements to the South Maintenance Yard where airfield equipment and materials are stored and maintained. These improvements included new pavement, improved drainage, enhanced security, lighting, safety, communications, and connecting the existing buildings to the sanitary sewer system. Additionally, a new potassium acetate storage and containment facility was constructed to better serve the airfield snow and ice removal during winter weather events. The project was approved by the Wichita Airport Authority (WAA) on June 26, 2012. A construction contract was awarded through the Board of Bids process on June 13, 2014 to Vogts-Parga Construction in the amount of \$2,222,122.

Analysis: Construction is complete and a change order has been prepared to reconcile the plan quantities to the actual as-built measured quantities in place as allowed per the contract.

Financial Considerations: A final change order has been prepared in the amount of \$14,148 to adjust final quantities. This change order represents a less than one percent increase over the original contract and is within the approved project budget. This project is included in the Capital Improvement Program and is funded with a combination of Passenger Facility Charge (PFC) receipts and general obligation bonds repaid with Airport revenues. Summary of contract changes:

	Amount	Description	WAA Approval
Contract	\$2,222,122	Construction of project	6-13-2014
CO No. 1	\$ 19,772	Modifications for unforeseen conditions	11-17-2014
CO No. 2	\$ 14,148	Adjust final quantities	1-6-2015
	\$2,256,042		

Legal Considerations: The Law Department has reviewed and approved the change order as to form.

Recommendations/Actions: It is recommended that the WAA approve the change order and authorize the necessary signatures.

Attachments: Change Order No. 2.

CHANGE ORDER

Date: November 18, 2014

No. 2(Final)

OWNER'S Project No. 452-426 FAA Project No. _____

Project: South Maintenance Yard Improvements & Parking Lot Reconstruction, Wichita, KS

Contractor: Vogts-Parga Construction Inc. Contract Date: June 13, 2014

Nature of changes:

1. Reconciliation of plan quantities to actual as-built measured quantities in place on project at substantial completion date of Thursday, November 13, 2014.

Attachments:

1. Change Order #2 Summary

These changes result in the following adjustment of Contract price and Contract time:

Contract price prior to this Change Order	\$	<u>2,241,892.98</u>
Net <u>increase</u> resulting from this Change Order	\$	<u>14,147.35</u>
Current Contract price including this Change Order	\$	<u>2,256,040.33</u>

Contract time prior to this Change Order 156 days
(Days or Date)

Net increase resulting from this Change Order 0
(Days)

Current Contract time including this Change Order 156
(Days or Date)

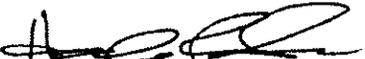
The changes are accepted.

Date: 11/20/14


CONTRACTOR
VOGTS-PARGA CONST., INC.

The changes are approved:

Date: 11-20-14


ENGINEER/ARCHITECT
CERTIFIED ENG. DESIGN, PA

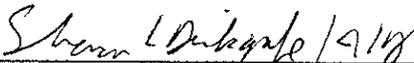
The changes are accepted:

Date: 12/10/14


VICTOR WHITE
DIRECTOR OF AIRPORTS

Approved As To Form:

Dated: 12-10-14


SHARON L. DICKGRAFE, INTERIM
CITY ATTORNEY AND DIRECTOR OF LAW

You are directed to make the changes noted:

Dated: _____

OWNER – WICHITA AIRPORT AUTHORITY

**WICHITA AIRPORT AUTHORITY, WICHITA, KANSAS
CONTRACT CHANGE ORDER #2**

TO: Contractor Vogts-Parga Construction Inc., P.O. Box 67, North Newton, KS, 67117

PROJECT: South Maintenance Yard Improvements & Parking Lot Reconstruction, Wichita, Kansas

CONTRACT NO. 1 CONTRACT DATE June 13, 2013 CHANGE ORDER NO. 2

You are hereby requested to comply with the following changes from the Contract Plans and Specifications.

Item No.	Quantity	Unit	Description of Changes	Unit Price	Decrease In Item Ext.	Increase In Item Ext.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
4	50	S.Y.	Conc. Pavm't.(6" PCC)(Fiber Reinf.)	\$39.30		\$1,965.00
5	30	S.Y.	Conc. Pavm't.(6" PCC)(Fiber Reinf.)	\$39.00		\$1,170.00
6	18	S.Y.	Conc. Pavm't.(4" PCC)(Fiber Reinf.)	\$38.00		\$ 684.00
7	271	S.Y.	6" Reinf. Crushed Rock Base	\$10.90		\$2,953.90
8	46	S.F.	5" Sidewalk Concrete	\$4.80	\$220.80	
10	182	L.F.	Sawcut	\$4.25		\$773.50
12	154	S.Y.	Concrete Pavement Removal	\$4.25		\$654.50
19	112	L.F.	4" SS Service Line	\$55.00		\$6,160.00
20	8	L.F.	6" Concrete Encasement	\$90.00	\$720.00	
26	142	L.F.	2" Waterline Serv.(incl. 2" dir. drilled)	\$27.00		\$3,834.00
29	1	EA.	Inlet Double Drop 2'x4'	\$4,700.00		\$4,700.00
30	2	EA.	Inlet Double Double Drop 4'x4'	\$6,000.00	\$12,000.00	
31	1	EA.	Inlet MH Special(KDOT RD648)	\$6,150.00		\$6,150.00
44	344	L.F.	Flowable Fill	\$44.00		\$15,136.00
46	169	L.F.	Security Fence 8' Height	\$21.00	\$3,549.00	
47	97.5	L.F.	Security Fence 12' Height	\$39.50		\$3,851.25
51	3	EA.	Pipe Bollards	\$320.00		\$960.00
52	1	EA.	BMP Drop Inlet Protection	\$90.00		\$90.00
53	110	L.F.	BMP Silt Fence	\$3.00	\$330.00	
57	1	L.S.	Contractor Construction Staking	\$535.00		\$535.00
59	75	L.F.	1 EA.1-1/4" PVC Conduit only(wtb)	\$18.00		\$1,350.00
67	1	EA.	Concrete Pole for Camera(Complete)	\$20,000.00	\$20,000.00	
				Total Decrease:	\$36,819.80	
				Total Increase:		\$50,967.15
				Change Order Cost:		\$14,147.35

The sum of \$14,147.35 is hereby added to the total contract price of \$2,241,892.98, and the total adjusted contract price to date thereby is \$2,256,040.33.

The time provided for completion of this contract is increased by 6 calendar days to 156 calendar days. This shall become an amendment to the contract and all provisions of the contract will apply hereto.

Accepted: *Jul P Osborne*
Vogts-Parga Construction, Inc

Date: 11/19/14

Recommended by: *H Foraker*
Harlan Foraker, Project Engineer
Certified Engineering Design, PA

Date: 11-20-14

Accepted by _____
Victor White, Director of Airports

Date _____

Approved as to Form *Sharon L Dickgraft*
Sharon L. Dickgraft, Interim
City Attorney and Director of Law

Date 12-10-14

You are directed to make the changes noted:

Wichita Airport Authority

Date _____

Agenda Item No. II-29

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Wichita Airport Authority

SUBJECT: Petition for Paving to Serve Rolling Hills Mesa Addition, Rolling Hills Mesa Second Addition and Mid-Continent Airport Second Addition (District IV)

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the necessary signature on the petition.

Background: As the adjacent property owner, the Wichita Airport Authority (WAA) desires to petition the City to re-pave a portion of Ridge Road as indicated in the petition to support new and potential commercial development on the west side of Ridge Road north of Harry Street. In order to do so, the signature of the President of the WAA is required to represent the WAA. The WAA represents 78.8 percent ownership interest in the properties within the improvement district.

Analysis: The petition process used for creation of an improvement district, with public improvements to be financed by special assessments, is constant, whether the affected property owner is a private property owner or a municipality. After execution, the petition will be presented to the City Council at a later date for approval of the project, design and construction.

Financial Considerations: The paving petition totals \$300,000. The funding source will be special assessments.

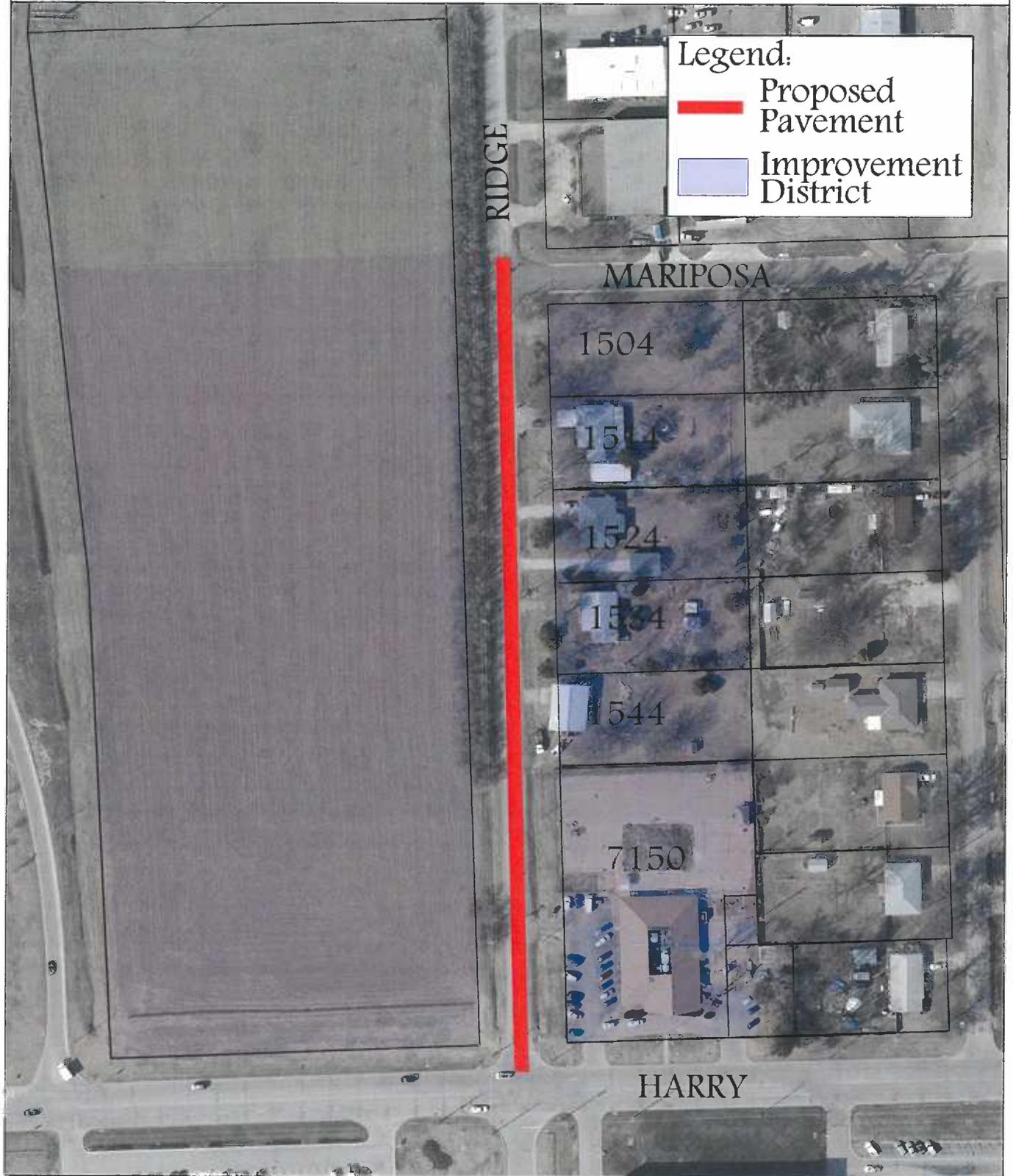
Legal Considerations: The Law Department has reviewed and approved the petition and agenda report as to form.

Recommendations/Actions: The recommendation is that the WAA authorize the necessary signature for the petition.

Attachments: Map and petition.



Paving Improvements for Ridge Road



PAVING PETITION

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described within an addition as follows:

ROLLING HILLS MESA ADDITION

LOTS 1-5, BLOCK A

W 35 FEET OF LOT 7, BLOCK A

W 35 FEET OF S 51.5 FEET OF LOT 8, BLOCK A

ROLLING HILLS MESA 2ND ADDITION

LOT 1

MID-CONTINENT AIRPORT 2ND ADDITION

S 844.5 FEET OF LOT 1, BLOCK 1

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended:

- (a) That there be constructed pavement on **Ridge Road** from the north line of Harry Street to the north line of Mariposa Lane. That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas, with drainage improvements installed where necessary.
- (b) That the estimated and probable cost of the foregoing improvement being **Three Hundred Thousand Dollars (\$300,000)** exclusive of the cost of interest on borrowed money, with **95.8** percent payable by the improvement district and **4.2** percent payable by the City-at-Large. The actual assessed cost shall not exceed the estimated assessed cost by more than 10%, exclusive of the cost of interest on borrowed money. If, at the time the City Engineer bids or is ready to bid the project for construction it appears that the final cost will exceed this amount, this project will be abandoned and rescinded by the City Council. In order to re-establish the project, a new petition with an increased budget must be circulated and submitted.

This petition shall be considered null and void if it is not filed with the City Clerk within one year of the preparation date of **November 13, 2014**.

- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a **Square Foot** basis:

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>ROLLING HILLS MESA ADDITION</u>		
LOT 1 BLOCK A	WICHITA AIRPORT AUTHORITY	
LOT 2 BLOCK A	PHAM HOA THI	
LOT 3 BLOCK A	T & B PROPERTIES LLC	
LOTS 4 -5 BLOCK A	WICHITA AIRPORT AUTHORITY	
W 35 FEET OF LOT 7 BLOCK A	MCCABE DUANE J & BILLIE M A	
W 35 FEET OF S 51.5 FEET OF LOT 8 BLOCK A	MCCABE DUANE J & BILLIE M A	
<u>ROLLING HILLS MESA 2ND ADDITION</u>		
LOT 1	MCCABE DUANE J & BILLIE M A	
<u>MID-CONTINENT AIRPORT 2ND ADDITION</u>		
S 844.5 FEET OF LOT 1 BLOCK 1	WICHITA AIRPORT AUTHORITY	

INSTRUCTIONS

1. Each resident owner who wishes to sign the petition must sign as their names appear on the title. The date of signing should be placed beside each signature.
2. All owners of each property must sign the petition (i.e., both husband and wife if they are listed on the property deed).
3. If the property is owned by a trust, the name of the trust must be written, and all trustees of the trust must sign the petition (i.e., Smith Family Trust; Joe Smith, trustee; Jane Smith, trustee, Patty Smith, trustee).
4. If the property is owned by a company, the name of the company, the owner's signature, and the signer's title are required (i.e., American Business, Inc.; Joe Smith, President).
5. If someone uses the power of attorney to sign for a property owner, it must be indicated on the petition (i.e., Joe Smith, power of attorney for Jane Smith).
6. **MAKE NO ERASURES** on any part of this petition. Erasures will void the petition, and it will not be accepted or submitted for approval.
7. Return the petition to the City Clerk's office and sign the affidavit. The signatures must be witnessed by the City Clerk or his Deputy.
8. The telephone number, if any, and address of the person filing the petition must be shown on the affidavit.
9. If you have additional questions or require additional instructions, please contact the Engineering & Architecture Division by calling 268-4501, or Rebecca Greif at 268-4505, or by email, rgreif@wichita.gov.

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Name

Address

Telephone Number

Sworn to and subscribed before me this _____ day of _____, 20____.

Deputy City Clerk