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C I T Y C O U N C I L

C I T Y O F W I C H I T A
K A N S A S

City Council Meeting
09:00 a.m. October 11, 2016

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

-- Call to Order

-- Invocation

-- Pledge of Allegiance

-- Approve the minutes of regular meeting on October 4, 2016

AWARDS AND PROCLAMATIONS

-- Proclamations:

United Way Day
Irlen Syndrome Awareness
Filipino Heritage Month

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. Sybil Strum - Victims being ignored by law enforcement.

II. CONSENT AGENDA ITEMS 1 THROUGH 23

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. 2017 Special Liquor Tax Allocation.

   RECOMMENDED ACTION: Approve the Special Liquor Tax Coalition 2017 funding recommendations and authorize provider contracts to be developed for the recommended allocations.

2. Wichita Public Building Commission – Amending Ordinance.

   RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the necessary signatures.

3. Tipping Fee Resolution for Brooks Landfill.

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

4. Community Event with Alcohol Consumption, Friday Night at the Fountains. (District I)

   RECOMMENDED ACTION: Adopt the resolution to allow consumption of alcoholic liquor upon sidewalks and public streets within the parameters outlined in the Community Event Application during Friday Night at the Fountains on October 14, 2016 and authorize the necessary signatures.

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. ZON2016-00028 – Zone Change from LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential to GC General Commercial, Generally Located South of East 21st Street North on the East and West Sides of North Piatt Avenue. (District I)

   RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the Zone Change subject to the MAPC recommended conditions, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading (six of seven votes required).

2. ZON2016-00036 and CUP2016-00027 – Zone Change from SF-5 Single-Family Residential to GC General Commercial with the Creation of a New Community Unit Plan CUP DP-341, Generally Located North of Kellogg Avenue and West of Maize Road, 11120 W. Kellogg. (District IV)

   RECOMMENDED ACTION: 1) Adopt the findings of the MAPC with the addition of the DAB IV recommendations (five of seven votes required); or 2) adopt the findings of the MAPC, approve the requested zone change subject to staff recommendations with the added conditions (four of seven votes required). Place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading.

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. Andra Martin Housing Member is also seated with the City Council.

Andra Martin Housing Member is also seated with the City Council.

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

1. Approval of travel for Council Members Pete Meitzner and Jeff Blubaugh to attend the National Business Aviation Association Convention, November 1-3, 2016, Orlando, Florida.

   RECOMMENDED ACTION: Approve the travel expenses.

2. Approval of travel for Mayor Jeff Longwell, Vice Mayor Lavonta Williams, Council Member James Clendenin, Council Member Bryan Frye and Council Member Janet Miller to attend the National League of Cities City Summit, November 15-20, 2016, Pittsburg, Pennsylvania.

   RECOMMENDED ACTION: Approve the travel expenses.

3. Evaluation and Salary Increase for City Manager.

   RECOMMENDED ACTION: Approve a salary increase for the City Manager of 3.75%.

IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS

1. Board Appointments.

   RECOMMENDED ACTION: Approve the appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 23)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated October 10, 2016.

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

2. Applications for Licenses to Retail Cereal Malt Beverages:

New	2016	(Consumption on Premises)
Eduardo Sebastian	La Chinita Mexican Restaurant**	321 N. Mead
J. Larry Fugate	Pizza Hut**	1877 W. 21st Street N.

Renew	2016	(Consumption on Premises)
Jose Barba	Calvin's Hamburger Haven**	1929 S. Seneca St.
J. Larry Fugate	Pizza Hut**	1708 E. Pawnee
J. Larry Fugate	Pizza Hut**	2181 N. Rock Road

New	2016	(Consumption off Premises)
Mizan Sonker	21st Market***	2011 E. 21st St. N.

   **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. Petitions for Public Improvements:
   a. Revised Petition for Improvements to Tyler Pointe Commercial Addition. (District V)
   b. Petition for Sanitary Sewer Improvements to Serve Sierra Hills Golf Club. (District II)

   RECOMMENDED ACTION: Approve the petitions and adopt the resolutions.

5. Consideration of Street Closures/Uses:
   a. Community Event - Friday Nights at the Fountains. (District I)
   b. Community Event - WaterWalk Trunk or Treat. (District I)
   c. Community Events - Trick or Treat Street. (District I)
   d. Community Event - Wichita Toy Run. (Districts I, IV and VI)

   RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Events Coordinator.

6. Agreements/Contracts:
   a. Renewal of the Right-of-Entry Agreement between City of Wichita and United States of America, McConnell Air Force Base for property located on the Kansas Aviation Museum. (District III)

   RECOMMENDED ACTION: Approve the agreements/contracts and authorize the necessary signatures.

7. Design Services Agreements:
   a. Supplemental Design Agreement No. 2 for Improvements to 9th Street North between I-135 and Hillside. (District I)

   RECOMMENDED ACTION: Approve agreements/contracts, adopt the resolution and authorize the necessary signatures.

8. Minutes of Advisory Boards/Commissions:
   Board of Park Commissioners, August 8, 2016

   RECOMMENDED ACTION: Receive and file.

9. Repair or Removal of Dangerous and Unsafe Structures: (Districts I and IV)

Property Address	Council District
a. 1322 N. Wabash Ave	I
b. 1608 N. Minneapolis Ave (garage)	I
c. 1244 N. Indiana Ave	I
d. 1608 S. Edwards Ave Lot 10	IV

   RECOMMENDED ACTION: Adopt the attached resolutions to schedule public hearings before the City Council on December 13, 2016 at 09:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

10. Contracts and Agreements for September 2016.

   RECOMMENDED ACTION: Receive and file.

11. Payment of Settlement of Claim.

RECOMMENDED ACTION: Authorize payment of $55,000 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the bonding resolution.

12. Easements Across City-owned Property in the 300 Block of South Broadway. (District I)

RECOMMENDED ACTION: Approve the agreements and authorize all necessary signatures.

13. Funding for 17th and 18th Street and Mt. Vernon Bicycle Enhancement Projects. (Districts III and VI)

RECOMMENDED ACTION: Adopt the resolutions and amending resolution, waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds, and authorize the necessary signatures.

14. 2016 Internet Crimes Against Children (ICAC) Grant and Agreement.

RECOMMENDED ACTION: Approve the 2016 Internet Crimes Against Children (ICAC) Grant in the amount of $142,467, approve the Agreement between the City of Wichita and Sedgwick County and authorize the necessary signatures.

15. 2017 Victims of Crime Act (VOCA) Grant.

RECOMMENDED ACTION: Approve the submission of the grant application and authorize the Mayor to sign the grant upon approval.

16. Purchase Option, WSF Holdings, Inc. (District II)

RECOMMENDED ACTION: Adopt the Resolution approving the Bill of Sale and Release of Lease Agreement and to convey the property to WSF Holdings, Inc. and authorize the necessary signatures.

17. HOME Program - Housing Development Loan Program Funding Agreement Amendment, Mennonite Housing Rehabilitation Services, Inc. (Districts I and VI)

RECOMMENDED ACTION: Approve the contract amendment providing for additional time to complete construction and sale of the two Park Place homes, and authorize the necessary signatures.

18. HOME Program; Amendment to Housing Development Loan Program Funding Agreement, Wichita Habitat for Humanity, Inc. (Districts I and IV)

RECOMMENDED ACTION: Approve the contract amendment providing for changes of the addresses of HOME-assisted units and extension of the funding agreement, and authorize the necessary signatures.

19. Second Reading Ordinances: (First Read October 4, 2016)

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. *ZON2016-00034– Zone Change from LI Limited Industrial to SF-5 Single-Family Residential and MF-18 Multi-Family Residential, Generally Located on the South Side of North 29th Street West of East 127th. (District II)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the requested zone change, place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading.

21. *SUB2016-00019 -- Plat of Fawn Grove Addition Located South of East US-54 Highway (Kellogg), West of South Greenwich Road. (District II)

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

22. *VAC2016-00033 - Request to Vacate a Platted Building Setback on Property Generally Located North of East 13th Street North, West of North Webb Road, on the Southeast Corner of East Crestwood Street and North Gatewood Street, 1624 North Gatewood. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

23. *VAC2016-00034 - Request to Vacate a Utility Easement Referenced in the Plattor's Text on Property Generally Located North of East Harry Street, East of South Broadway Avenue, on the Southwest Corner of East Zimmerly Street and South Mead Avenue, 719 East Zimmerly Street. (District III)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

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.

Andra Martin, Housing Member is also seated with the City Council.

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.

None

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: 2017 Special Liquor Tax Allocation

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the 2017 recommended funding allocations and authorize the development of contracts.

Background: At the December 14, 1999 City Council meeting, policy guidelines were developed for the use and administration of the Special Liquor Tax dollars designated for alcohol and substance abuse prevention and treatment. The policy guidelines were reviewed and reaffirmed at a City Council workshop on May 24, 2005 and continue to be used in the operation and administration of the current Special Liquor Tax Program. The policy guidelines and the Kansas State Statute provide the framework for the allocation and monitoring process for the funds.

In May 2016, a competitive Special Liquor Tax Request for Proposal (RFP) was issued by the City's Purchasing Office to procure services for the 2017 calendar year. The funding budget was reduced to $1,100,000 from $1,457,777 in the previous RFP term due to the City's need to fund the Day Reporting Center. In April of 2016, Sedgwick County notified the Wichita Municipal Court that it would no longer financially support the services provided at the Day Reporting Center as of June 30, 2016. The City utilizes the Day Reporting Center to provide substance abuse treatment services to low income defendants in lieu of a sentence to serve time in the Sedgwick County jail. Each month up to 50 individuals are ordered to utilize the treatment services provided by the Day Reporting Center. If these same individuals were sentenced to jail, the cost to the City would exceed $1 million annually.

Of the $1,100,000 available, $1,000,000 was specifically allocated to fund prevention and treatment programs and $100,000 was separated out and allocated for detox/sobering services. The City of Wichita received 26 proposals from 19 agencies which resulted in a requesting total of $2,463,364.

Analysis: The City of Wichita Special Liquor Tax Coalition oversees the Special Liquor Tax Funds, providing funding recommendations to the City Council and monitoring the performance of selected programs between RFP cycles. The Coalition has developed allocation recommendations for the 2017 grant year, which runs January 1 to December 31. Of all the proposals submitted, 16 are being recommended to receive funding for prevention and treatment services. Only one proposal was received for sobering/detox services and it is also being recommended for funding. The attached document summarizes the programs recommended for funding and provides a short description of each program including the projected number of participants each plan to serve. Proposals not recommended for funding have a brief explanation as to why that recommendation was made. All the chosen proposals contain outcome-based measures which will be used to monitor performance during calendar years 2017, 2018 and 2019, should the contracts be recommended for renewal.

A decrease in the amount of funding available and an abundance of proposals submitted made the review and selection process challenging. As well as reviewing the proposal, the review committee gave every responding organization a chance to present its program and describe how it would be beneficial to the community. Several key dimensions of the RFP criteria were missing in some of the proposals not selected for funding. There were issues regarding fidelity to an evidenced-based model and addressing outcome evaluation components.

After careful thought and deliberation, the selection committee elected to allocate the treatment and prevention funds on an 80/20 split. Treatment services were deemed a priority (80% of available funding) by the review committee because they provide a more direct impact to the affected families and community members due to the individualized and

customized plans that are developed for individuals recovering from substance abuse. Community treatment programs are able to provide more immediate and tangible results that show a significant decrease in the City of Wichita detention costs. This is accomplished by engaging clients in treatment rather than incarceration, which reduces drug related recidivism, and results in the encouragement of clients to complete treatment. The remaining 20% was distributed between prevention providers utilizing a customized and agreed upon formula. Prevention providers remain an important part of services provided as they utilize community level interventions and outreach to prevent substance abuse on a larger scale in order to reach a broader span of youth and families.

The following chart lists the 26 proposals evaluated for 2017 funding by the Liquor Tax Coalition selection committee.

Programs	2016 Funding Level	2017 Proposal Request	2017 Recommended Funding
DCCCA, Inc., Women's Recovery Center/Options	$40,000	$126,743	$40,000
Episcopal Social Services, Aggression Replacement Training (ART)	N/A	$20,840	$0
Friends of Recovery, Oxford Houses of Wichita	N/A	$20,000	$0
HealthCore Clinic, Substance Abuse Treatment	$150,000	$150,000	$125,000
HealthCore Clinic, Strengthening Families Program	$94,000	$107,000	$41,176
Inter-Faith Ministries, Prevention of Adult Binge Drinking	N/A	$89,667	$0
Kansas Big Brothers Big Sisters	$98,400	$95,599	$43,103
Kansas DUI Impact Center, Making an Impact DUI Education & Prevention Program (TMI)	N/A	$89,759	$0
Mental Health Association of South Central Kansas, Girl Empowerment Program	$50,000	$50,000	$21,902
Mental Health Association of South Central Kansas, Pathways	$75,000	$75,000	$32,853
Miracles Inc., Miracles House	$110,000	$111,251	$110,000
Mirror, Inc., Positive Youth Development Program	$50,000	$59,461	$21,902
Mirror Inc., Intermediate Substance Abuse Treatment Program	$200,000	$199,539	$100,000
Pando Initiative, Positive Action for Kids	$32, 612	$41,548	$0
Partners for Wichita, Safe Streets Wichita Youth Corps: Ready, Aim, Prevent	N/A	$50,000	$0
Preferred Family Healthcare, Adult Substance Use Disorder Treatment	$50,000	$68,185	$0
Preferred Family Healthcare, Youth Prevention Program	N/A	67,287	$0
Recovery Concepts, Indian Alcohol Treatment Services	$45,000	$65,000	$45,000
Substance Abuse Center of Kansas, Assessments	$135,000	$185,679	$135,000
Substance Abuse Center of Kansas, Solutions Care Manager	$40,000	$61,637	$40,000
Substance Abuse Center of Kansas, Detox/Sobering	N/A	$100,000	$100,000
The Restoration/Knox Center, Inc., Substance Abuse, Case Management and Strengthening Family Program	N/A	$259,901	$0
Tiyospaye (Higher Ground), Challenge by Choice	$77,765	$77,765	$34,064
Tiyospaye (Higher Ground), Pueblo Path	$90,000	$90,000	$90,000
Tiyospaye (Higher Ground), Turning Point	$120,000	$170,000	$120,000
Youth Horizons, Mentoring Substance Abuse Prevention	N/A	$31,503	$0
Total	$1,457,777	$2,463,364	$1,100,000

Financial Considerations: The 2017 Adopted Budget includes funding for Special Alcohol and Drug Programs.

Legal Considerations: Agreements and renewals are subject to review and approval by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the Special Liquor Tax Coalition 2017 funding recommendations and authorize provider contracts to be developed for the recommended allocations.

Attachments: Proposal summaries for recommended and non-recommended programs.

PROGRAMS RECOMMENDED FOR FUNDING

Prevention (6)

Big Brothers Big Sisters (BBBS) Mentoring Program		
Currently: $98,400	Requested: $95,599	Recommended: $43,103
BBBS provides an evidence-based prevention program that matches children ages 5-17 who are at risk of alcohol and/or drug abuse with a carefully screened mentor who helps the youth avoid negative social behaviors while encouraging achievement of their full potential. They plan to serve 200 youth at risk for substance abuse.		

HealthCore- Strengthening Families		
Currently: $94,000	Requested: $107,000	Recommended: $41,176
Strengthening Families is an evidence-based prevention program that teaches families the skills they need to prevent substance abuse by their children and improves management of behavioral problems. Families participate together, learning to solve problems as a unit, building positive relationships, and strengthening family values. They plan to serve 250 families, and while all families are accepted, preference is given to those with a history of substance use.		

Mental Health Association of South Central Kansas (MHA)- Pathways		
Currently: $75,000	Requested: $75,000	Recommended: $32,853
Pathways is an evidence-based preventative education program that is delivered in the school setting and based on the LifeSkills Training curriculum. The program is targeted to middle and high school students that are at risk for substance abuse due to their parent's alcohol or drug addiction, lack of preventative factors in their homes, reoccurring drug related crimes in their neighborhoods, and/or a lack of protective factors. They plan to serve 900 youth with this funding.		

Mental Health Association of South Central Kansas (MHA)- Girl Empowerment Program		
Currently: $50,000	Requested: $50,000	Recommended: $21,902
Girl Empowerment Program is a gender specific support group targeted to middle and high school age girls at risk for alcohol and substance abuse, academic failure, and juvenile delinquency. The program utilizes the research-based Girls Circle curriculum, with the aim to counteract on social and interpersonal forces that impede girls' positive growth and development. MHA plans to serve 250 girls.		

Tiyospaye (Higher Ground)- Challenge By Choice		
Currently: $77,765	Requested: $77,765	Recommended: $34,064
Higher Ground's school-based Challenge by Choice substance abuse prevention initiative is designed to build life skills and protective factors by educating youth before they have developed serious substance abuse problems, criminal involvement, or school expulsions. They do this through the use of active-learning experiential services to produce functional change, with programming tailored to the needs of each school. They plan to serve 375 youth with this funding.		

Mirror Inc.- Positive Youth Development Program		
Currently: $50,000	Requested: $59,461	Recommended: $21,902
The Positive Youth Development Program includes the Wichita Mayor's Youth Council. The Mayors Youth Council plans to implement proven substance abuse prevention strategies from the Center for Substance Abuse Prevention, including; information dissemination, drug-free alternative of for youth, prevention education, community based processes, environmental strategies, and problem identification and referrals. Mirror plans to serve 40 Mayor's Youth Council members directly and an additional 2,000 community members indirectly.		

Treatment (9)

HealthCore- Substance Abuse Treatment		
Currently: $150,000	Requested: $150,000	Recommended: $125,000
HealthCore's Substance Abuse Treatment Program proposes to serve 150 clients meeting medical necessity standards with treatment services utilizing evidence-based components delivered by experienced counselors. The program offers pre-treatment, outpatient, intensive outpatient, and continuing care services based on the "A Road Not Taken" (ARNT) curriculum and is targeted primarily but not exclusively to African American individuals living in the northeast Wichita area. This program is a great asset to this community and services are very much needed to continue. Report indicates a reduction in numbers served over the last three years. Due to a reduction in numbers served and in funding for this grant cycle the committee is recommending a reduction of $25,000 in funding.		

DCCCA Inc.- Women's Recovery Center		
Currently: $40,000	Requested: $126,743	Recommended: $40,000
DCCCA proposed to continue its case management services at the Women's Recovery Center and expand into the Options program. The Women's Recovery Center offers a continuum of alcohol and drug treatment specifically designed to meet the unique needs of women, pregnant women, and women with dependent children. The funding recommendation is to continue supporting DCCCA's case management services for chemically dependent women and their children. They plan to serve 100 women. The review committee recommends not expanding case management services to the Options program at this time due to lack of funding availability.		

Miracles Inc. - MiraclesHouse		
Currently: $110,000	Requested: $111,251	Recommended: $110,000
Miracles Inc. is a substance abuse prevention and inpatient treatment facility targeting services for women and women with children using a systems approach to incorporate the strengths of the individual, family, community, and society. They plan to serve 138 women and 22 children.		

Mirror Inc.-Intermediate Substance Abuse Treatment Program		
Currently: $200,000	Requested: $199,539	Recommended: $100,000
Mirror Inc. requested funding to continue providing intermediate treatment services for clients referred by the City of Wichita Municipal Court. The program offers clients a structured regime of therapeutic services in a 24-hour setting. Mirror plans to serve 60 clients annually. Quarterly reports indicate that full utilization of the current capacity is not being met, although, the need for this program still exists. Therefore, the committee recommends a reduction in funding in the amount of $99,539 for the next grant cycle to better match the current volume of clients being referred.		

Recovery Concepts- -Indian Alcohol Treatment Services		
Currently: $45,000	Requested: $65,000	Recommended: $45,000
Recovery Concepts provides alcohol and drug abuse outpatient treatment primarily, but not exclusively, to Native Americans. The program offers counseling, outpatient (Level I and II), adolescent, and referral services. They plan to serve 200 consumers with this funding.		

Substance Abuse Center of Kansas (SACK)- Assessments		
Currently: $135,000	Requested: $185,679	Recommended: $135,000
SACK serves individuals in South Central Kansas through assessment, pre-treatment groups, referral, and peer mentoring services. This grant funds services for a variety of populations, including indigent persons, inmates detained in the Sedgwick County Adult Detention Facility, persons located in Sedgwick County hospitals or medical centers, and persons who are, or will, be on parole supervision. SACK plans to serve 1,100 unduplicated people with this funding.		

Substance Abuse Center of Kansas (SACK)- Solutions Care Manager		
Currently: $40,000	Requested: $61,637	Recommended: $40,000
SACK's Solutions Care Manager operates as the coordinator for patients in the Liquor Tax Intermediate Treatment Continuum (ITC). They begin working with the client upon notification from the Municipal Court that they have been selected for participation in the program, support them while they are in treatment at Mirror Inc. and Higher Ground, and then offer continuing care services for them once they've completed these first two steps. The goal of the care manager is to provide the client with the support they need to maintain recovery and prevent relapse. SACK plans to serve up to 62 people annually.		

Tiyospaye (Higher Ground)- Pueblo Path		
Currently: $90,000	Requested: $90,000	Recommended: $90,000
Pueblo Path serves adult Hispanic clients and their families, who require culturally competent, bilingual services in Spanish to effectively address their alcohol and other drug problems. They offer assessment and referral, outpatient and intensive outpatient, continuing care, family counseling, and case management services, all in Spanish. Higher Ground plans to serve 135 clients.		

Tiyospaye (Higher Ground)- Turning Point		
Currently: $120,000	Requested: $170,000	Recommended: $120,000
The Turning Point program serves adult clients who require "support-rich" services to effectively address alcohol and other drug related problems due to chronic relapse histories. They offer assessment and referral, outpatient and intensive outpatient, continuing care, family counseling, and case management services with evidence-based components. Higher Ground plans to serve 360 individuals with this funding.		

Detox/Sobering (1)

Substance Abuse Center of Kansas (SACK)- Detox/Sobering Services		
Currently: N/A	Requested: $100,000	Recommended: $100,000
SACK serves individuals in South Central Kansas through assessment, pre-treatment groups, referral, and peer mentoring services. SACK will provide residential sobering/detoxification services while co-located with COMCARE Crisis Stabilization Unit. These services will be available 24/7 for those consumers who meet the criteria established by Kansas Department for Aging and Disability Services (KDADS). SACK plans to serve 1,000 individuals with this funding.		

PROGRAMS NOT RECOMMENDED FOR FUNDING

Prevention (7)

Kansas DUI Impact Center- Making an Impact DUI Education & Prevention Program (TMI)		
Currently: N/A	Requested: $89,759	Recommended: $0
Kansas DUI Impact Center proposed to provide assemblies, classroom presentations, educational supplies, and an underage drinking and impaired driving public service announcements to all Wichita schools. They also proposed to create an awareness campaign via a social media platform and create a teen space within their agency where teens victimized by, convicted of impaired driving or underage drinking, may receive direct counseling and/or advocacy services. This proposal was not selected for funding. The Coalition had concerns regarding the budget as a large amount of the funding was for promotion material and incentives. There were also concerns that the focus was too broad and not focused on at risk youth.		

Episcopal Social Services (ESS)- Aggression Replacement Training (ART)		
Currently: N/A	Requested: $20,840	Recommended: $0
ESS proposed to serve 55 youth utilizing Aggression Replacement Training. ART is a multimodal psyco educational intervention designed to address the risk factors of antisocial personality, antisocial cognition and antisocial associates through two distinct, tertiary prevention groups. This proposal was not selected for funding because while this program has been identified as a solid evidence-based program it doesn't fully focus on drug and alcohol prevention.		

Inter-Faith Ministries Wichita, Inc.- Prevention of Adult Binge Drinking		
Currently: N/A	Requested: $89,667	Recommended: $0
Inter-Faith Ministries proposed to work with adults to prevent binge drinking by utilizing the Electronic Screening and Brief Intervention (e-SBI) model. Medical screenings for homeless adults would be conducted through a partnership with the Guadalupe Clinic. Case managers would use the Vulnerability Index and service Prioritization Decision Assistance Tool to screen those individuals who binge drink and then provide face-to-face intervention. This proposal was not selected for funding because the proposal was not clear on the evidence based tools or programs that would be used or how fidelity would be maintained.		

Youth Horizons- Mentoring Substance Abuse Prevention		
Currently: N/A	Requested: $50,000	Recommended: $0
Youth Horizons proposed a mentoring program where mentors would work with children from single parent homes. The proposed components included: training mentors to engage effectively in substance abuse prevention conversations with the children they are matched with, providing case management to child and mentor to help decrease child's absenteeism and tardiness at school, and increasing the child's knowledge of the detrimental effects of substance abuse. This proposal was not selected although the proposal was clearly defined and the cost per unit was very reasonable. The program currently has no evidenced based models that reflect mentoring as an approach for addressing substance abuse.		

Partners for Wichita, Inc.- Safe Streets Wichita Youth Corps: Ready, Aim, Prevent		
Currently: N/A	Requested: $50,000	Recommended: $0
Safe Streets proposed a primary prevention program. The goal of Safe Streets is to prevent first use of drugs and alcohol decreasing community, school, peer and individual level risk factors by increasing community, school, peer and individual level protective factors. The program proposed to serve 500 youth ages 12 – 18. This proposal was not selected for funding. Although Safe Streets is a program that focuses on drug and alcohol prevention, it is currently an "original program" that is not evidenced based. The committee also had concerns regarding the high administrative cost.		

Preferred Family Healthcare- Youth Prevention Program		
Currently: N/A	Requested: $67,287	Recommended: $0
Preferred Family Healthcare proposed a two-part community impact program that includes community collaboration to increase awareness amongst youth and adults of the pressures to the use drugs and alcohol utilizing two evidenced based programs. Preferred Family Healthcare proposed to use evidenced based programs; Lead and Seed and Guiding Good Choices and planned to serve 72 youths ages 9-14. This proposal was not recommended for funding due to the similarities in curriculum to other currently funded programs that have a lower cost per unit.		

Pando Initiative- Positive Action for Kids		
Currently: $32,612	Requested: $41,548	Recommended: $0
Pando Initiative proposed to implement Positive Action and Check and Connect utilizing on the curriculum that focuses on substance use prevention. Positive Action consists of scripted lessons that fit very well during a mentoring session. Check and Connect has a larger focus on absenteeism. Pando proposed to implement this program at two USD 259 elementary schools and planned to serve 100 students. This proposal was not recommended for funding although both programs are great evidenced based programs. The committee had concerns because Check and Connect focuses primarily on attendance rather than substance abuse. Based on the application and phone call with Pando there were still concerns with ability to maintain fidelity to both models.		

Treatment (3)

Friends of Recovery Association- Oxford Houses of Wichita		
Currently: N/A	Requested: $20,000	Recommended: $0
Friends of Recovery Association provides hands-on support to the individuals living in Oxford houses by acting as a community and resident educator, treatment and support liaison, housing adviser, and case manager. Friends of Recovery Association proposed to open another Oxford house and additional support to all the current Oxford houses in the City of Wichita. This proposal was not recommended for funding because the program doesn't address the intention/service definition. The Review Committee also had concerns with the high administrative cost.		

The Restoration/Knox Center- Substance Abuse, Case management and Strengthening Family Program		
Currently: N/A	Requested: $259,901	Recommended: $0
The Restoration proposed to expand services to include a person centered case manager, licensed clinical social worker, and a licensed marriage and family therapist. These additional staff would allow The Restoration to include mental health diagnosis and family counseling services. The Restoration also proposed to add the Family Strengthening program to the services provided. This proposal was not recommended for funding due to concerns with high administrative costs and no clear curriculum identified for an evidenced based program.		

Preferred Family Healthcare, Inc.- Adult Substance Use Disorder Treatment		
Currently: $50,000	Requested: $68,185	Recommended: $0
Preferred Family Healthcare proposed to offer a variety of established treatment options for adults in need of behavioral health services utilizing the Community Reinforcement Approach (CRA). CRA is an evidenced based practice based on the premise that environmental contingencies can play a powerful role in encouraging or discouraging drinking or drug use. Preferred Family Healthcare also proposed to continue utilizing the Community Reinforcement and Family Training (CRAFT) program on a smaller scale along with CRA. This proposal was not recommended for funding due to concerns with consistently low outcome results and numbers served by currently funded program. The committee also had concerns with the low number served projected in the new proposal.		

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Wichita Public Building Commission – Amending Ordinance

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Adopt the amending ordinance.

Background: In 1991, the Wichita Public Building Commission (WPBC) acquired two buildings, located at Market and William in Downtown Wichita. The buildings were rehabilitated to facilitate the consolidation of various State of Kansas offices in Wichita into one centralized location. The new building was named the Finney State Office Building.

The bonds on the State Office Building matured October 1, 2014 and all tenants have vacated the building. The WPBC desires to sell the building to a party that is not related to the WPBC/State Office Building project. An amending Ordinance is required to allow the WPBC to sell the building to a private development group.

Analysis: The Wichita Public Building Commission, a municipal corporation, was established by the Wichita City Council in 1965. Its intent is to finance the acquisition and construction of buildings or other facilities of a revenue-producing character, including the acquisition and installation of equipment for lease to governmental entities.

Upon maturity of any given WPBC bond issue, the property acquired by the bonds is traditionally conveyed to the entity on whose behalf the property was acquired, or constructed, identified as the beneficiary. In the case of the Finney State Office Building, the beneficiary, the State of Kansas, opted not to exercise its option to acquire the property. The WPBC elected to dispose of the property by issuing a Request for Qualifications (RFQ) to redevelop the property.

Through the RFQ process, it was determined that the original Ordinance governing the disposition of WPBC property did not properly allow for a sale to a party not defined as a beneficiary. The attached amending Ordinance allows for a sale to a third party in the event that the agency for whose benefit the property was acquired elects not to accept title of the property.

Financial Considerations: There is no financial impact to the City of Wichita.

Legal Considerations: The amending Ordinance has been approved as to form by the Law Department.

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

Attachment: Ordinance

First Published in The Wichita Eagle on _____

DELINEATED

ORDINANCE NO._____

AN ORDINANCE CREATING SECTION 2.12.640 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE WICHITA PUBLIC BUILDING COMMISSION, AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1.

SECTION 2.12.640 - is hereby amended to read as follows:

~~**Section 2.12.640. – Same – Functions of the commission.**~~

~~The commission shall be authorized pursuant and subject to powers and authority granted or continued herein under authority granted by the Act and City Charter ordinances to serve the following functions:~~

~~(a) To acquire a site or sites for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue-producing character, including parking facilities, and, in addition, to acquire and install equipment of a revenue-producing character. Such building or buildings, facilities, or equipment shall be maintained and operated for the affairs of Sedgwick County, Kansas or any federal, state, state university, city, school district, municipal corporation, quasi-municipal corporation, political subdivision, or body politic, or agency thereof, doing business,~~

~~maintaining an office, or rendering a public service within Sedgwick County, Kansas ("governmental agencies");~~

~~(b) To acquire land and facilities located within Sedgwick County, Kansas, that are adjacent to or are near any educational institution under the supervision and control of the State Board of Regents, or acquire, by lease, land and facilities located within Sedgwick County, Kansas, that constitute a part of the campus of any such institution. The commission may construct, reconstruct, equip, and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. The city also may pledge funds as may be necessary from those which are provided to be paid over to the board of trustees from the annual tax levy as provided by K.S.A. 76-3a07, and amendments thereto. The commission may also approve contracts which include a pledge by Sedgwick County of such funds as may be necessary from those which are provided to be paid over to such institution from a special levy authorized for such purpose under K.S.A. 19-117, and amendments thereto;~~

~~(c) To acquire fee simple title to real estate, including easements and reversionary interests in streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise or by the exercise of the power of eminent domain, and to take title in the corporate name of the commission;~~

~~(d) To rent all or any part of its buildings, facilities and/or equipment to any governmental agencies and rent any space as may not be needed by such governmental agencies or such buildings or other facilities as the commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities;~~

~~(e) To after negotiation of a lease or leases with one or more governmental agencies is complete, issue revenue bonds of the commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities; to acquire sites necessary and convenient therefor; and to acquire and install equipment to pay all costs and expenses incident thereto, or to refund its outstanding bonds;~~

~~(f) To repair, maintain and operate buildings and to repair, maintain and operate land and facilities adjacent to or near Wichita State University;~~

~~(g) To sue and be sued;~~

~~(h) To convey title to the governmental agencies to the equipment and/or land and buildings thereon, for whose benefit the public building commission has held title, after the payment of revenue bonds issued for the purpose of acquiring such equipment and/or land and buildings thereon for the benefit of any such political subdivision. Conveyance may be made of portions of the land as portions of the revenue bonds are paid or retired, or provision is made for their payment by the deposit of a like amount of money; and~~

~~(i) Under no circumstances shall any income of the public building commission inure to the benefit of any private person.~~

Section 2.12.640. – Same – Functions of the commission.

The commission shall be authorized pursuant and subject to powers and authority granted or continued herein under authority granted by the Act and City Charter ordinances to serve the following functions:

(a) To acquire a site or sites for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue-producing character, including parking facilities, and, in addition, to acquire and install equipment of a revenue-producing character. Such building or buildings, facilities, or equipment shall be maintained and operated for the affairs of Sedgwick County, Kansas or any federal, state, state university, city, school district, municipal corporation, quasi-municipal corporation, political subdivision, or body politic, or agency thereof, doing business, maintaining an office, or rendering a public service within Sedgwick County, Kansas ("governmental agencies");

(b) To acquire land and facilities located within Sedgwick County, Kansas, that are adjacent to or are near any educational institution under the supervision and control of the State Board of Regents, or acquire, by lease, land and facilities located within Sedgwick County, Kansas, that constitute a part of the campus of any such institution. The commission may construct, reconstruct, equip, and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. The city also may pledge funds as may be necessary from those which are provided to be paid over to the board of trustees from the annual tax levy as provided by K.S.A. 76-3a07, and amendments thereto. The commission may also approve contracts which include a pledge by Sedgwick County of such funds as may be necessary from those which are provided to be paid over to such institution from a special levy authorized for such purpose under K.S.A. 19-117, and amendments thereto;

(c) To acquire fee simple title to real estate, including easements and reversionary interests in streets, alleys and other public places and personal property

required for its purposes, by purchase, gift, devise or by the exercise of the power of eminent domain, and to take title in the corporate name of the commission;

(d) To rent all or any part of its buildings, facilities and/or equipment to any governmental agencies and rent any space as may not be needed by such governmental agencies or such buildings or other facilities as the commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities;

(e) To after negotiation of a lease or leases with one or more governmental agencies is complete, issue revenue bonds of the commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities; to acquire sites necessary and convenient therefor; and to acquire and install equipment to pay all costs and expenses incident thereto, or to refund its outstanding bonds;

(f) To repair, maintain and operate buildings and to repair, maintain and operate land and facilities adjacent to or near Wichita State University;

(g) To sue and be sued;

(h) To convey title to the governmental agencies to the equipment and/or land and buildings thereon, for whose benefit the public building commission has held title, after the payment of revenue bonds issued for the purpose of acquiring such equipment and/or land and buildings thereon for the benefit of any such political subdivision. Conveyance may be made of portions of the land as portions of the revenue bonds are paid or retired, or provision is made for their payment by the deposit of a like amount of money. In the event the governmental agency for whose benefit the public building

commission has held title fails or refuses to accept title of the property in question, then the public building commission is authorized to sell to any person or entity for a reasonable price.

(i) Under no circumstances shall any income of the public building commission inure to the benefit of any private person.

SECTION 2.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and
Director of Law

First Published in The Wichita Eagle on October 21, 2016

CLEAN

ORDINANCE NO. 50-341

AN ORDINANCE CREATING SECTION 2.12.640 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE WICHITA PUBLIC BUILDING COMMISSION, AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1.

SECTION 2.12.640 - is hereby amended to read as follows:

Section 2.12.640. – Same – Functions of the commission.

The commission shall be authorized pursuant and subject to powers and authority granted or continued herein under authority granted by the Act and City Charter ordinances to serve the following functions:

(a) To acquire a site or sites for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue-producing character, including parking facilities, and, in addition, to acquire and install equipment of a revenue-producing character. Such building or buildings, facilities, or equipment shall be maintained and operated for the affairs of Sedgwick County, Kansas or any federal, state, state university, city, school district, municipal corporation, quasi-municipal corporation, political subdivision, or body politic, or agency thereof, doing business,

maintaining an office, or rendering a public service within Sedgwick County, Kansas ("governmental agencies");

(b) To acquire land and facilities located within Sedgwick County, Kansas, that are adjacent to or are near any educational institution under the supervision and control of the State Board of Regents, or acquire, by lease, land and facilities located within Sedgwick County, Kansas, that constitute a part of the campus of any such institution. The commission may construct, reconstruct, equip, and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. The city also may pledge funds as may be necessary from those which are provided to be paid over to the board of trustees from the annual tax levy as provided by K.S.A. 76-3a07, and amendments thereto. The commission may also approve contracts which include a pledge by Sedgwick County of such funds as may be necessary from those which are provided to be paid over to such institution from a special levy authorized for such purpose under K.S.A. 19-117, and amendments thereto;

(c) To acquire fee simple title to real estate, including easements and reversionary interests in streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise or by the exercise of the power of eminent domain, and to take title in the corporate name of the commission;

(d) To rent all or any part of its buildings, facilities and/or equipment to any governmental agencies and rent any space as may not be needed by such governmental agencies or such buildings or other facilities as the commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities;

(e) To after negotiation of a lease or leases with one or more governmental agencies is complete, issue revenue bonds of the commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities; to acquire sites necessary and convenient therefor; and to acquire and install equipment to pay all costs and expenses incident thereto, or to refund its outstanding bonds;

(f) To repair, maintain and operate buildings and to repair, maintain and operate land and facilities adjacent to or near Wichita State University;

(g) To sue and be sued;

(h) To convey title to the governmental agencies to the equipment and/or land and buildings thereon, for whose benefit the public building commission has held title, after the payment of revenue bonds issued for the purpose of acquiring such equipment and/or land and buildings thereon for the benefit of any such political subdivision. Conveyance may be made of portions of the land as portions of the revenue bonds are paid or retired, or provision is made for their payment by the deposit of a like amount of money. In the event the governmental agency for whose benefit the public building commission has held title fails or refuses to accept title of the property in question, then the public building commission is authorized to sell to any person or entity for a reasonable price.

(i) Under no circumstances shall any income of the public building commission inure to the benefit of any private person.

SECTION 2.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 18th day of October, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and
Director of Law

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Tipping Fee Resolution for Brooks Landfill (District VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Adopt the resolution.

Background: The City Council previously approved Resolution No. 13-152 on August 13, 2013, which established the tipping fee for waste disposed at Brooks Construction & Demolition (C&D) Landfill at $34 per ton. The resolution allocated the tipping fee to be split between the City and the previous contract operator. The City has been operating Brooks Landfill since the previous contractor cancelled its contract effective December 1, 2015.

Analysis: Landfill tipping fee revenue funds landfill operations including disposal of City generated waste and neighborhood cleanup programs. State statute requires municipalities to establish the tipping fee by resolution. The proposed resolution will replace Resolution No. 13-152. The standard tipping fee will remain $34 per ton in 2016. The tipping fee will increase to $34.50 in 2017 and will be adjusted in future years according to the Consumer Price Index (CPI). The City Council may authorize additional tipping fee adjustments to reflect market conditions without needing to amend the resolution. The new resolution removes language about the contract operator split, as that contract was cancelled as of December 1, 2015.

Financial Considerations: The proposed resolution provides a documentary basis for tipping fees that are already in place at Brooks Landfill. The resolution also allows the City to increase the tipping fee if needed to maintain consistency with the CPI published by the United States Department of Labor, and gives the City Council the ability to authorize additional tipping fee adjustments to reflect market conditions, if needed. Current revenues have been projected to be $1.85 million in 2016. Increasing the tipping fee to $34.50 in 2017 will bring Brooks' tipping fee to match the posted fee at the other landfill and increase revenues to $1.875 million in 2017, if the current tonnage is maintained.

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

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

Attachments: Resolution.

RESOLUTION NO. 16-397

A RESOLUTION REPLACING RESOLUTION NO. 13-152 OF THE CITY OF WICHITA, KANSAS, WHICH ESTABLISHED THE TIPPING FEES FOR CONSTRUCTION AND DEMOLITION WASTE TRANSPORTED FOR DISPOSAL AT BROOKS LANDFILL.

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;

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 65-3410, to provide for the disposal of solid wastes and shall have the power to do all things necessary for a proper effective solid waste management system including the levying of fees and charges upon persons receiving service;

WHEREAS, the Governing Body has authorized the City's Department of Public Works & Utilities to operate Brooks Landfill beginning December 1, 2015; and

WHEREAS, the Governing Body has heretofore by Resolution No. 13-152 of the City, authorized the following described tipping fee:

The tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall be Thirty-Four Dollars ($34) per ton.

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

SECTION 1. That the cost of tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall not exceed Thirty-Four Dollars ($34) per ton in 2016 and Thirty-Four Dollars and Fifty Cents ($34.50) in 2017, plus any applicable fees for special handling or special materials.

SECTION 2. That the cost of said tipping fees may be adjusted by an amount not to exceed the percent increase for the preceding year(s) since the previous tipping fee increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. city average for expenditure category "Garbage and trash collection" as published by the U.S. Department of Labor Bureau of Labor Statistics.

SECTION 3. That the cost of said tipping fees may be adjusted by an amount as determined by a majority of the City Council.

SECTION 4. That all costs of said tipping fees, when ascertained, shall be assessed against the owner/operator of the privately owned hauled waste transporter that is transporting waste with the intention of disposing of said waste herewith at the Brooks Landfill facility.

SECTION 5. Pursuant to K.S.A. 65-3415b or as amended, that the City will allocate to the State of Kansas the state solid waste tonnage fee, currently One Dollar ($1) per ton.

SECTION 6. 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 October 11, 2016.

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. _____

A RESOLUTION REPLACING RESOLUTION NO. 13-152 OF THE CITY OF WICHITA, KANSAS, WHICH ESTABLISHED THE TIPPING FEES FOR CONSTRUCTION AND DEMOLITION WASTE TRANSPORTED FOR DISPOSAL AT BROOKS LANDFILL.

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;

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 65-3410, to provide for the disposal of solid wastes and shall have the power to do all things necessary for a proper effective solid waste management system including the levying of fees and charges upon persons receiving service;

WHEREAS, the Governing Body has authorized the City's Department of Public Works & Utilities to operate Brooks Landfill beginning December 1, 2015; and

WHEREAS, the Governing Body has heretofore by Resolution No. 13-152 of the City, authorized the following described tipping fee:

The tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall be Thirty-Four Dollars ($34) per ton.

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

SECTION 1. That the cost of tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall not exceed Thirty-Four Dollars ($34) per ton in 2016 and Thirty-Four Dollars and Fifty Cents ($34.50) in 2017, plus any applicable fees for special handling or special materials.

SECTION 2. That the cost of said tipping fees may be adjusted by an amount not to exceed the percent increase for the preceding year(s) since the previous tipping fee increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. city average for expenditure category "Garbage and trash collection" as published by the U.S. Department of Labor Bureau of Labor Statistics.

SECTION 3. That the cost of said tipping fees may be adjusted by an amount as determined by a majority of the City Council.

SECTION 4. That all costs of said tipping fees, when ascertained, shall be assessed against the owner/operator of the privately owned hauled waste transporter that is transporting waste with the intention of disposing of said waste herewith at the Brooks Landfill facility.

SECTION 5. Pursuant to K.S.A. 65-3415b or as amended, that the City will allocate to the State of Kansas the state solid waste tonnage fee, currently One Dollar ($1) per ton.

SECTION 6. 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 October 11, 2016.

_____

Jeff Longwell, Mayor

(SEAL)

ATTEST:

_____

Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____

Jennifer Magaña, City Attorney and Director of Law

Agenda Item No. IV-4

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Community Event with Alcohol Consumption – Friday Night at the Fountains (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: New Business

Recommendation: Adopt the resolution and allow alcohol consumption during Friday Night at the Fountains on October 14, 2016.

Background: An Annual Community Event Application with alcohol consumption allowed was approved by the City Council on April 12, 2016 for various WaterWalk Events occurring between April 24 and November 5, 2016. Friday Night at the Fountains, scheduled for October 14, 2016 was subsequently added to the list of such events. In accordance with Sections 4.04.040(a)(1) and 3.11.065(d) of the Code of the City of Wichita and the Community Events Procedure, a resolution is required authorizing consumption of alcoholic liquor on public streets, alleys or sidewalks which have been closed to motor vehicle traffic during such licensed community event. Earlier today, the City Council approved the request for street closures involved in this event which is depicted on the attached map. The Temporary Entertainment District (TED) for this event includes portions of south Water Street from the east Hyatt Parking Lot D entrance to Dewey Street and portions of Waterwalk Place from Water Street to the south Hyatt Parking Lot D entrance. Upon review of the application for this community event to be added to the WaterWalk's annual permit and upon consideration of the factors set forth in Section 3.11.080 of the Code of the City of Wichita, the City Council shall determine if such approval should be given.

Analysis: Staff has reviewed the application for this community event permit with consumption of alcoholic liquor on public streets, alleys or sidewalks allowed, and based upon the factors set forth in Section 3.11.080 of the City Code, finds that all of the criteria set forth therein have been met and recommends approval of this event to be included in the annual WaterWalk Community Event Permit as set forth in the resolution.

Financial Consideration: The event sponsor is responsible for all costs associated with the community events.

Legal Consideration: The Law Department has prepared and approved as to form the proposed resolution.

Recommendation/Actions: It is recommended that the City Council adopt the resolution to allow consumption of alcoholic liquor upon sidewalks and public streets within the parameters outlined in the Community Event Application during Friday Night at the Fountains on October 14, 2016 and authorize the necessary signatures.

Attachments: Resolution and map of proposed site for consumption of alcoholic liquor for the Friday Night at the Fountains event.

RESOLUTION NO. 16-398

A RESOLUTION AUTHORIZING THE CONSUMPTION OF ALCOHOLIC LIQUOR ON PUBLIC STREETS DURING VARIOUS 2016 WATERWALK COMMUNITY EVENTS

WHEREAS, the City Council has approved an Annual Community Event Permit for 2016 WaterWalk Events, which are various events to occur from April 24 through November 5, 2016.

WHEREAS, Friday Night at the Fountains, an event to occur on October 14, 2016, has been added to the list of events already approved pursuant to that Annual Community Event Permit, but was added after the list of events was submitted to the City Council on April 21, 2016 and a separate resolution to close the streets for consumption of alcholic liquor must be approved.

WHEREAS, the City Council has approved certain public streets to be closed to vehicular traffic for such event from 10:00 a.m. to 9:00 p.m. on Friday, October 14, 2016, with the consumption of alcoholic liquor allowed thereon from 6:30 p.m. to 8:00 p.m. Those public streets to be closed are:

1. Water Street from a point just south of the east entrance to Hyatt Parking Lot D to a point just north of the north curb line of Dewey Street.
2. Waterwalk Place from the west curb line of Water Street to a point just east of the south entrance to Hyatt Parking Lot D.

WHEREAS, the alcoholic liquor consumed at this event will be sold by a caterer licensed through the State of Kansas and the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED that the City Council, pursuant to Section 3.11.065(d) of the Code of the City of Wichita, and in consideration of the factors set forth in Section 3.11.080 of the Code of the City of Wichita, grants its approval for the consumption of alcoholic liquor on the city streets, sidewalks and public right of ways which are located within the designated event area of Friday Night at the Fountains, to occur from 10:00 a.m. to 9:00 p.m. on October 14, 2016 with consumption of alcoholic liquor allowed thereon from 6:30 p.m. to 8:00 p.m.

ADOPTED by the governing body of the City of Wichita, Kansas, this 11th day of October, 2016.

CITY OF WICHITA, KANSAS

By_____
Jeff Longwell, Mayor

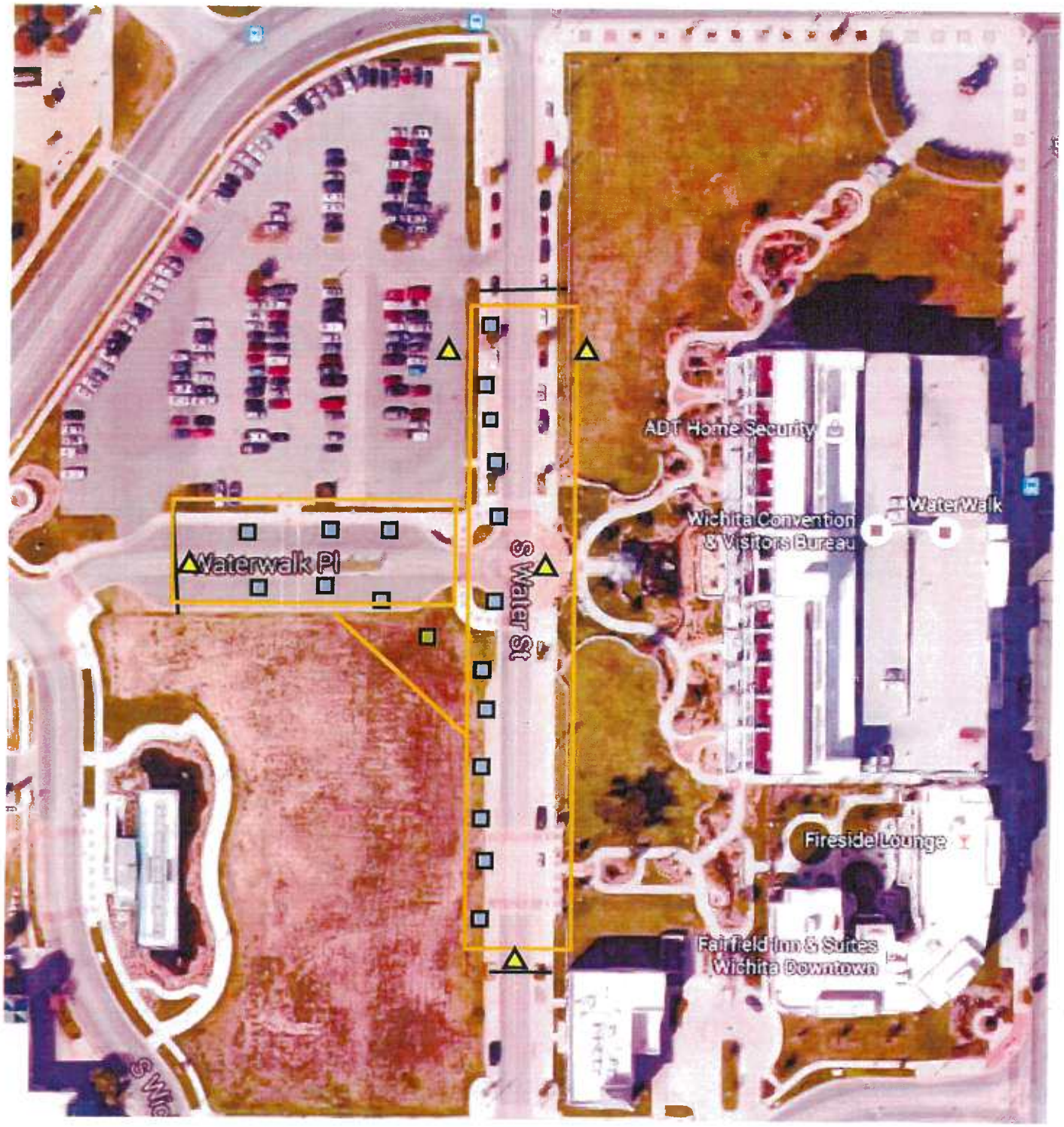
ATTEST:

_____
Karen Sublett
City Clerk

Approved as to Form:

_____
Jennifer Magaña, City Attorney and
Director of Law

2016 Food Trucks at the Fountains



Barricades

NO alcohol beyond this point signs

3d liquor barriers

Food Truck

Booze Truck

Agenda Report No. V-1

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: ZON2016-00028 – Zone Change from LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential to GC General Commercial, Generally Located South of East 21st Street North on the East and West Sides of North Piatt Avenue (District I)

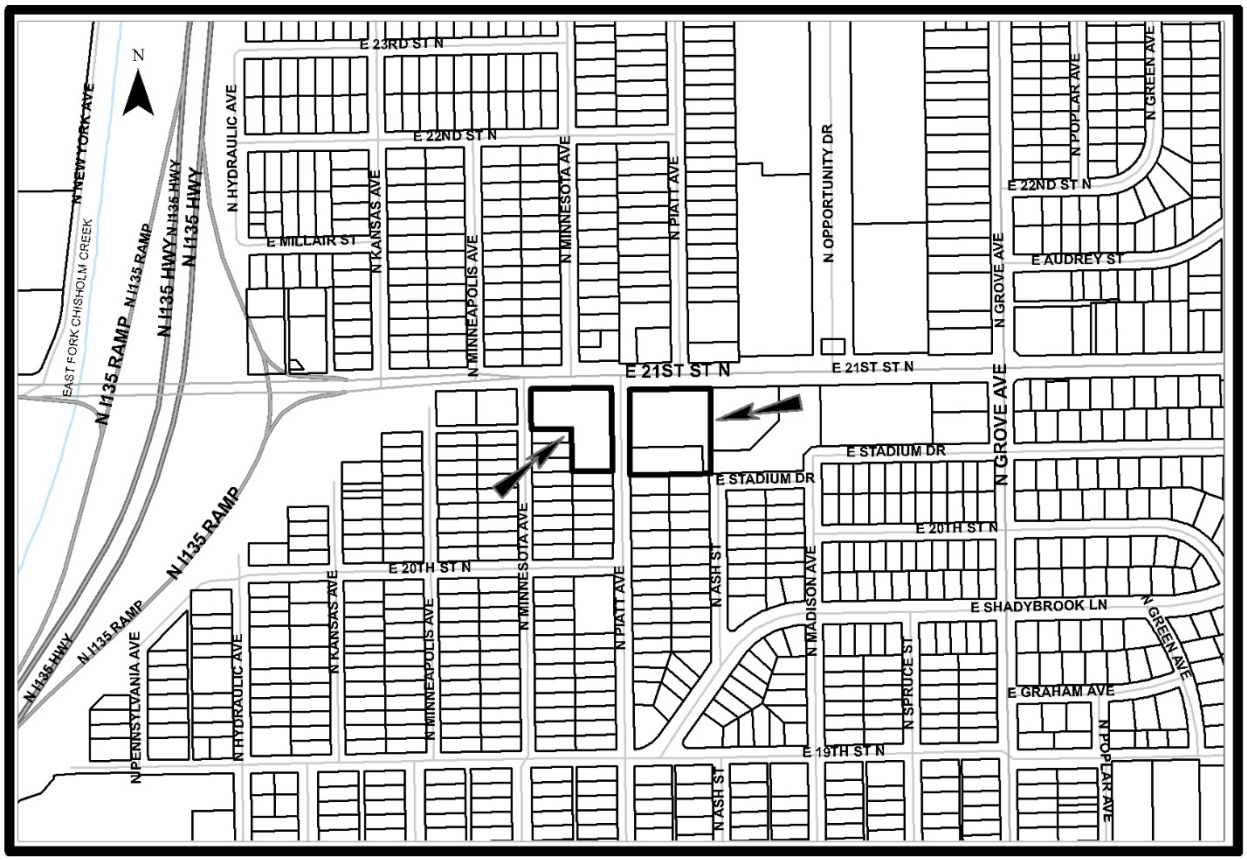
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC voted (7-2) to recommend approval of the request subject to staff recommended conditions, plus an eight-foot tall wall, open space buffers with evergreen landscaping, and parking lot screening.

DAB Recommendation: District Advisory Board IV voted (6-3) to recommend approval of the request subject to the MAPC recommended conditions.

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



Background: The subject property is two parcels located at the southeast and southwest corners of 21st Street North and Piatt. The east parcel is 1.9 acres zoned LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential and is developed with Etezazi Industries, a global manufacturer of machine parts and assemblies for aerospace, alternative energy, transportation and defense industry. Per the Unified Zoning Code (UZC), the uses of the east parcel are defined as Manufacturing, General (Sec. II-B.8.e.) and Welding or Machine Shop (Sec. II-B.14.n.). The uses of the east parcel are first permitted by the UZC in GC General Commercial zoning. The west parcel is 1.37 acres zoned LC, B, and SF-5 and is developed with The Market and MetroPCS. Per the UZC, the uses of the west parcel are defined as Convenience Store (Sec II-B.3.p.) and Retail, General (Sec. II-B.11.l). The uses of the west parcel are first permitted by the UZC in LC zoning; however, the applicant proposes to use the undeveloped portion of the west parcel for Warehousing (Sec. II-B.14.m.), which is not permitted in LC zoning but is permitted by the requested GC zoning.

The existing building on the east parcel was constructed as a vocational school to train employees in aerospace manufacturing. A vocational school is a permitted use in the LC zoning of the east parcel. Etezazi Industries purchased the existing building and manufacturing equipment in 2015 and began operating a manufacturing and machine shop. Since no building permit or change of occupancy permit was required, there was no review of the new use by the City of Wichita, and Etezazi Industries began operating a use that is not permitted by the UZC. There have been no complaints about the operation. The non-conformity of the existing use with the UZC arose when the applicant proposed an expansion of the operation requiring a building permit. Both the existing use and the proposed expansion require the requested GC zoning. If GC zoning is not approved, the applicant will need to relocate the existing business to a properly zoned property.

The applicant proposes to expand Etezazi Industries on the undeveloped portions of the east and west parcels as shown in the attached site plan. On the east parcel, the applicant proposes a 34,000 square foot expansion of the existing 11,460 square foot manufacturing and machine shop building. The applicant proposes a 10-foot building setback along the south property line of the east parcel and a 20-foot building setback along the west property line of the east parcel. The applicant proposes a screening wall along the south property line of the east parcel. On the west parcel the applicant proposes a 3,000 square foot warehouse and a parking lot. The applicant proposes 10-foot building setbacks along the west and south property lines of the west parcel and a 20-foot building setback along the east property line of the west parcel. The applicant proposes a screening wall along the south and west property lines of the west parcel.

The subject property is located along the 21st Street North corridor east of Interstate 135, which has been the focus of major revitalization efforts to improve the aesthetics of the community as well as provide increased employment and educational opportunities to neighborhood residents. Manufacturing and machine shops are an established use along this corridor, in particular at the 21st Street North and Piatt intersection. Two existing manufacturing and machine shops are located at the northeast corner of 21st Street North and Piatt on property zoned GC, and the subject property has a non-conforming manufacturing and machine shop in LC zoning. The corridor also has major educational institutions located along Opportunity Drive northeast of the subject property within the 21st Street Kids and Family Empowerment Planned Unit Development. Additional commercial uses along the corridor include several retail and office uses both east and west of the subject property on properties zoned LC and GO General Office. The remainder of the corridor is developed with residential uses, the most predominate of which are senior apartments east of the subject property on property zoned GO and single-family residences located both north and south of the subject property on properties zoned TF-3 Two-Family Residential, SF-5, and B.

Analysis: On August 18, 2016, the Metropolitan Area Planning Commission (MAPC) recommended approval of the request (7-2) subject to the conditions stated in the attached Ordinance. Numerous citizens spoke in opposition to the request and cited concerns with traffic, noise, trash, crime, and business encroachment into a residential neighborhood, as described in more detail in the attached MAPC Minutes.

On September 12, 2016, District Advisory Board (DAB) IV reviewed the application and recommended approval (6-3) subject to the conditions stated in the attached Ordinance. Numerous citizens spoke in opposition to the request and cited the concerns described in the attached DAB I Report.

Protest petitions have been received totaling 22.02% of the land area within 200 feet of application area. Because the protest is greater than 20%, approval of the request requires a three-fourths majority vote of the City Council.

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 Zone Change subject to the MAPC recommended conditions, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading (six of seven votes required).

Attachments: Ordinance
MAPC Minutes
DAB I Report
Protest Petition Map
Site Plan

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON October 21, 2016

ORDINANCE NO. 50-342

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. ZON2016-00028

Zone change from LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential to GC General Commercial with Protective Overlay #308:

1. Permitted uses shall be those uses permitted by right in GC General Commercial, except for auditorium or stadium, correctional placement residence, recycling collection station, recycling processing center, reverse vending machine, animal care, car wash, entertainment establishment, event center, kennel, marine facility, microbrewery, monument sales, nightclub, pawnshop, recreation and entertainment, recreational vehicle campground, riding academy or stable, secondhand store, sexually oriented business, tattooing and body piercing, tavern and drinking establishment, teen club, vehicle and equipment sales, self-storage warehouse, asphalt or concrete plant, outdoor storage, vehicle storage, and agricultural sales and service.
2. The entire frontage of the ground floor of the manufacturing and machine shop building along 21st Street North shall be used for office space, display, or wholesale or retail sales.
3. All buildings located within GC zoning shall share a uniform architectural character, color, and predominate exterior building material as approved by the Planning Director.
4. Development shall be in accordance a site plan approved by the Planning Director.
5. Building height is limited to 35 feet.
6. The warehouse building on the west parcel shall be located at the north end of the GC zoning and shall be no closer than 25 feet from the west property line.
7. A 30 foot landscaped buffer shall be provided along the south property line of the east parcel and a 50-foot landscaped buffer provided along the south property line of the west parcel. The landscaped buffers shall be planted with staggered evergreen trees spaced every 10 feet and shall preserve the existing trees in the hedge row. No parking or buildings may be located in the landscaped buffer.
8. An eight (8) foot high concrete/masonry wall shall be constructed parallel to the south and east property lines of the east parcel and parallel to the south and west property lines of the portion of the west parcel zoned GC. The masonry wall shall be constructed in a manner that preserves the existing trees in the hedge row and shall not be constructed within a utility easement without the permission of the City Engineer.
9. Parking lot screening per the Landscape Ordinance shall be provided along 21st Street North and Piatt for all parking lots on GC zoned property.

10. Loading docks, trash receptacles, mechanical equipment, and outdoor work areas shall be screened from ground-level view from street right-of-way and adjacent properties.
11. Parking and loading shall be in accordance with Section IV-A of the Unified Zoning Code.
12. Signs shall per the Sign Code provisions for the LC district, except that no signage is permitted along the Piatt frontage or facing south.

On property generally located south of 21st Street North on the east and west sides of Piatt Avenue; described as:

Lot 1, except the north 10 feet thereof, and all of Lots 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 and 23, on Guy, now Piatt Avenue, in Parkview Addition to Wichita, Kansas, Sedgwick County, Kansas.
TOGETHER WITH
Lot 2, except the north 10 feet thereof, and all of Lots 4, 6, 8, 10 and 12, on Sedgwick, now Minnesota Avenue, in Parkview Addition to Wichita, Kansas, Sedgwick County, Kansas.
TOGETHER WITH
Lot 1, Conway Addition to Wichita, Sedgwick County, Kansas, EXCEPT that portion platted as U.N.B. 2nd Addition, 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 18th day of October, 2016.

_____
Jeff Longwell - Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

EXCERPT MINUTES OF THE AUGUST 18, 2016 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2016-00028 - Masoud Etezazi (owner/applicant) and Conco, Inc., c/I Kyle Blasdel (agent) request a City zone change from B Multi-family Residential, SF-5 Single family Residential and LC Limited Commercial to GC General Commercial on property described as:

Lot 1, except the north 10 feet thereof, and all of Lots 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 and 23, on Guy, now Piatt Avenue, in Parkview Addition to Wichita, Kansas, Sedgwick County, Kansas.
TOGETHER WITH
Lot 2, except the north 10 feet thereof, and all of Lots 4, 6, 8, 10 and 12, on Sedgwick, now Minnesota Avenue, in Parkview Addition to Wichita, Kansas, Sedgwick County, Kansas.
TOGETHER WITH
Lot 1, Conway Addition to Wichita, Sedgwick County, Kansas, EXCEPT that portion platted as U.N.B. 2nd Addition, Wichita, Sedgwick County, Kansas.

BACKGROUND: The subject property is two parcels located at the southeast and southwest corners of 21st Street North and Piatt. The east parcel is 1.9 acres zoned LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential and is developed with Etezazi Industries, a global manufacturer of machine parts and assemblies for aerospace, alternative energy, transportation and defense industry. Per the Unified Zoning Code (UZC), the uses of the east parcel are defined as Manufacturing, General (Sec. II-B.8.e.) and Welding or Machine Shop (Sec. II-B.14.n.). The uses of the east parcel are first permitted by the UZC in GC General Commercial zoning. The west parcel is 1.37 acres zoned LC, B, and SF-5 and is developed with The Market and MetroPCS. Per the UZC, the uses of the west parcel are defined as Convenience Store (Sec II-B.3.p.) and Retail, General (Sec. II-B.11.l). The uses of the west parcel are first permitted by the UZC in LC zoning; however, the applicant proposes to use the undeveloped portion of the west parcel for Warehousing (Sec. II-B.14.m.), which is not permitted in LC zoning but is permitted by the requested GC zoning.

The existing building on the east parcel was constructed as a vocational school to train employees in aerospace manufacturing. A vocational school is a permitted use in the LC zoning of the east parcel. Etezazi Industries purchased the existing building and manufacturing equipment in 2015 and began operating a manufacturing and machine shop. Since no building permit or change of occupancy permit was required, there was no review of the new use by the City of Wichita, and Etezazi Industries began operating a use that is not permitted by the UZC. There have been no complaints about the operation. The non-conformity of the existing use with the UZC arose when the applicant proposed an expansion of the operation requiring a building permit. Both the existing use and the proposed expansion require the requested GC zoning. If GC zoning is not approved, the applicant will need to relocate the existing business to a properly zoned property.

DRAFT

The applicant proposes to expand Etezazi Industries on the undeveloped portions of the east and west parcels as shown in the attached site plan. On the east parcel, the applicant proposes a 34,000 square foot expansion of the existing 11,460 square foot manufacturing and machine shop building. The applicant proposes a 10-foot building setback along the south property line of the east parcel and a 20-foot building setback along the west property line of the east parcel. The applicant proposes a screening wall along the south property line of the east parcel. On the west parcel the applicant proposes a 3,000 square foot warehouse and a parking lot. The applicant proposes 10-foot building setbacks along the west and south property lines of the west parcel and a 20-foot building setback along the east property line of the west parcel. The applicant proposes a screening wall along the south and west property lines of the west parcel. The applicant's proposal does not meet the following UZC requirements:

1. The entire frontage of the ground floor of the manufacturing and machine shop building along 21st Street North must be used for office space, display, or wholesale or retail sales (Sec. III-D.6.n).
2. The parking requirement is 96 spaces (note the site plan has inaccurate parking requirements) and 94 spaces are shown (Sec. IV.4.A.4.). The 96 space parking requirement is calculated as 85 spaces for manufacturing and machine shop (1 space per 500 square feet); nine (9) spaces for office (1 space per 333 square feet) and two (2) spaces for warehousing (1 space per 2,000 square feet).
3. Four parking spaces for persons with disabilities with are required and two are shown (Sec. IV.A.8.).
4. Two off-street loading spaces are required for customers and deliveries and none are shown (Sec. IV.A.14.).
5. The warehouse is adjacent to property zoned SF-5; therefore, a 25-foot compatibility setback is required along the south and west property lines of the west parcel (Sec. IV-C.4.).
6. The loading docks on the warehouse and manufacturing and machine shop building are not screened from view from Piatt (Sec. IV-B.3.e.).

The subject property is located along the 21st Street North corridor east of Interstate 135, which has been the focus of major revitalization efforts to improve the aesthetics of the community as well as provide increased employment and educational opportunities to neighborhood residents. Manufacturing and machine shops are an established use along this corridor, in particular at the 21st Street North and Piatt intersection. Two existing manufacturing and machine shops are located at the northeast corner of 21st Street North and Piatt on property zoned GC, and the subject property has a non-conforming manufacturing and machine shop in LC zoning. The corridor also has major educational institutions located along Opportunity Drive northeast of the subject property within the 21st Street Kids and Family Empowerment Planned Unit Development. Additional commercial uses along the corridor include several retail and office uses both east and west of the subject property on properties zoned LC and GO General Office. The remainder of the corridor is developed with residential uses, the most predominate of which are senior apartments east of the subject property on property zoned GO and single-family residences located both north and south of the subject property on properties zoned TF-3 Two-Family Residential, SF-5, and B.

CASE HISTORY: The east parcel is platted as the Conway Addition, which was recorded August 8, 1957. The west parcel is platted as part of the Parkview Addition, which was recorded March 26, 1910.

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ADJACENT ZONING AND LAND USE:

NORTH:	TF-3, LC, GC	Single-family residences, retail, manufacturing, machine shop
SOUTH:	SF-5, B	Single-family residences
EAST:	GO	Senior apartments, office
WEST:	SF-5, B, LC	Single-family residences, retail

PUBLIC SERVICES: 21st Street North is a four-lane arterial street with a continuous center left-turn lane at this location. All public services are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as "commercial." The "commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Comprehensive Plan recommend that the expansion of existing uses to adjacent areas be supported. The Locational Guidelines also recommend that non-residential uses should provide appropriate screening and buffering from residential uses and should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses. The *21st Street North Corridor Revitalization Plan* has a goal to increase the long-term economic renewal, vitality, and sustainability of the corridor.

RECOMMENDATION: Given the long-term efforts to revitalize the 21st Street North corridor with employment opportunities for neighborhood residents and the guidance of the Comprehensive Plan to support the expansion of existing businesses, planning staff supports the application. However, the already developed convenience store and retail on the LC-zoned portion of the western parcel are permitted uses, and planning staff finds changing the zoning of that portion of the subject property to be unnecessary. Additionally, the applicant's proposal does not meet all UZC requirements or screening, buffering, and site design guidelines of the Comprehensive Plan. Therefore, planning staff recommends a Protective Overlay to address these issues. Based upon information available prior to the public hearings, planning staff recommends that a zone change to GC General Commercial be **APPROVED** for only the east parcel and that portion of the west parcel zoned B Multi-Family Residential and SF-5 Single-Family Residential, subject to the following provisions of a Protective Overlay:

1. Permitted uses shall be those uses permitted by right in GC General Commercial, except for auditorium or stadium, correctional placement residence, recycling collection station, recycling processing center, reverse vending machine, animal care, car wash, entertainment establishment, event center, kennel, marine facility, microbrewery, monument sales, nightclub, pawnshop, recreation and entertainment, recreational vehicle campground, riding academy or stable, secondhand store, sexually oriented business, tattooing and body piercing, tavern and drinking establishment, teen club, vehicle and equipment sales, self-storage warehouse, asphalt or concrete plant, outdoor storage, vehicle storage, and agricultural sales and service.

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2. The entire frontage of the ground floor of the manufacturing and machine shop building along 21st Street North shall be used for office space, display, or wholesale or retail sales.
3. All buildings located within GC zoning shall share a uniform architectural character, color, and predominate exterior building material as approved by the Planning Director.
4. Development shall be in accordance a site plan approved by the Planning Director.
5. Building height is limited to 35 feet.
6. Building setbacks where GC zoning abuts residential zoning shall be 25 feet.
7. The existing hedge row shall be preserved along the south property line and may count towards the landscaping required to meet the landscape buffer requirements of the Landscape Ordinance. If the existing hedge row is damaged or dies, a landscape buffer equal to 1.5 times the Landscape Ordinance requirement shall be provided along the south property line.
8. A six (6) to eight (8) foot high concrete/masonry wall shall be constructed adjacent to the south and east property lines of the east parcel and adjacent to the south and west property lines of the portion of the west parcel zoned GC. The masonry wall shall not be constructed within a utility easement without the permission of the City Engineer.
9. Loading docks, trash receptacles, mechanical equipment, and outdoor work areas shall be screened from ground-level view from street right-of-way and adjacent properties.
10. Parking and loading shall be in accordance with Section IV-A of the Unified Zoning Code.
11. Signs shall per the Sign Code provisions for the LC district, except that no signage is permitted along the Piatt frontage or facing south.

This recommendation is based on the following findings:

(1) **<u>The zoning, uses and character of the neighborhood:</u>** The subject property is located along the 21st Street North corridor east of Interstate 135, which has been the focus of major revitalization efforts to improve the aesthetics of the community as well as provide increased employment and educational opportunities to neighborhood residents. Manufacturing and machine shops are an established use along this corridor, in particular at the 21st Street North and Piatt intersection. Two existing manufacturing and machine shops are located at the northeast corner of 21st Street North and Piatt on property zoned GC, and the subject property has a non-conforming manufacturing and machine shop in LC zoning. The corridor also has major educational institutions located along Opportunity Drive northeast of the subject property within the 21st Street Kids and Family Empowerment Planned Unit Development. Additional commercial uses along the corridor include several retail and office uses both east and west of the subject property on properties zoned LC and GO General Office. The remainder of the corridor is developed with residential uses, the most predominate of which are senior apartments east of the subject property on property zoned GO and single-family residences located both north and south of the subject property on properties zoned TF-3 Two-Family Residential, SF-5, and B.

(2) **<u>The suitability of the subject property for the uses to which it has been restricted:</u>** The site is currently zoned LC, which does not permit the existing manufacturing and machine shop uses. If the zoning is not approved, the existing business on the site will need to relocate.

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(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The use restrictions and development standards of the recommended Protective Overlay should mitigate detrimental impacts on nearby properties.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as "commercial." The "commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Comprehensive Plan recommend that the expansion of existing uses to adjacent areas be supported. The Locational Guidelines also recommend that non-residential uses should provide appropriate screening and buffering from residential uses and should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses. The *21st Street North Corridor Revitalization Plan* has a goal to increase the long-term economic renewal, vitality, and sustainability of the corridor.

(5) **Impact of the proposed development on community facilities:** All public services are available to the subject property.

SCOTT KNEBEL, Planning Staff presented the Staff Report.

WARREN clarified that if the Planning Commission did not approve the staff recommendation for GC zoning on the north and west buildings, would the applicant continue to operate within zoning compliance or allowed to continue to operate as non-confirming uses.

KNEBEL said the buildings to the north and west do conform to LC zoning now.

FOSTER asked if the facility to the east met bulk regulation requirements because it was a massive structure.

KNEBEL commented that there were no standard building coverage requirements in GC zoning. He said as long as they can meet the parking requirements they are okay.

RICHARDSON asked can't the southwest site be used as parking as it is currently zoned.

KNEBEL said no, the applicant would have to obtain a conditional use for ancillary parking in a residential district.

ELLISON asked staff to clarify screening.

KNEBEL said staff is recommending a masonry wall on the east and south sides of the east parcel and the south and west sides of the west parcel. He referred to the site plan. He added that the masonry wall can prevent future expansion because it is costly to build hard to tear down. He said if the business becomes more successful and want to expand again, the wall will discourage them from buying up houses in the neighborhood and tearing them down so they can expand.

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ELLISON clarified so there would be truck traffic from the storage area across the street east to manufacturing.

KNEBEL said he wasn't sure but they thought maybe fork lifts.

RICHARDSON clarified if the application was approved, there would be major changes to the site plan.

KNEBEL indicated that was correct and said the site plan presented is not what staff is recommending at all.

KYLE BLASDEL, PROJECT MANAGER FOR CONCO CONSTRUCTION INC., 3051 N. OHIO, AGENT FOR THE APPLICANT said they are in agreement with staff recommendations and they realize that will require changes to the site plan. He specifically mentioned changing the orientation of the storage building to the north and providing screening. He also mentioned that the current building frontage along 21st Street is office space and that won't change in the future. He commented that they would update the site plan with the required setbacks and other items requested in the Staff Report.

MASOUD ETEZAZI, CEO ETEZAZI INDUSTRIES, APPLICANT, 2952 NORTH ARKANSAS said this building was recommended and sold to them by the City. He said they bought the building and redeveloped it with the consent of the City. He said they did a lot of investment to bring the building to its present condition and that they do not want to have to relocate. He said he also doesn't believe it will be good for the community if they relocate.

TODD clarified that the applicant purchased the building from the City of Wichita who knew what you were going to do with it.

ETEZAZI responded yes.

TODD asked how many employees they had.

ETEZAZI said right now 28, but with the expansion they believe it will be between 60-70 people.

TODD clarified that it would create a hardship on the company if they had to move.

ETEZAZI said yes, very much so. He said they have spent a tremendous amount of money on equipment and they have contracts that need to be delivered at the beginning of the year.

ELLISON asked if they are training people from the area.

ETEZAZI said approximately 35-40% of their employees have to be from the area in order for them to be awarded the contracts they are awarded.

DRAFT

JAMES BARFIELD, 1911 E. 21ST STREET said the neighborhood's main concern is the property to the west which is currently zoned for residential. He gave a brief overview of the neighborhood stating that the area was populated with hard working homeowners who pay taxes. He said many of the neighbors couldn't be here today because they work. He said these are not $500,000 homes, but they have made the investment in them and raised families here. He said the neighborhood feels this is an infringement on their property and rights. He said the neighborhood is best known for the 1965 KC 135 crash that destroyed 12 homes and killed 30 people in the area. He said this area is in better condition today then when the airplane crashed.

BARFIELD said the primary purpose of zoning is to segregate uses that are thought to be incompatible. He said nothing is more incompatible than putting GC zoning in a residential neighborhood. He said zoning is also used to protect areas from uses that would interfere with the current neighborhood and preserve the character of a community. He said putting a warehouse and manufacturing facility is interfering with the character of the neighborhood. He briefly reviewed a presentation of pictures of homes in the surrounding residential neighborhood. He said the neighbors think this proposal is unprecedented and unthinkable. He said if this were in any other area of town this would not even be considered.

MOTION: To give the speaker three additional minutes.

TODD moved, **MCKAY** seconded the motion.

BARFIELD commented that the parking at the facility is currently underutilized and gave several examples of what he has observed at the location. He referred to unused green space consisting of approximately 2-3 acres to the east that would allow the applicant to double the size of the current operation without infringing on the residential properties across the street. He said the neighborhood is expected to welcome them with open arms because they have invested in a building without doing their "due diligence" because they are operating illegally. He concluded by saying that he represented the neighborhood who are totally opposed to any change in the zoning at this location. He said the property to the west is zoned residential and they want it to stay that way.

WARREN asked where the homes on his slide presentation were located and if any of them were built within the last 20 years.

BARFIELD reviewed the slide presentation and indicated that most of the homes were built within the last ten years, adding that one of the homes was less than two years old.

RICHARDSON asked what if the applicant put the warehouse on the north side of the west property and left the south side for employee parking.

BARFIELD said it will still disrupt the character of the neighborhood.

CARLA JACKSON PATTON, 1919 N. SPRUCE, PRESIDENT, POWER NEIGHBORHOOD ASSOCIATION boundaries of which were the west side of Grove to I-135 and north side of 17th Street to the south side of 21st Street. She said they welcome the convenience store and gas station. She said they are not in opposition of the expansion, but they want to maintain the integrity and character of Piatt Street and do not want GC zoning in the area.

DRAFT

SHUKARA SENTWALI, 2111 N. PIATT referred to a letter she sent to the Commission. She said she and her husband have lived in their home for over 25 years. She said they absolutely oppose the proposed zone change to GC. She said she has seen this happen before in other neighborhoods and mentioned North Ohio and the McAdams neighborhood which was all homes until industry took over. She said they know that will happen here if the zoning is changed. She said the homeowners will not settle for this and will continue to protest if this is allowed.

SENTWALI mentioned that the current facility has only been there a year. She asked how they could have not known they were going to need to expand. She said most business plans project five years in advance. She asked how many of the people present would want this to happen yards from their home. She asked the Commission to listen to the tax paying residents in the area, some of which have lived there for over 50 years and not change the zoning to GC in their neighborhood.

WARREN said he appreciated her passion about protecting the properties; however, he said he was not sure the land to the west was viable for future new home construction because it was next to LC zoning.

SENTWALI said they do not want the zoning changed. She made several comments relative to the City selling property where the Boys and Girls Club was located to an out of town white buyer for less than what was quoted to a local black organization that tried to buy the property.

DOOL asked about installation of a masonry wall on the south side of the west property.

SENTWALI said that is not the issue; they don't care what the applicant puts up, the neighborhood does not want the zoning changed to GC.

SONYA HOUSE, 2123 PIATT said she has lived in the neighborhood for over 60 years. She said she used to live at 2020 N. Washington but the property was bought for development. She said they take a little bit at a time and ease and inch into a neighborhood until it is all gone. She said now the whole area from Washington down to Murdock is gone and you can't even tell that people used to live there. She said she is very much against the zoning change and does not want it. She said she is a weak old woman defending her house and home for her and her grandchildren. She said she is very anxious to see their neighborhood left alone like it has been all these years. She said she's sure they wouldn't want someone to come in and take over their house that their mom and dad worked for. She asked the Commission to leave it alone that it belongs to her grand kids and their grand kids.

MOTION: To give the speaker an additional minute.

WARREN moved, **DOOL** seconded the motion.

HOUSE mentioned that she saw the KC 135 jet crash with her own two eyes and her life was spared. She said the area is sacred to her and they fought for a monument to be put down there. She asked that they not move her house out from under her. She said no, they do not want this they want to keep their own house and property.

DRAFT

HORACE HOUSE, 1641 N. ERIE said he grew up in this area and played sports on the lot to the west the applicant is trying to rezone. He said the lot was used as a morgue when the plane crashed and he said putting a business on it will desecrate that ground. He said his mother and the rest of the neighborhood paid special assessments for road improvements in the area and he said it's not fair that these guys come in and benefit from that.

OLETHA FAUST-GOUDEAU, STATE SENTATOR, 1130 N. PARKWOOD commented that a number of her constituents and relatives reside in the area of 21st Street and Pitt and that she was raised in the area. She said as far as the proposed compromise of a wall, she doesn't think her aunt will want to look out her window at the back of a wall. She said she was surprised there was not a town hall discussion regarding this issue where residents could voice their opinion. She said she is totally in favor of economic development but none of the 20 employees are from within a two-mile radius of the neighborhood.

MCKAY (OUT @2:50 p.m.)

FAUST-GOUDEAU commented that she believes that installation of a parking lot would create more negative activity with people coming and going and standing about and things of that nature. She mentioned the neighborhoods work on the monument to honor those who lost their lives when the KC 135 crashed into the neighborhood. She said she is in strong opposition to turning this residential area into a commercial area. She mentioned the approximately 3 acres to the east of the location that could be used for expansion. She said she is concurring with the residents and asking the Commission to vote in opposition to this request.

RICHARDSON commented that the dilemma is the building was vacant for quite some time. He said even with the current zoning this site is available to a number of uses that might not be what you would want in the neighborhood. He said this is a manufacturing operation that by regulation has to provide jobs to people within the neighborhood. He said it does not operate at night or generate traffic at night. He asked the speaker if she could see a way that the manufacturing operation could be allowed to happen but not be a detriment to the neighborhood. He said this may also be a way to eliminate the uncertainty in the area because some of the lots are zoned multi-family which might generate more problems for the neighborhood. He asked if she saw any compromise here.

FAUST-GOUDEAU commented that the parking spaces aren't being used now. She said she is in opposition of any activity on the southwest side of the street. She suggested the Commission take a physical tour of the area. She said this proposed expansion will generate additional noise and activity that is not there now.

RICHARDSON commented that he (and he suspects other Commissioners) drove through the area prior to this hearing.

TODD asked when the item will be presented to the District Advisory Board (DAB).

CHAIR NEUGENT reported that the item is scheduled to be heard by DAB I on Monday, September 12, 2016.

FOSTER asked about site line views.

DRAFT

FAUST-GOUDEAU referred to her aunt's house at 2123 N. Piatt. She concluded by asking for the Commission's opposition to this proposal.

LONNIE WRIGHT, 1711 S. LULU commented that at the Saturday September, 2016 District I breakfast when the applicant presented their plan for expansion it received a positive response from the audience. He said people also expressed that they were grateful that people from the community had been hired by the applicant and that they were good neighbors.

KYLE BLASDEL, CONCO CONSTRUCTION INC., AGENT FOR THE APPLICANT commented that the additional parking is required by the Unified Zoning Code for the proposed expansion.

ETEZAZI reiterated that the City sold them the building to help spur economic development in the area. He said they received very positive feedback when the plans to both buy the building and the expansion were presented at the District I Breakfast. He said the addition to the west is required for both parking and material and equipment storage needs. He mentioned that the proposed parking area will be fully gated, lit and access controlled.

MOTION: To give the speaker three more minutes.

WARREN moved, **TODD** seconded the motion.

ETEZAZI said they may not be able to hire within the two mile radius, but they are hiring from the surrounding residential area. He said he means no disrespect and that they understand that most of the community next to them is senior citizens, but they are looking to hire the next generation to offer training and develop a work force, that is what they are trying to do. He said a park has been developed for this area to the south and the property to the west has always been vacant. He said before they took over this facility it was vacant and ruined. He said they designed and developed the buildings for this type of manufacturing and that they had no plan to expand as fast as they are. He said it is not their plan to go into the community. He said one third of the area is zoned Limited Commercial, one third is zoned single-family and another third is zoned multi-family which is how it was zoned back in the 1940's but they purchased it all as one parcel. He said they have made the property look nice for the community. He said if this is not approved it will have tremendous damage to the business and loss of major contracts and work force. He concluded by urging the Commission to approve this.

TODD clarified that the applicant bought this property from the City of Wichita and they approved what was being proposed there.

ETEZAZI commented that Councilwoman Williams was very supportive of the idea.

TODD said there was no mention of a required zoning change.

ETEZAZI said not at that time, the City Council was in favor of this.

TODD asked if any new houses were built in the area since his company moved in.

ETEZAZI replied yes.

DRAFT

FOSTER asked about buffering in the area.

ETEZAZI said buffering will be as recommended by Planning Staff and that there will be landscaping on the front, back and side of the facility. He said the area will look professional, neat and clean.

RICHARDSON asked if the west side was strictly a parking lot, would that work.

ETEZAZI said since a 25-foot easement is required and they originally planned on a 10-foot easement, that shrinks the size of the facility they were planning so they would like an extra warehouse on the west side adjacent to the parking.

RICHARDSON asked if the warehouse could be moved clear to the north end of the property.

ETEZAZI said that is not a problem, they plan to move it to the north side of the property.

CHAIR NEUGENT asked the applicant to clarify their statement that the Council Member was in favor of this proposal. She clarified that the City Council hasn't guaranteed anything, right?

ETEZAZI said there have been no guarantees; the Councilwoman was in favor of what the company is doing at this location in terms of economic development and improvement in the area. He said prior to their relocating here the land was vacant and the building was not being used.

WARREN commented on the emotional issues associated with the land; however, that is not for the Commission to consider. He said the property owner has the right to use his property. He said if the community feels it is "sacred ground" they should buy it to protect it. He said he would like to make a motion to approve the request with some conditions. He suggested some additional buffering requirements; that the proposed building for the west side be moved to the north end of the property and that the fence be eight foot tall.

FOSTER commented that he felt the buffering issues on the west side side of the property consisted of three different elements which were to protect the trees and establish sufficient clearance; to provide evergreen buffering; and to respect the potential green space area. He said there is the potential to provide a buffer of 30-50 feet by the time the building is moved to the north. He also suggested a reduction in the parking requirement. He said the same elements apply to the east side but could be done in a tighter fashion, maybe 30 feet.

DIRECTOR MILLER said staff needs definite direction such as specific dimensions and mentioned minimum compatibility standards for buildings at 15 feet to a maximum of 25 feet so that could be converted to an open space buffer/landscaping area; or, the Commission could recommend a defined landscape and site plan which could either be approved by staff or brought back to the Commission for review and approval.

FOSTER suggested a 30-foot buffer on the east parcel and a 50-foot buffer on the west parcel. He also recommended double the quantity of evergreens.

DRAFT

MOTION: To approve subject to staff recommendation with the addition of a 30-foot buffer on the east parcel and a 50-foot buffer on the west parcel; double the quantity of evergreens; eight-foot concrete masonry wall and the warehouse to be located on the north end of the west property.

WARREN moved, **DOOL** seconded the motion.

SUBSTITUTE MOTION: To defer the application until after the DAB meeting.

TODD moved, **ELLISON** seconded the motion.

TODD said he thinks there should be more dialogue (that he didn't consider a District I breakfast sufficient) and the neighbors be made aware of what can go onto the property as it is zoned.

There was discussion regarding continuing the item or starting over.

DIRECTOR MILLER said if the site plan is changed, he doesn't think you can deny the public the right to address it.

TODD suggested a totally new hearing.

WARREN commented that ultimately this decision will be made by the City Council and they have the right to change anything the Planning Commission or DAB recommends. He suggested sending forward a plan and let the City Council make the final decision.

FOSTER commented that the DAB makes a recommendation to the governing body, not to the Planning Commission.

The **SUBSTITUTE MOTION** to defer the item failed (3-6). **DAILEY, DOOL, FOSTER, GREENE, RICHARDSON** and **WARREN** – No.

The **ORIGINAL MOTION** to approve subject to staff recommendation with the addition of a 30-foot buffer on the east parcel and a 50-foot buffer on the west parcel; double the quantity of evergreens; eight-foot concrete masonry wall and the warehouse to be located on the north end of the west property carried (7-2). **ELLISON** and **TODD** – No.

DRAFT

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Kameelah Alexander, Office of Community Services

SUBJECT: ZON2016-00028 LC Limited Commercial, B Multi-Family Residential, and SF-5 Single-Family Residential to GC General Commercial

DATE: September 28, 2016

On Monday, September 12, 2016, the District I Advisory Board considered a request for zoning. Based upon information available prior to the public hearings, planning staff recommends that a zone change to GC General Commercial be **APPROVED** for only the east parcel and that portion of the west parcel zoned B Multi- Family Residential and SF-5 Single-Family Residential, subject to the 11provisions sited in the Protective Overlay.

DAB members and citizens asked the following questions:

- Q: Any protest from citizens?

  A: Yes, 28 protest on file
- Q: Why is the loading area coming in on Piatt and not 21st Street?

  A: Applicant said that concern of changing the access point could be reviewed.
- Q: Please describe the recommended 8-foot wall?

  A: It would have a brick imprint
- Q: Who implemented the need for a 8-foot wall?

  A: Planning
- Q: Does the agent have employees that live in the neighborhood?

  A: No, the applicant stated that there is a Historically Underutilized Business (HUB) requirement for the company to hire 40% of its employees that face barriers to employment.
- Q: What are the plans to meet the HUB hiring requirement?

  A: Applicant stated the actual requirement was 35% and no set plan was in place for reaching out to the community surrounding the manufacturing business on 21st street.
- Q: What type of jobs and wages are available?

  A: Administration to technicians; wages start at $11-$12 and then increase in the range of $14-$24 per hour.

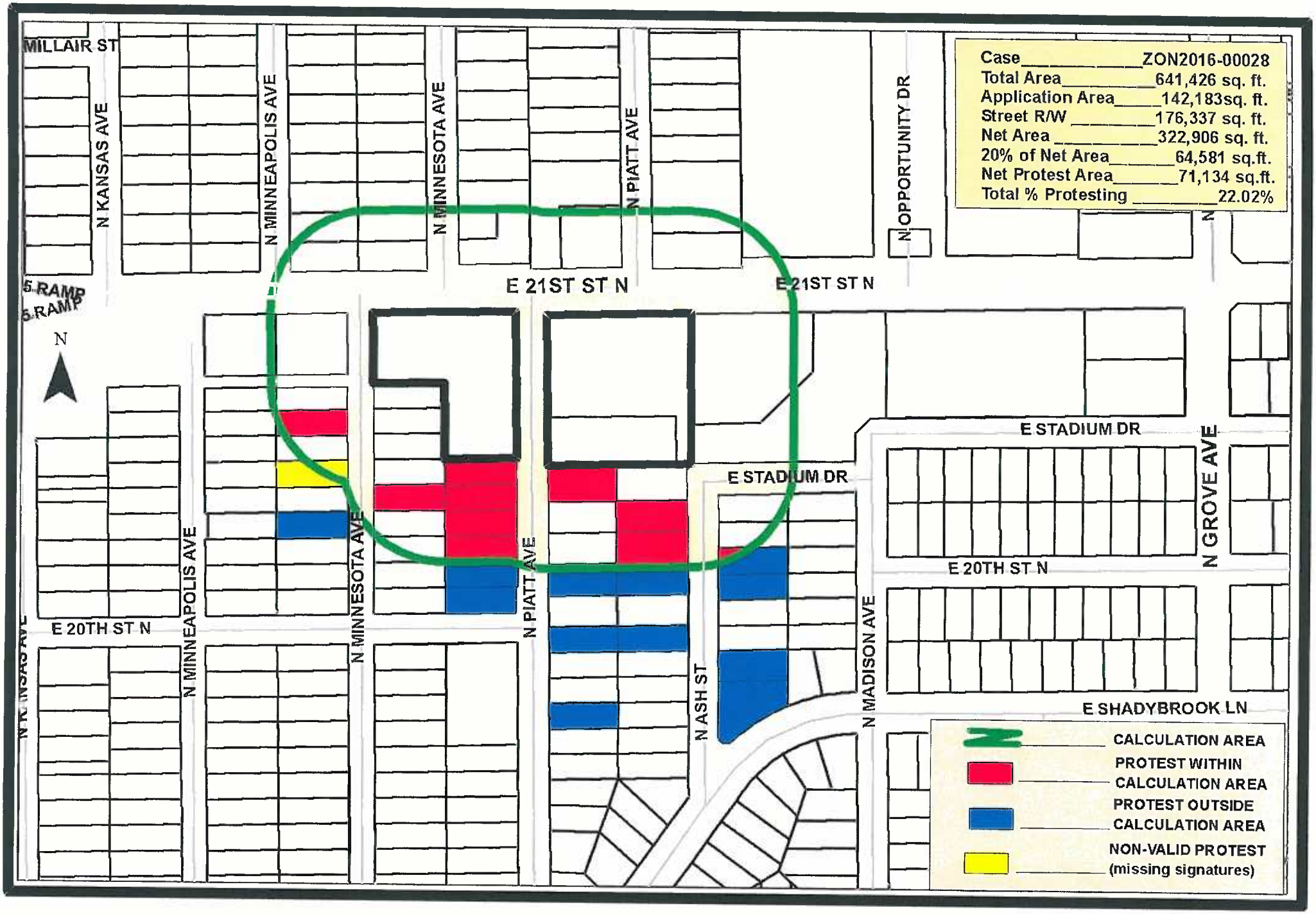
DAB members and citizens asked the following questions:

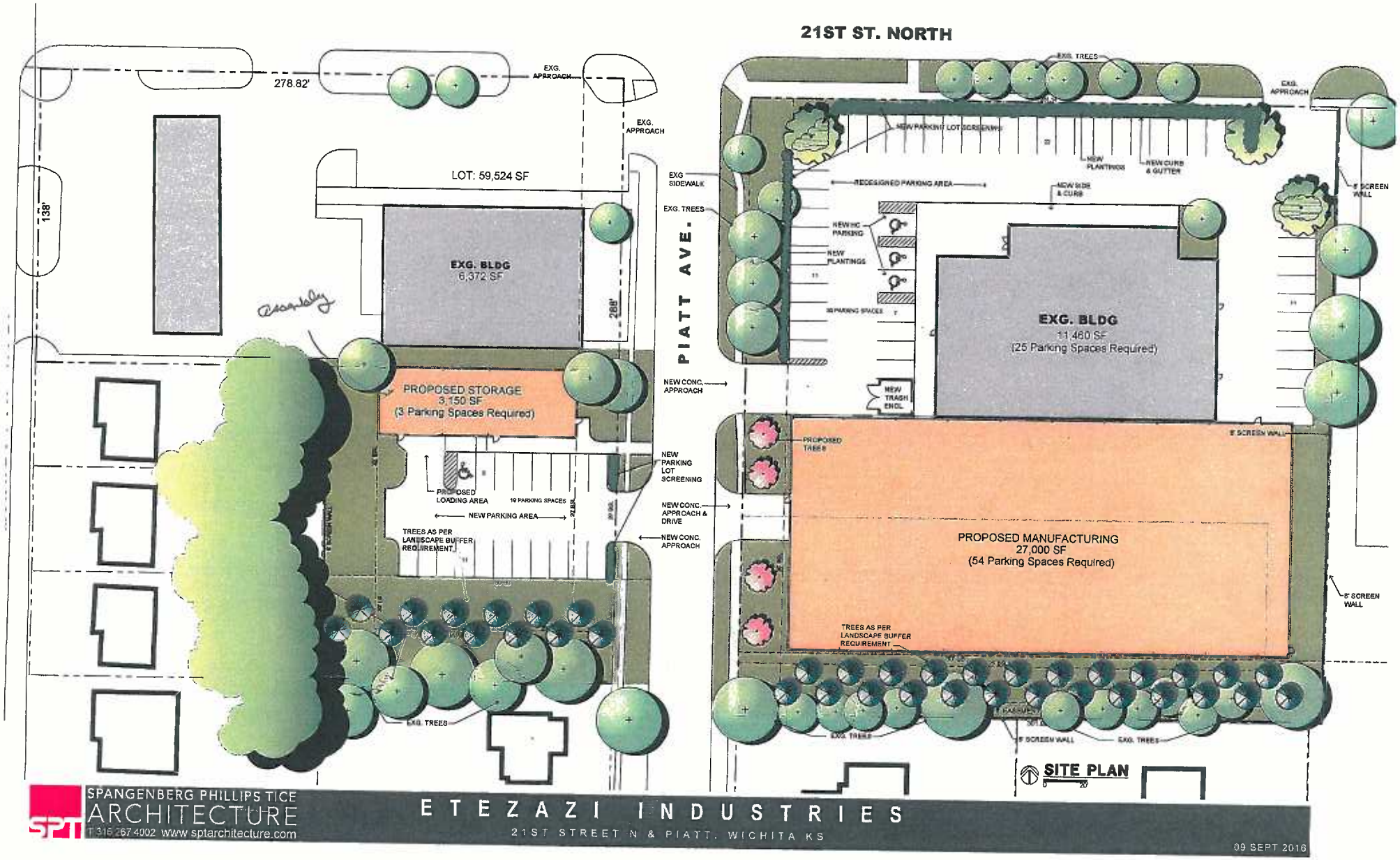
- Q: Are citizens currently hearing any noise?
  A: There is a low-pitch whistling sound and sounds of trucks
- Q: Does the applicant plan to expand beyond the land currently owned?
  A: No, not south of 21st Street.
- Q: Are there bi-products and toxic waste produced?
  A: Recyclable metals/metallic will be disposed of and other products are environmentally friendly. Applicant stated that an opportunity to recycle would be available.
- Q: Why did the City of Wichita allow the company to currently operate without the correct zoning?
  A: As explained in the staff report. The previous use was a vocational school, which is permitted in the LC district. When the applicant bought the property he did not make any improvements that triggered a new building permit or inspection. Building permits are what typically trigger inspections. The other circumstance that would trigger inspection is if someone had filed a complaint. According to the staff report, there had not been any complaints. When the applicant filed plans to expand his business is what brought the situation to the City's attention. There are only three zoning inspectors and they work on a complaint basis.

The applicant, agent and Dale Miller, Planning Department were available to provide responses.

Action Taken: Wilson/Mayes made a motion to recommend that City Council approve the Zoning request. Pending a plan from the applicant to recruit for his required goal of hiring 40% of staff within a six mile radius for the area of economic development. Motion carried 6-3.

Additional Information: Attorney Jennifer Magana clarified that the stipulation in the motion would be unenforceable and the motion is considered passed.


Case ZON2016-00028
Total Area 641,426 sq. ft.
Application Area 142,183sq. ft.
Street R/W 176,337 sq. ft.
Net Area 322,906 sq. ft.
20% of Net Area 64,581 sq.ft.
Net Protest Area 71,134 sq.ft.
Total % Protesting 22.02%
MILLAIR ST
N KANSAS AVE
N MINNEAPOLIS AVE
N MINNESOTA AVE
N PIATT AVE
N OPPORTUNITY DR
E 21ST ST N
E 21ST ST N
5 RAMP
5 RAMP
N
E STADIUM DR
E STADIUM DR
N GROVE AVE
E 20TH ST N
E 20TH ST N
N MINNEAPOLIS AVE
N MINNESOTA AVE
N PIATT AVE
N ASH ST
N MADISON AVE
E SHADYBROOK LN
CALCULATION AREA
PROTEST WITHIN CALCULATION AREA
PROTEST OUTSIDE CALCULATION AREA
NON-VALID PROTEST (missing signatures)



ZON 2016-00028
WCC 10-11-2016

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: ZON2016-00036 and CUP2016-00027 – Zone Change from SF-5 Single-Family Residential to GC General Commercial with the Creation of a New Community Unit Plan CUP DP-341, Generally Located North of Kellogg Avenue and West of Maize Road (11120 W. Kellogg) (District IV)

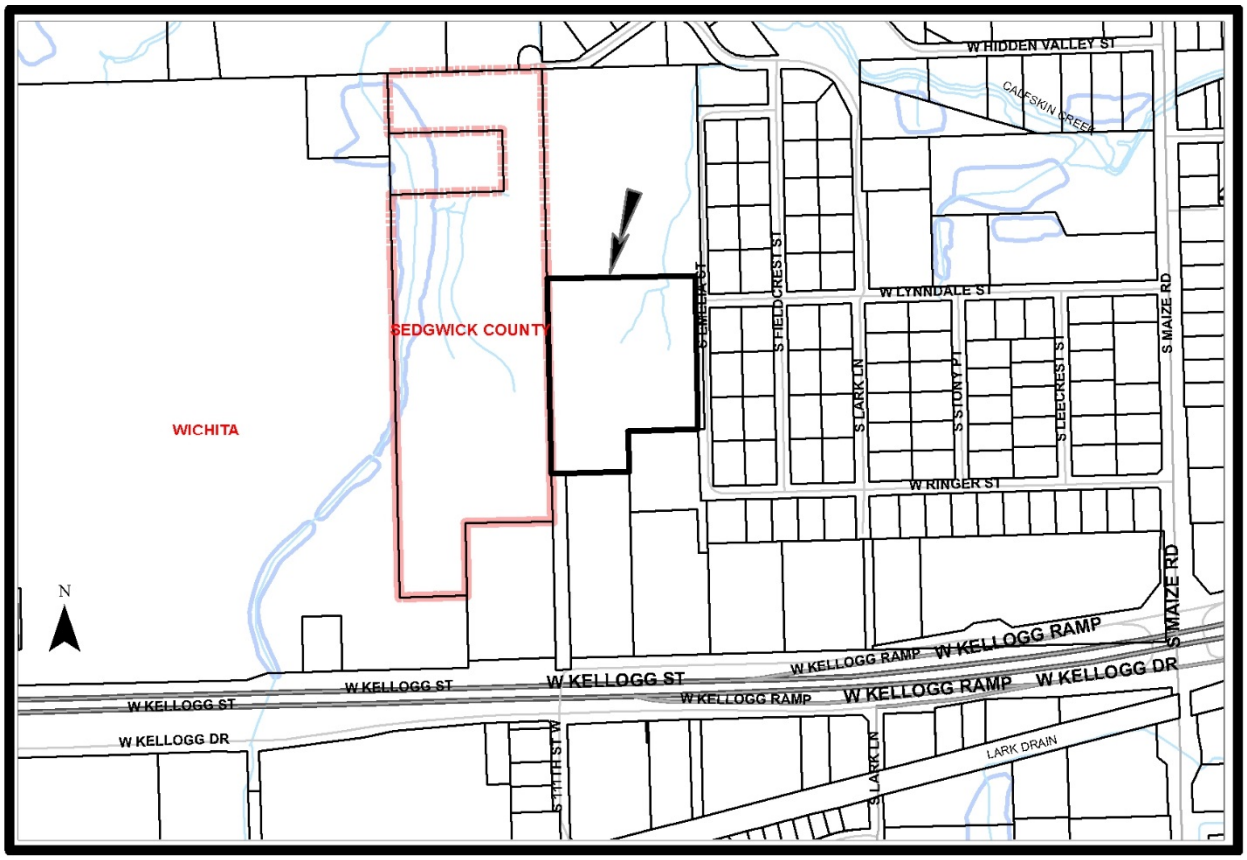
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendation: The MAPC recommended approval of the request (7-2) subject to staff recommended conditions, plus four additional conditions.

DAB Recommendation: District Advisory Board IV recommended approval of the request (9-0) subject to the MAPC recommendation and the removal of the northeast quadrant of the proposed CUP and not allow outdoor speakers.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to the conditions in the staff report.



Background: The applicant is requesting GC General Commercial zoning for a portion of subject property currently zoned SF-5 Single-Family Residential and the creation of the Cotillion Ballroom Community Unity Plan (CUP DP-341). The application area is 10.74 acres that is located 1,000 feet north of Kellogg, north of Doonan Trucks and Eddy's Chrysler Dodge Jeep Ram car sales, west of Maize Road. The subject property is currently developed with The Cotillion Ballroom, which is a legal, non-conforming night club. The requested zone change and CUP will establish a conforming use if approved. It is also proposed that all uses in the GC district be permitted except for a list of specifically excepted uses, such as: adult entertainment, sexually oriented business and correctional placement residences. The complete list of excepted uses can be found in the proposed CUP, General Provision 12. The CUP contains one parcel.

Land located to the north of the subject property is undeveloped and zoned SF-5 and is under the same ownership as the requested zone change and proposed CUP. Land located to the east is zoned SF-5 and developed with single-family residences. South of the subject property are LI Limited Industrial zoned lots developed with vehicle sales and services. Land west of the subject property is located in the county and is zoned LI and SF-20 Single-Family Residential and is occupied by Brady's Nursery.

Analysis: On August 18, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) approved the request (7-2) of the zone change as per staff recommendation with the added conditions:

1. No expansion of the existing parking lot without an amendment to CUP DP-341
2. Dedicated Access Control on Emelia Street
3. Cut-off luminaries on light poles
4. 300 foot building setback on north and east property lines

Numerous members of the public spoke at the MAPC hearing against the proposed zone change and the creation of CUP DP-341 as presented. Protest petitions totaling 18.9% were received by the Metropolitan Area Planning Department on or before the end of the protest period on September 1, 2016 at 5 p.m. The request can be approved with a simple majority vote.

On September 12, District Advisory Board (DAB) IV reviewed the application and approved it 9-0 subject to the MAPC recommendation and reducing the CUP boundary by eliminating the northeast corner reducing the total acreage to 8.58 ± acres and not allowing outdoor speakers. The applicant concurred with the DAB IV recommendations and has submitted a revised CUP DP-341 Cotillion Ballroom Commercial Community Unit Plan. This recommendation can be approved with a two-third 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: 1) adopt the findings of the MAPC with the addition of the DAB IV recommendations (five of seven votes required); or 2) adopt the findings of the MAPC, approve the requested zone change subject to staff recommendations with the added conditions (four of seven votes required). Place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading.

Attachments: Ordinance
MAPC Minutes
Protest Map
DAB IV Report
Proposed Revised CUP DP-341

OCA 150004

ORDINANCE NO. 50-343

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. ZON2016-00036

City zone change from Single-Family Residential (SF-5) to GC General Commercial; described as:

A portion of the Southeast Quarter of Section 30, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, more particularly described as follows: Commencing at the intersection of the North line of U.S. Highway 54 and the West line of said Southeast Quarter; thence North along the West Line of said Southeast Quarter 832.14 feet for a point of Beginning; thence East, 331.05 feet; thence North, 178.24 feet; thence East 298 feet to the Northeast Corner of Lot 3, Block 1, Doonan Plaza II Addition, Sedgwick County, Kansas; thence North parallel with the West line of said Southeast Quarter, 350 feet; thence West parallel with the North line of said Southeast Quarter, 300 feet; thence North parallel with the West line of said Southeast Quarter, 300 feet; thence West parallel with the North line of said Southeast Quarter, 329.05 feet, more or less, to a point on the West line of said Southeast Quarter; thence South along the West line of said Southeast Quarter; thence South along the West line of Said Southeast Quarter to the Point of Beginning.

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.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magaña, City Attorney and Director of Law

EXCERPT MINUTES OF THE AUGUST 18, 2016 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2016-00036 and CUP2016-00027 - Entertainment Enterprises, Inc. (Richard Leslie) and Baughman Company, PA (Russ Ewy – agent) request a City zone change from SF-5 Single family Residential to GC General Commercial and creation of Community Unit Plan CUP DP-341 The Cotillion Ballroom Commercial Community Unit Plan on property described as:

A portion of the Southeast Quarter of Section 30, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, more particularly described as follows: Commencing at the intersection of the North line of U.S. Highway 54 and the West line of said Southeast Quarter; thence North along the West line of said Southeast Quarter 832.16 feet for a Point of Beginning; thence East, 331.05 feet; thence North, 178.24 feet; thence East, 298 feet to the Northeast Corner of Lot 3, Block 1, Doonan Plaza II Addition, Sedgwick County, Kansas; thence North parallel with the West line of said Southeast Quarter, 650 feet; thence West parallel with the North line of said Southeast Quarter, 629.05 feet, more or less, to a point on the West line of said Southeast Quarter; thence South along the West line of said Southeast Quarter to the Point of Beginning.

Entertainment Enterprises, Inc. (Richard Leslie) / Baughman Company (Russ Ewy)

BACKGROUND: The applicant is requesting GC General Commercial zoning for a portion of subject property currently zoned SF-5 Single-Family Residential and the creation of the Cotillion Ballroom Community Unity Plan (CUP DP-341). The application area is 10.74 acres that is located 1,000 feet north of Kellogg, north of Doonan Trucks and Eddy's Chrysler Dodge Jeep Ram car sales, west of Maize Road. The subject property is currently developed with The Cotillion Ballroom, which is a legal, non-conforming night club. The requested zone change and CUP will establish a conforming use if approved. It is also proposed that all uses in the GC district be permitted except for a list of specifically excepted uses, such as: adult entertainment, sexually oriented business and correctional placement residences. The complete list of excepted uses can be found in the proposed CUP, General Provision 12. The CUP contains one parcel.

The proposed CUP also requires:

1) Setbacks are as indicated on the CUP drawing.
2) Landscaping per City ordinance with modifications.
3) Maximum height of light poles, including fixtures, lamps and base, are limited to 24 feet except when located within 100 feet of residential zoning, which shall be15 feet, except that existing light poles can remain.
4) In the event of change of use, rooftop mechanical equipment is to be screened from ground level view with similar materials to the main building.
5) Screening walls around the perimeter of the CUP where adjacent to residential zoning shall not be required. The existing wood screening along Emilia Street, where indicated on the plan shall be maintained. Future expansion of the parking lot within the northern, or northeastern portions of Parcel 1 shall trigger the requirement of a 6 to 8-feet screening fence along those property lines.
6) Parking is to be per code.

DRAFT

7) Signs are to be per code, except that the existing off-site sign located along Kellogg shall be permitted to stay. Portable, billboards, LED and off-site signs are not permitted within Parcel 1.

Land located to the north of the subject property is undeveloped and zoned SF-5 and is under the same ownership as the requested zone change and proposed CUP. Land located to the east is zoned SF-5 and developed with single-family residences. South of the subject property are LI Limited Industrial zoned lots developed with vehicle sales and services. Land west of the subject property is located in the county and is zoned LI and SF-20 Single-Family Residential and is occupied by Brady's Nursery.

CASE HISTORY: The site in unplatted and currently developed with a legal, non-conforming night club.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Undeveloped
South:	LI	Vehicle sales and service
East:	SF-5	Single-family residences
West:	LI, SF-20	Landscaping and nursery business

PUBLIC SERVICES: Municipal services are currently provided to the subject property. Access to the subject property is from signalized intersection on Kellogg at 111th Street West through a private access easement across the abutting property to the south.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" in the "Community Investments Plan" identifies the subject property as "Commercial." Properties with the "Commercial" designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The "Locational Guidelines" of the "Community Investments Plan" support the expansion of existing uses and encourage major destination areas that generate high volumes of traffic to be located in close proximity to major arterials or highways.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED** subject to the following conditions:

1) Approve the zone change and the Community Unit Plan DP-341 subject to the development standards contained therein.
2) Proof shall be provided to planning staff that notice of the development standards contained in CUP DP-341 has been filed on the application area with the register of deeds.
3) The applicant shall submit four copies of the approved CUP to planning staff within 60 days after approval by the governing body, or the request shall be considered null and void.

This recommendation is based on the following findings:

DRAFT

1. The zoning, uses and character of the neighborhood: Land located to the north of the subject property is undeveloped and zoned SF-5 and is under the same ownership as the requested zone change and proposed CUP. Land located to the east is zoned SF-5 and developed with single-family residences. South of the subject property are LI Limited Industrial zoned lots developed with vehicle sales and services. Land west of the subject property is located in the county and is zoned LI and SF-20 Single-Family Residential and is occupied by Brady's Nursery.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently operating as a legal, non-conforming night club in the city. The zone change and creation of a new CUP will establish a conforming use on the subject property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The development standards associated with the CUP and the zoning code will minimize detrimental impacts of the proposed development. Code requirements include solid screening, landscape buffers, maximum building heights below base zoning standards and maximum gross floor area limitations.

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 will not significantly impact the neighborhood. Denial would result in a legal, non-conforming use of the property.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2035 Wichita Future Growth Concept Map" in the "Community Investments Plan" identifies the subject property as "Commercial." Properties with the "Commercial" designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The "Locational Guidelines" of the "Community Investments Plan" support the expansion of existing uses and encourage major destination areas that generate high volumes of traffic to be located in close proximity to major arterials or highways.

6. Impact of the proposed development on community facilities: The development standards contained in the CUP will ensure that required community facilities are in place or are installed.

KATHY MORGAN, Planning Staff presented the Staff Report.

RUSS EWY, BAUGHMAN COMPANY, P.A. 315 ELLIS, AGENT FOR THE APPLICANT said the applicant was looking to expand their license in order to allow patrons to bring their cocktails out of the Cotillion onto a smoking patio. He said they were told they needed to get a conditional use for a nightclub. He said during that process it was determined that the northern 25% of the Cotillion was zoned SF-5 and the balance of the property was zoned GC. He said it was noted that they needed to take care of that non-conformity and once they applied for additional commercial property, it was noted that the area exceeded the acreage

DRAFT

requirements which necessitated the need for a zoning change and creation of a new Community Unit Plan. He referred to an aerial of the site. He said although the Cotillion owns everything up to the hedgerow, they are not seeking any changes north of the line indicated on the site plan. He said the CUP conditions hold the Cotillion to its existing form today. He said the applicant is not looking to expand outside the building, have music outdoors, build other buildings, expand parking or change access to the venue. He said after talking with area residents he suggested that the CUP have a requirement that an amendment be required for any commercial development other than surface parking.

RICHARDSON asked if the area was platted. He also asked about access controls on the east side of the property.

EWY said no, the area is not platted. He added that they would be willing to dedicate access controls on the east side by a separate instrument.

KNEBEL said the CUP allows the nightclub which does not differentiate between inside and outside.

RICHARDSON said so theoretically with the CUP you could have outside entertainment.

EWY said specifically within the smoking area and the CUP states that.

FOSTER asked if the southwest entry was public or private and how it gets maintained if there are several owners.

EWY said that entrance is private and there are restrictive covenants regarding maintenance.

TIFFANY OLTSENBRUNS, 10505 WEST RINGER STREET, PRESIDENT CALFSKIN NEIGHBORHOOD ASSOCIATION asked what platted or non-platted means. She said the neighbors are concerned about expansion and have received two different pieces of information concerning outside drinking and paving of the streets. She also asked about the term "housekeeping" and how the drinking outside is going to affect the neighbors.

CHAIR NEUGENT asked staff to provide a simple explanation of platted versus non platted land.

DIRECTOR MILLER explained that platting is the process where raw ground with a meets and bounds description is divided into lots as part of a subdivision and given a legal description. He said for example after a property is platted the description would be Dales Addition, Lot 1, Block 2, which is how the City acquires utility easements, road right of way, etc.

FOSTER confirmed that according to the agent's comments, they are not proposing any expansion, just what is there today.

OLTSENBRUNS asked about future expansion.

CHAIR NEUGENT said any future expansion would require a building permit, which would trigger the platting requirement.

DRAFT

DIANE LOUX, 1250 S. EMELIA STREET said once the zoning is changed the applicant can expand and rebuild the Cotillion at the back of the area. She said that field is much lower that the rest of the area and it drains when they get rain so any development will be detrimental to the entire neighborhood. She said they have to deal with the noise because the doors are open spring and fall and they can feel the base guitar. She said it was mentioned that there is no entrance to Emelia but people park along Emelia and jump the fence. She said the applicant doesn't maintain the fence now and added that there are no trees or buffer towards Emelia Street. She said when she bought her home 6 years ago they were told there would be expansion because the adjacent property was zoned SF-5, but if this happens her house will be worthless. She said she will lose her property value if this is allowed. She said the applicant can expand and all they have to do is put up a 6-8 foot screening fence. She urged the Commission to deny the request. She said there is no reason to have drinks outside and there is adequate parking at the site now. She said if they are not expanding the building this is not required.

RICHARDSON clarified that the property across from the speaker is not involved in this case.

LOUX commented that they had no idea the extent of what was being proposed because all they heard about was paving the parking lot and allowing drinks outside. She said this allows the applicant to put lights on poles that will shine into their bedrooms. She said more people from the Calfskin Neighborhood would have been present if they knew what was being pushed through here.

FOSTER commented on the CUP including buffering requirements, shielding of light poles within 100 feet or residential, etc.

LOUX indicated the neighbors are already putting up with a lot from the Cotillion and that she hoped the Commission considered the neighbors in their decision.

CINDY CORN, 1420 S. FIELDCREST complained about the noise and lights from businesses in the area. She said they bought their home in 1989 and thinks it is sad that they have to accommodate patrons at the Cotillion. She asked about building a new fence and asked if they could request that a hedgerow be put in between Emelia and the Cotillion to help muffle the noise. She said this opens this up to the possibility of rezoning or additional features happening down the road. She asked the Commission to listen to the neighbors and reconsider this.

DAILEY asked the speaker if they knew the Cotillion was there when they moved out there.

CORN responded yes, but that the noise level and lights have changed over the years,

MIKE LOUX, 1250 S. EMELIA STREET said they are concerned about any water from the proposed paving because they have dealt with flooding in the area before and he is not real confident that the City knows where to put water. He said the neighbors maintain the grassy area and wooden fence because the applicant does nothing to maintain the area outside the fence. He added that there is no barrier in the parking lot to stop the drunks from driving into the field and ending up in the neighbor's ditches or backyards. He also complained that the City does not maintain the drainage ditches in the area, the neighbors have to do that. He said they also have to deal with vandalism and traffic tie ups on Kellogg and 111th St. He said the neighbors mow at least twice a year because right now there is no maintenance over there.

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JERRY UNRUH, 1300 EMELIA said electronic music is louder and he has heard gun shots in the parking lot. He asked why the applicant needs all of the area and said he was concerned about the wetlands.

FOSTER asked what the speaker felt would be an appropriate barrier between the venue and Emelia Street.

UNRUH suggested some type of masonry fence or barrier of some kind.

JOHN KEISER said he lives on the corner of Glendale and Emelia. He said he doesn't understand why the whole area needs to be rezoned if all they are doing is repaving a parking lot unless they are anticipating an exit out of the parking lot onto Emelia, which would be totally unacceptable. He reiterated complaints about patrons of the Cotillion parking along Emelia and kicking down the fence to gain access, increased noise, tow trucks at 1:00 a.m. in the morning trying to pull some one out of the bean field, no maintenance of the outside area by the Cotillion and how the neighborhood has maintained the fence and mowed grass in the area.

JUNE JOHNSON, 1226 S. FIELDCREST asked why this wasn't taken to the DAB first and wasn't that the normal procedure. She concluded by saying that she agreed with everything else that has been said.

DIRECTOR MILLER explained that the Planning Commission meets twice a month and the DAB meets once a month. He said staff has been given direction not to delay applications so they can go to DAB first.

KNEBEL added that the item will go to the DAB on September 12, 2016.

EWY said if they need a separate provision that states they are not expanding anything including the parking lot they can add that to the CUP. He said dedication of access control would insure that there is no access from the parking lot to the residential area to the east. He said they can clarify cut off luminaries on any light poles permitted within 100 feet of residential zoning. He said they have already offered a 300 foot building setback from the east and north property lines to insure that no buildings are built and they can provide a general provision that any expansion of parking into the northeast quadrant would require an amendment to the CUP.

FOSTER clarified that according to the Landscape Ordinance, no landscaping is required with this change.

EWY said that is correct.

FOSTER mentioned the neighbor's concerns regarding buffering with solid screening and said he thinks some type of barrier needs to be considered.

KNEBEL said since the application is across the street, the "landscape street yard" is what would be required to comply with the Landscape Ordinance.

EWY said the only way to provide a barrier would be to provide some type of wood screening fence along the edge of the existing paved parking area.

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FOSTER said he might need clarification from the neighbors, but right now he is only talking about the eastern portion of the parking until platting addresses it further.

RICHARDSON asked if the applicant would be willing to provide a fence on the north side of parking and east side of the north lot.

EWY said if that is something the Planning Commission would like to recommend, it is something the applicant can address later on.

WARREN said he was willing make a motion and requested that staff clarify the amendments.

KNEBEL said the agent offered no expansion of the parking lot without an amendment to the CUP; dedication of access control onto Emelia Street; cut off light luminaries on the light poles; and 300 foot building setbacks from the north and east property lines.

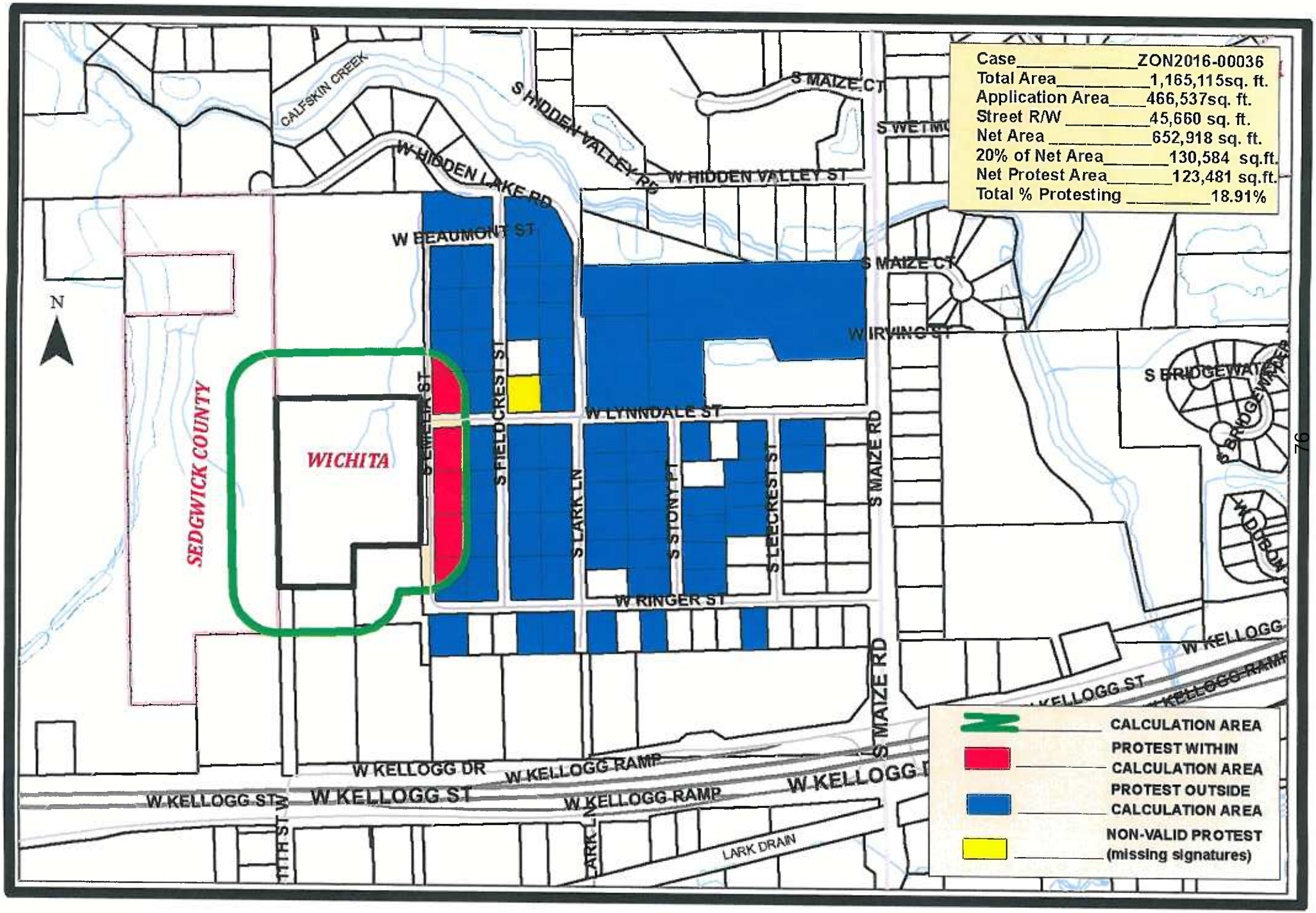
> **MOTION:** To approve subject to staff recommendation in addition to no expansion of the parking lot without an amendment to the CUP; dedication of access control onto Emelia Street; cut off light luminaries on the light poles; and 300 foot building setbacks from the north and east property lines
>
> **WARREN** moved, **TODD** seconded the motion.

FOSTER said he believes the Commission needs to address the concerns expressed by the neighbors. He suggested a masonry wall on the east side of the parking lot.

RICHARDSON commented that the Cotillion has been there since around 1960 which he believes is about the same time most of the houses in the area were built. He said he believes the Commission has helped in some sense by insuring that there will be no access onto Emelia Street.

The **MOTION** carried (7-2). **ELLISON** and **FOSTER** – No.

DRAFT


Case ZON2016-00036
Total Area 1,165,115sq. ft.
Application Area 466,537sq. ft.
Street R/W 45,660 sq. ft.
Net Area 652,918 sq. ft.
20% of Net Area 130,584 sq.ft.
Net Protest Area 123,481 sq.ft.
Total % Protesting 18.91%
CALCULATION AREA
PROTEST WITHIN CALCULATION AREA
PROTEST OUTSIDE CALCULATION AREA
NON-VALID PROTEST (missing signatures)
N
SEDGWICK COUNTY
WICHITA
CALFSKIN CREEK
S HIDDEN VALLEY RD
W HIDDEN LAKE RD
W HIDDEN VALLEY ST
S MAIZE CT
W BEAUMONT ST
W IRVING CT
S BRIDGEWATER
S BRIDGEWATER
W LYNNDALE ST
S FIELDCREST ST
S LARK LN
S STONY PT
S LEECREST ST
S MAIZE RD
W RINGER ST
W KELLOGG
W KELLOGG ST
W KELLOGG DR
W KELLOGG RAMP
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LARK DRAIN

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: MPAD and City Council

FROM: Rebecca Fields, Community Services Representative, District IV

SUBJECT: **ZON2016-00036 and CUP2016-00027**

DATE: September 20, 2016

On Monday, September 12, 2016, the District IV Advisory Board considered a request for a:
Zone Change from SF-5 Single-Family Residential to GC General Commercial with the establishment of the Cotillion Ballroom Commercial CUP (DP-341)

The DAB Members were provided the MAPD staff report for review.

67 petitions from the neighborhood, Calfskin Group, that is east of the Cotillion Ballroom, had been filed with the City Clerk, and a PowerPoint presentation was shown by a designated member of the Calfskin Group at the DAB meeting.

The main concern was that the NE Quadrant of the property was being rezoned, and although there were no current plans to develop this area, there would be nothing to prevent the future building of a commercial business which had the potential to disrupt the neighborhood that abutted this area.

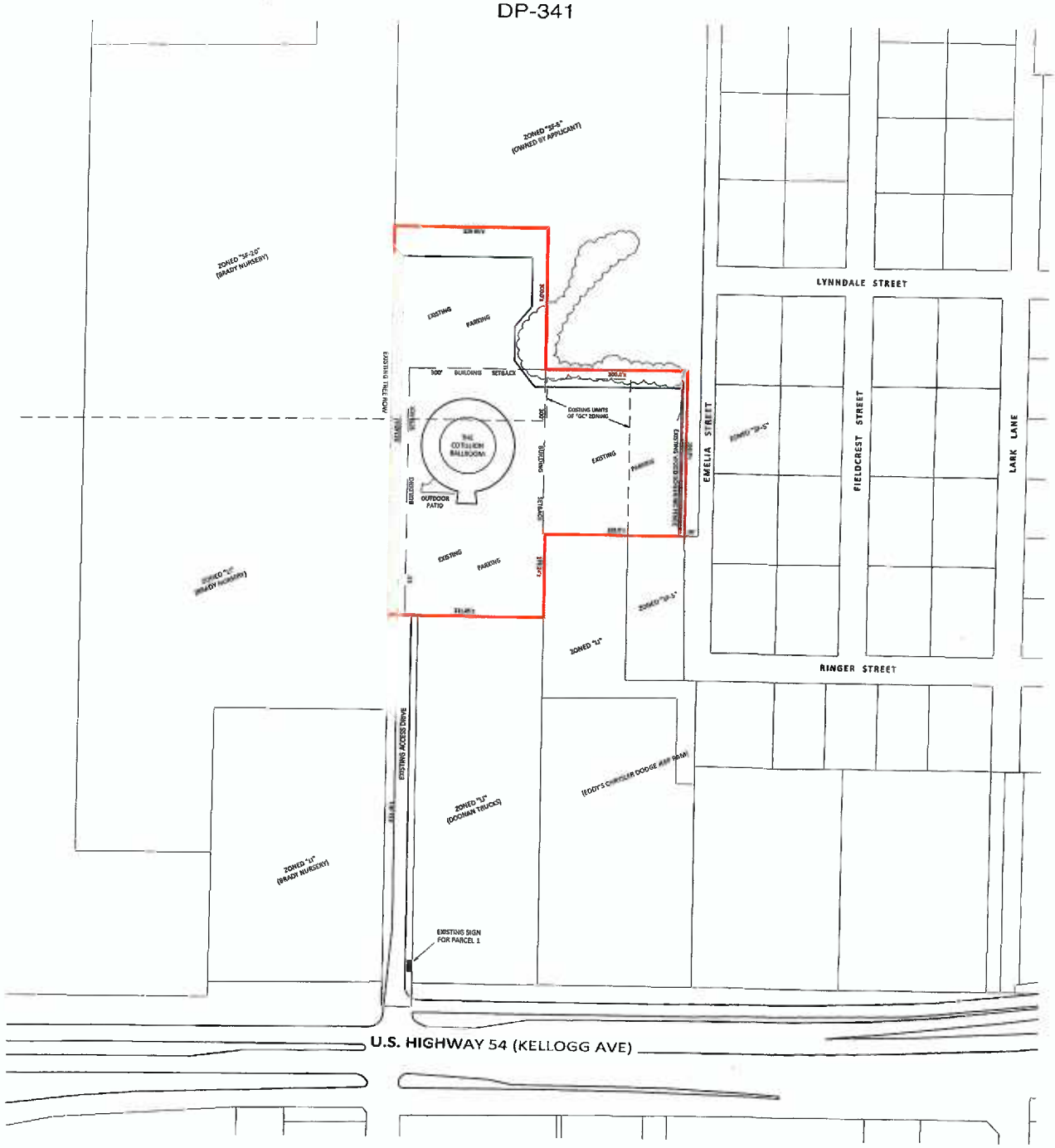
There was a motion by the DAB to approve the request based on the removal of the NE Quadrant of the property as well as not allowing any outdoor speakers. DAB members voted 9-0 to recommend the application be approved with the addition of these two conditions.

Please review this information when ZON2016-00036 and CUP2016-27 are considered.

THE COTILLION BALLROOM COMMERCIAL

COMMUNITY UNIT PLAN

DP-341



GENERAL PROVISIONS:

1. Total Land Area: 373,530 ± sq.ft. or 8.58 ± acres
   Net Land Area: 373,530 ± sq.ft. or 8.58 ± acres
2. Total Gross Floor Area: 30,500 sq.ft. or 8.2 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description. Any expansion of the existing parking lot shall require an amendment to this Community Unit Plan.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions.
5. Signs will be as allowed by the Sign Code of the appropriate jurisdiction, with the following additional conditions/limitations:
   A. The existing sign for Parcel 1 is located near the north line of Kellogg, as indicated on the plan, and shall be permitted to remain in its existing configuration.
   B. Portable, billboards, LED, and off-site signs are not permitted within Parcel 1.
6. Light poles, including fixtures, lamps and base, are limited to 24 feet, except within 100 feet of residential zoning said lighting shall be a maximum height of 15 feet. New lighting shall be required to provide cut-off fixtures to prevent light trespass into adjacent residential areas. The existing lighting for Parcel 1 shall be permitted to remain.
7. Landscaping shall be per the requirements of the City of Wichita, with the following modifications:
   A. Compliance with the landscape ordinance shall be deferred until the existing use is expanded beyond its current configuration.
   B. Existing landscaping/vegitation may count towards meeting this requirement.
   C. The property surrounding the C.U.P. to the north and east is owned by the applicant, and is intended to provide a buffer between the uses allowed by the C.U.P. and neighboring properties. The waiver or standard screening and landscaping requirements are contingent upon this parcel remaining as its existing use. Other use of Parcel 1 shall conform with the U.Z.C. requirements.
   D. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit for any significant future expansion.
8. Screening walls around the perimeter of the C.U.P. where adjacent to residential zoning shall not be required. The existing wood screening fence along Emelia Street, where indicated on the plan, shall be maintained. Any future expansion of the parking lot within the northern, or northeastern portions of Parcel 1 shall trigger the requirement of a 6 to 8 foot wood screening fence along those property lines.
9. In the event the use of Parcel 1 changes from its current use, all rooftop mechanical equipment shall be screened from ground level view with similar materials to the main building per Unified Zoning Code.
10. Any relocation of the existing trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
11. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes.
12. No parcel within this C.U.P. shall allow the use of adult entertainment establishments; sexually oriented business; or correctional placement residences. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
13. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
14. The Transfer of title of all or any portion of land included within the Community Unit Plan for any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
15. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body; and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
16. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
17. The applicant shall dedicate complete access control onto Emilia Street as part of the final approval of this Community Unit Plan.

PARCEL 1

A.	Net Area:	373,530 ± sq.ft. or 8.58 ± acres
B.	Maximum Building Coverage:	30,500 sq.ft. or 8.2 percent
C.	Maximum Gross Floor Area:	30,500 sq.ft.
D.	Floor Area Ratio:	8.2 percent
E.	Maximum Number of Buildings:	One (1)
F.	Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.	
G.	Setbacks:	See Drawing
H.	Access Points:	See Drawing

I. Permitted Uses:
All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.R. #12: Night club in the city; and tavern and drinking establishment are permitted.

REVISIONS

Submitted CUP2016-27:	July 11, 2016
Revised per staff comments:	N/A
Approved by MAPC:	August 18, 2016
Approved by DAB IV:	September 12, 2016
Approved by City Council:	, 2016

LEGAL DESCRIPTION:

A portion of the Southeast Quarter of Section 30, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, more particularly described as follows: Commencing at the intersection of the North line of U.S. Highway 54 and the West line of said Southeast Quarter; thence North along the West line of said Southeast Quarter 832.16 feet for a Point of Beginning; thence East, 133.05 feet; thence North, 178.24 feet; thence East, 200 feet to the Northeast Corner of Lot 3, Block 1, Deanon Plaza II Addition, Sedgwick County, Kansas; thence North parallel with the West line of said Southeast Quarter, 350 feet; thence West parallel with the North line of said Southeast Quarter, 300.00 feet; thence North parallel with the West line of said Southeast Quarter, 300 feet; thence West parallel with the North line of said Southeast Quarter, 329.05 feet, more or less, to a point on the West line of said Southeast Quarter; thence South along the West line of said Southeast Quarter to the Point of Beginning.

DP-341

THE COTILLION BALLROOM COMMERCIAL COMMUNITY UNIT PLAN

SCALE: 1" = 100'

Baughman Company, P.A.

Agenda Item No. VIII-3

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council Members

SUBJECT: Evaluation and Salary Increase for City Manager

INITIATED BY: City Council

AGENDA: City Council

Recommendation: Determine City Manager's salary based on merit and salary review.

Background: On December 18, 2008, the City Council entered into a City Manager Agreement with Robert Layton as City Manager of the City of Wichita commencing on February 2, 2009. Pursuant to authority established by City ordinance and the terms of the Agreement, the City Council has the discretion to increase the City Manager's salary based on annual merit and salary reviews. The City Council has recently conducted a merit and salary review of the City Manager to consider increases in GPA and merit compensation.

Analysis: Evaluation of the City Manager's performance is not only part of the City Manager's employment agreement, but it is also important for maintaining a healthy and an effective council-manager relationship. Ultimately, the City Manager's performance evaluation is an essential tool for promoting more effective decision-making throughout the City organization.

During the past year, the Mayor and City Council have requested that the City Manager carry out numerous projects and programs. The City Manager and City staff have achieved a significant number of accomplishments with positive outcomes.

Significant 2015-2016 accomplishments have included:

- Completed a redevelopment plan for the West Street corridor, north of Kellogg.
- Approved the first stage of a public/private alliance concept for the water and sewer utility.
- Prepared an implementation plan for the Watson Park improvements.
- Approved a replacement integrated software system for Human Relations and Finance functions.
- Selected government relations consultants for State and Federal issues.
- Reorganized development services.
- Hired an Assistant City Manager/Director of Development Services.

- Hired a new City Attorney, Police Chief, Planning Director and Director of Housing and Community Services.
- Reviewed and updated the plan for a new water source.
- Developed a new route and fare plan for Transit.
- Initiated a comprehensive facilities maintenance plan.
- Completed the early phases of a comprehensive review of the City's DBE program.
- Developed a Mexico trade and export supply plan, in conjunction with Kansas Global Trade Services and an outside consultant.
- Developed a strategic communications plan.
- Created a task force to work on the redevelopment strategies included in the comprehensive plan and Building Blocks projects.
- Worked with the Greater Wichita Partnership to develop a new economic development model, focusing on BREG, e2e and job development.
- Implemented recommendations from the Police Department Assessment prepared by WSU.
- Initiated a planning process for quality of life improvements in the community.

Based on these accomplishments, the Mayor and City Council have determined that the City Manager's compensation should be increased by 3.75%, representing a GPA increase of 1.25% and a full merit increase of 2.5%.

Financial Considerations: Funds for the proposed GPA and merit increases are included in the 2016 Adopted Budget.

Legal Considerations: Pursuant to state law, City ordinances and the City Manager Agreement, the City Council has the legal authority to evaluate and determine the salary of the City Manager.

Recommendation/Action: Approve a salary increase for the City Manager of 3.75%.

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

PRELIMINARY ESTIMATES
FOR CITY COUNCIL OCTOBER 11, 2016

a. Lateral 553, Southwest Interceptor Sewer to serve Allen Williams 2nd Addition (north of Pawnee, east of Hoover) (468-85114/744420/480112) Does not affect existing traffic. (District IV) - $19,000.00

b. Harry and 143rd Street Traffic Signalization (Harry and 143rd Street) (472-85250/707092/211549) Traffic to be maintained during construction using flagpersons and barricades. (District II) - $120,000.00

c. 2016 Sanitary Sewer Reconstruction Phase 10 (north of 13th Street North, east of Broadway) (468-85138/620857/666005) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - $127,000.00

d. Lateral 7, Main 6, Northwest Interceptor to serve Newmarket V Addition (south of 29th Street North, west of Maize) (468-85130/744424/480116) Does not affect existing traffic. (District V) - $80,000.00

468-85114 (744420) 480112 District IV

To be Bid: September 9, 2016

PRELIMINARY ESTIMATE of the cost of:
Lateral 553, Southwest Interceptor Sewer to serve Allen Williams 2nd Addition
(north of Pawnee, east of Hoover)

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	Seeding	1	LS	
2	Site Clearing	1	LS	
3	Site Restoration	1	LS	
	MEASURED QUANTITY BID ITEMS			
4	Pipe, SS 8"	70	lf	
5	Pipe, Stub, 4"	1	ea	
6	Air Testing, SS Pipe	70	lf	
7	MH, Connect to Existing	1	ea	
8	MH, SS Standard (4')	1	ea	
9	BMP, Silt Fence	85	lf	
10	Concrete Drive, Removed & Replaced	22	lf	
11	Fill, Sand (Flushed & Vibrated)	70	lf	
	Construction Subtotal			
	Design Fee			
	Engineering & Inspection			
	Administration			
	Publication			
	Contingency			
	Total Estimated Cost			$19,000.00

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

480112 (744420) 468-85114
Page _____

EXHIBIT _____

472-85250 (707092) 211549 District II

To be Bid: September 30, 2016

PRELIMINARY ESTIMATE of the cost of:
Harry & 143rd Street Traffic Signalization

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 - PAVING			
1	Traffic Signalization	1	LS	
2	Pavement Marking	1	LS	
3	Signing	1	LS	
4	Traffic Control	1	LS	
	Construction Subtotal			
	Design Fee			
	Engineering & Inspection			
	Administration			
	Publication			
	Total Estimated Cost			$120,000.00

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

211549 (707092) 472-85250

Page _____ EXHIBIT _____

468-85138 (620857) 666005 District VI

To be Bid: September 30, 2016

PRELIMINARY ESTIMATE of the cost of:
2016 Sanitary Sewer Reconstruction Phase 10

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	Site Restoration	1	LS
2	Traffic Control	1	LS
	MEASURED QUANTITY BID ITEMS		
3	Pipe, SS 8"	356	lf
4	Pipe Removed	336	lf
5	MH, Removed	1	ea
6	MH, Abandoned (in pvmt)	4	ea
7	MH, Shallow SS (4')	3	ea
8	Conc Pvmt Removed & Replaced	345	lf
9	Fill, Flowable	20	lf
10	Fill, Sand (flushed & vibrated)	336	lf
11	Service Reconnection, Sewer (4")	2	ea
12	Service Reconnection, Sewer (6")	2	ea
13	Service Connection Replaced (reloc)	1	ea
14	BMP, Drop Inlet Protection	2	ea
15	BMP, Curb Inlet Protection	1	ea

Construction Subtotal _____

Engineering & Inspection
Administration
Publication

Total Estimated Cost $127,000.00

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

666005 (620857) 468-85138
Page _____

EXHIBIT _____

To be Bid: September 30, 2016

PRELIMINARY ESTIMATE of the cost of:
Lateral 7, Main 6, Northwest Interceptor to serve Newmarket V Addition
(south of 29th Street North, west of Maize)

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	Site Clearing	1	LS	
2	Site Restoration	1	LS	
	MEASURED QUANTITY BID ITEMS			
3	Pipe, SS 8"	856	lf	
4	Air Testing, SS Pipe	913	lf	
5	Pipe Stub, 4"	6	ea	
6	MH, Standard SS (4')	7	ea	
7	MH, Standard SS (4') w/Bolt Down Cover	1	ea	
8	Pipe, Connect to Existing	1	ea	
9	Fill, Sand (Flushed & Vibrated)	717	lf	
10	Gravel Drive Removed & Replaced	65	lf	
11	Concrete Encasement 8", Reinforced	20	lf	
12	BMP, Silt Fence	1,050	lf	
	Construction Subtotal			
	Design Fee			
	Engineering & Inspection			
	Administration			
	Publication			
	Contingency			
	Total Estimated Cost			$80,000.00

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

480116 (744424) 468-85130
Page _____

EXHIBIT _____

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Revised Petition for Improvements to Tyler Pointe Commercial Addition (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the revised drainage petition and budget, and adopt the amending resolution.

Background: On March 22, 2016, the City Council approved new and revised petitions for drainage and two separate water distribution system improvements. The signatures on the drainage petitions represent 100% of the improvement district. The revised petitions are a requirement for a commercial development and are valid per Kansas Statute 12-6a01.

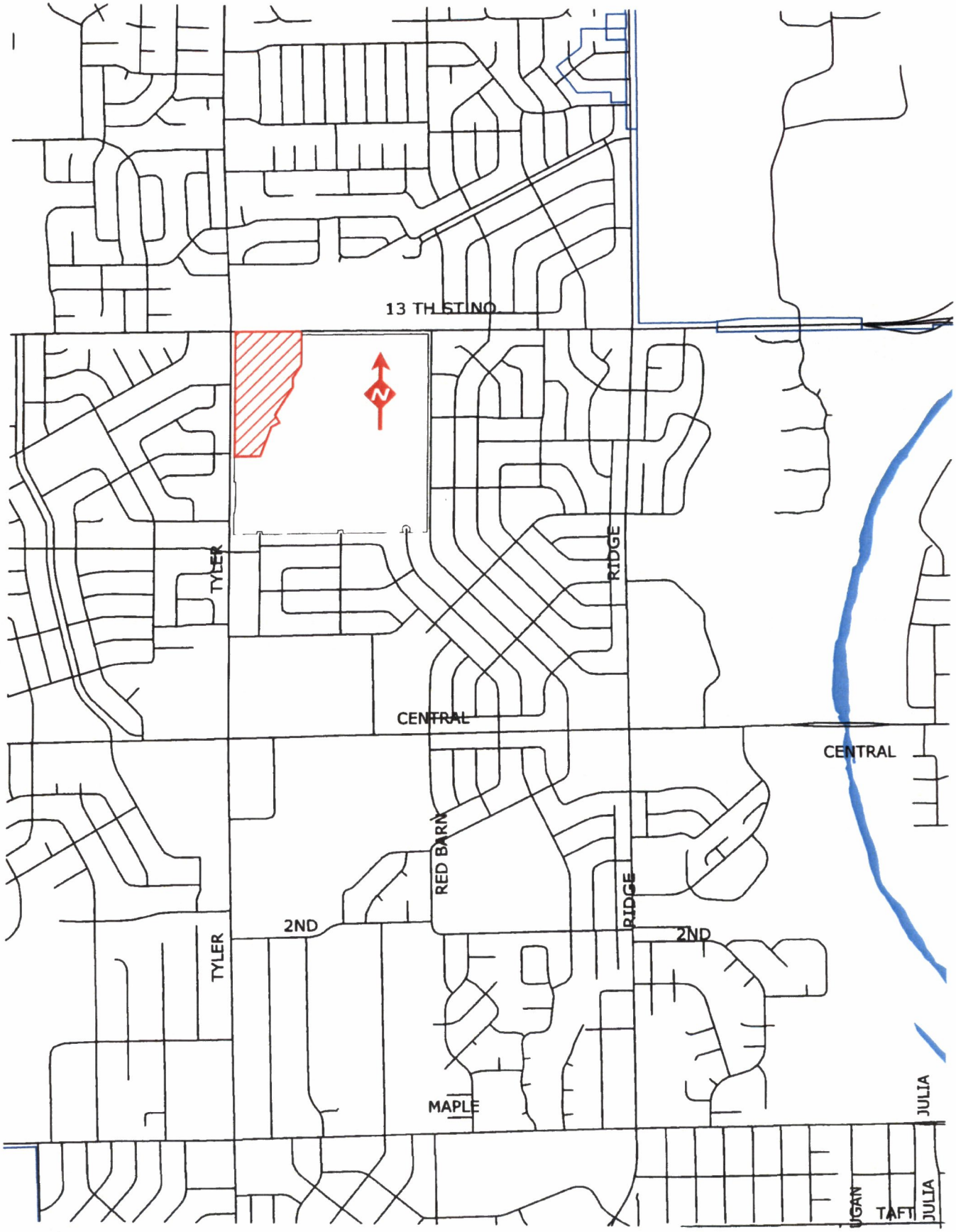
Analysis: The project will provide drainage improvements required for a new commercial development located south of 13th Street North and east of Tyler Road.

Financial Considerations: The original petition amount was $176,500. The revised petition total for the drainage improvements is $266,800. The increase resulted from an increased project scope, which includes construction of a portion of the pond necessary to meet stormwater quality requirements. The funding source for the project is 100% special assessments.

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

Recommendation/Actions: It is recommended that the City Council approve the revised petition and budget, adopt the amending resolution, and authorize the necessary signatures.

Attachments: Map, budget sheet, revised petition, and amending resolution.


13 TH ST NO.
TYLER
RIDGE
CENTRAL
CENTRAL
RED BARN
RIDGE
2ND
2ND
TYLER
MAPLE
JULIA
UGAN
TAFT
JULIA

Project Request

◯ CIP ◉ Non-CIP

☒ NEIGHBORHOOD IMPROVEMENT ◯ ORDERED BY WCC ◉ PETITION PETITION PERCENTAGE: 100

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

ENGINEERING REFERENCE #: 468-85102

FUND: 480 Sewer Improvements N.I. SUBFUND: 485 Storm Drainage N.I.

COUNCIL DISTRICT: 05 Council District 5 DATE COUNCIL APPROVED: 10/11/2016 REQUEST DATE:

PROJECT # : PROJECT TITLE: Storm Water Drain No. 408 Tyler Pointe Addtion Phase 1

PROJECT DETAIL # : PROJECT DETAIL DESCRIPTION: Storm Water Drain No. 408 Tyler Pointe Addtion Phase 1

OCA # : OCA TITLE: Storm Water Drain No. 408 Tyler Pointe Addtion Phase 1

PERSON COMPLETING FORM: Janis Edwards PHONE #: 268-4548

PROJECT MANAGER: Julianne Kallman PHONE #: 268-4236

◯ NEW BUDGET ◉ REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9730 S.A. Bonds	$176,500.00	$90,300.00	$266,800.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$176,500.00	$90,300.00	$266,800.00

Expense Object Level 3			
2999 Contractuals	$176,500.00	$90,300.00	$266,800.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
Total Expense:	$176,500.00	$90,300.00	$266,800.00

NOTES:

Hold for LOC

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: Gary Jan DATE: 09/19/16

DEPARTMENT HEAD: [illegible] DATE: 9/28/16

BUDGET OFFICER: Cheryl L Busada DATE: 9/16/16

CITY MANAGER: DATE:

Revised

RECEIVED
SEP 01 2016
CITY-ENGINEERING

SWD No. 408
468-85102

PETITION
DRAINAGE AND STORM SEWER IMPROVEMENT
TYLER POINTE ADDITION PH 1, WICHITA, KS

TO: The Mayor and City Council (the "Governing Body")
City of Wichita, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq* (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

That there be constructed a Storm Water Sewer System to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: $ 266,800, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Lots 1 through 6, Block A, Tyler Pointe Addition, Wichita, Sedgwick County, Kansas

(d) The proposed method of assessment is on a fractional basis:

Lot 1, Block A; Tyler Pointe Addition shall pay 5808/10000 of the total cost payable by the improvement district. Lot 2, Block A; Tyler Pointe Addition shall pay 1561/10000 of the total cost payable by the improvement district. Lot 3, Block A; Tyler Pointe Addition shall pay 643/10000 of the total cost payable by the improvement district. Lot 4, Block A; Tyler Pointe Addition shall pay 1289/10000 of the total cost payable by the improvement district. Lot 5, Block A; Tyler Pointe Addition shall pay 539/10000 of the total cost payable by the improvement district. . Lot 6, Block A; Tyler Pointe Addition shall pay 160/10000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	**Dated**	**Property Owned Within Proposed Improvement District**
[illegible]	5/10/2016	Lots 1-6, Block A

****

THIS PETITION was filed in my office on 9-1-16.

Karen Sebolt

~~Deputy~~ City Clerk

132019

(Published in the ***Wichita Eagle***, on _____)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAIN NO. 408 – TYLER POINTE ADDITION PHASE 1/SOUTH OF 13TH STREET NORTH, EAST OF TYLER) (468-85102).

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 **Resolution No. 16-059** of the City (the "Prior Resolution") authorized certain internal improvements; and

WHEREAS, the estimated or probable cost and the scope of the improvements authorized by the Prior Resolution has changed;

WHEREAS, pursuant to the receipt of a new petition (the "Petition"), it is necessary to authorize the improvements requested therein by the adoption of a new resolution of the City and repeal the Prior Resolution; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by the **owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Repealer. The Prior Resolutions are hereby repealed.

Section 2. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

That there be constructed a Storm Water Sewer System to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Two Hundred Sixty-Six Thousand Eight Hundred Dollars ($266,800)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 through 6, Block A, Tyler Pointe Addition, Wichita, Sedgwick County, Kansas

(d) The method of assessment is: **on a fractional basis:**

Lot 1, Block A; Tyler Pointe Addition shall pay 5808/10000 of the total cost payable by the improvement district. Lot 2, Block A; Tyler Pointe Addition shall pay 1561/10000 of the total cost payable by the improvement district. Lot 3, Block A; Tyler Pointe Addition shall pay 643/10000 of the total cost payable by the improvement district. Lot 4, Block A; Tyler Pointe Addition shall pay 1289/10000 of the total cost payable by the improvement district. Lot 5, Block A; Tyler Pointe Addition shall pay 539/10000 of the total cost payable by the improvement district. Lot 6, Block A; Tyler Pointe Addition shall pay 160/10000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special 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 the Prior Resolution, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney
and Director of Law

132019

(Published in the ***Wichita Eagle***, on October 14, 2016)

RESOLUTION NO. 16-399

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAIN NO. 408 – TYLER POINTE ADDITION PHASE 1/SOUTH OF 13TH STREET NORTH, EAST OF TYLER) (468-85102).

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 **Resolution No. 16-059** of the City (the "Prior Resolution") authorized certain internal improvements; and

WHEREAS, **the estimated or probable cost and the scope of the improvements authorized by the Prior Resolution has changed;**

WHEREAS, pursuant to the receipt of a new petition (the "Petition"), it is necessary to authorize the improvements requested therein by the adoption of a new resolution of the City and repeal the Prior Resolution; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by the **owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. **Repealer**. The Prior Resolutions are hereby repealed.

Section 2. **Findings of Advisability**. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

That there be constructed a Storm Water Sewer System to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Two Hundred Sixty-Six Thousand Eight Hundred Dollars ($266,800)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 through 6, Block A, Tyler Pointe Addition, Wichita, Sedgwick County, Kansas

(d) The method of assessment is: **on a fractional basis:**

Lot 1, Block A; Tyler Pointe Addition shall pay 5808/10000 of the total cost payable by the improvement district. Lot 2, Block A; Tyler Pointe Addition shall pay 1561/10000 of the total cost payable by the improvement district. Lot 3, Block A; Tyler Pointe Addition shall pay 643/10000 of the total cost payable by the improvement district. Lot 4, Block A; Tyler Pointe Addition shall pay 1289/10000 of the total cost payable by the improvement district. Lot 5, Block A; Tyler Pointe Addition shall pay 539/10000 of the total cost payable by the improvement district. Lot 6, Block A; Tyler Pointe Addition shall pay 160/10000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. **Plans and Specifications**. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. **Bond Authority; Reimbursement**. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special 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 the Prior Resolution, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. **Effective Date**. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on October 11, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney
and Director of Law

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Petition for Sanitary Sewer Improvements to Serve Sierra Hills Golf Club (District II)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the petition and budget and adopt the resolution.

Background: The signatures on the petition represent 100% of the improvement district. The petition is a requirement to extend public sewer to allow the golf course clubhouse to replace its pumped and forced sewer service line with a more reliable gravity service line and the petition is valid per Kansas Statute 12-6a01.

Analysis: The project will provide sanitary sewer improvements required for an existing commercial development located north of Pawnee and east of 127th East.

Financial Considerations: The petition total for the sanitary sewer improvements is $19,000. The funding source for the project is 100% special assessments.

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

Recommendation/Actions: It is recommended that the City Council approve the petition and budget, adopt the resolution, and authorize the necessary signatures.

Attachments: Map, budget sheet, petition, and resolution.

132019

(Published in the ***Wichita Eagle***, on October 14, 2016)

RESOLUTION NO. 16-400

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (LATERAL 5, MAIN 21, FOUR MILE CREEK SEWER – SIERRA HILLS GOLF CLUB ADDITION/NORTH OF PAWNEE, EAST OF 127TH STREET EAST) (468-85146).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. **Findings of Advisability**. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Nineteen Thousand Dollars ($19,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Sierra Hills Golf Club Addition
Reserve A

(d) The method of assessment is: **equally per lot (1 lot)**.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 1*** of this Resolution.

Section 3. **Plans and Specifications**. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. **Bond Authority; Reimbursement**. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special 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 this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. **Effective Date**. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on October 11, 2016

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

GREENWICH
GREENWICH
LINCOLN
ZELTA
127th ST EAST
127th
HARRY
LINCOLN
PAWNEE
143rd
143rd

Project Request

◯ CIP ◉ Non-CIP

☒ NEIGHBORHOOD IMPROVEMENT ◯ ORDERED BY WCC ◉ PETITION PETITION PERCENTAGE: 100%

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

ENGINEERING REFERENCE #: 468-85146

FUND: 480 Sewer Improvements N.I. SUBFUND: 480 Sanitary Sewers N.I.

COUNCIL DISTRICT: 02 Council District 2 DATE COUNCIL APPROVED: 10-11-2016 REQUEST DATE:

PROJECT # : 480117 PROJECT TITLE: Sierra Hills Golf Club

PROJECT DETAIL # : 01 PROJECT DETAIL DESCRIPTION: Sierra Hills Golf Club

OCA # : 744425 OCA TITLE: Sierra Hills Golf Club

PERSON COMPLETING FORM: Janis Edwards PHONE #: 268-4548

PROJECT MANAGER: Julianne Kallman PHONE #: 268-4236

◉ NEW BUDGET ◯ REVISED BUDGET

REVENUE		EXPENSE	
Object Level 3	**Budget**	**Object Level 3**	**Budget**
9730 S.A. Bonds	$19,000.00	2999 Contractuals	$19,000.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
REVENUE TOTAL:	$19,000.00	**EXPENSE TOTAL:**	$19,000.00

NOTES:

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: Gary Jorn DATE: 09/15/16

DEPARTMENT HEAD: DATE: 9/28/16

BUDGET OFFICER: Cheryl L Bursata DATE: 9/16/16

CITY MANAGER: DATE:

468-85146

Lateral 05, Main 21 Four Mile Creek Sewer

RECEIVED
AUG 24 '16
CITY CLERK OFFICE

PETITION
Sanitary Sewer – Sierra Hills Golf Club Addition

TO: The Mayor and City Council (the "Governing Body")
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: Nineteen Thousand Dollars ($19,000), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Sierra Hills Golf Club Addition
Reserve A

(d) The proposed method of assessment is: equally per lot (1 lot).

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
Eugene Vitanelli	8/16/2016	

****

THIS PETITION was filed in my office on 8-31-16.

Deputy City Clerk

132019

(Published in the *Wichita Eagle*, on _____)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (LATERAL 5, MAIN 21, FOUR MILE CREEK SEWER – SIERRA HILLS GOLF CLUB ADDITION/NORTH OF PAWNEE, EAST OF 127TH STREET EAST) (468-85146).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Nineteen Thousand Dollars ($19,000)** Project Cost Estimate, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Sierra Hills Golf Club Addition
Reserve A

(d) The method of assessment is: **equally per lot (1 lot)**.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respreads agreement submitted to the City of Wichita.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 1*** of this Resolution.

Section 3. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special 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 this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

Agenda Item No. II-5a

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Community Events – Friday Nights at the Fountains (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, the event promoter Kary Taylor, Wichita WaterWalk, is coordinating the Friday Nights at the Fountains event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Friday Nights at the Fountains October 14, 2016 10:00 am – 9:00 pm

- South Water Street, Dewey Street to Waterman Street
- Water Walk Place, South Water Street to Wichita Street

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special events.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

Agenda Item No. II- 5b

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Community Events – WaterWalk Trunk or Treat (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, the event promoter Kary Taylor, Wichita WaterWalk, is coordinating the WaterWalk Trunk or Treat event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

WaterWalk Trunk or Treat October 22, 2016 8:00 am – 9:00 pm

- South Water Street, Dewey Street to Waterman Street
- Water Walk Place, South Water Street to Wichita Street

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special events.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

Agenda Item No. II- 5c

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Community Events – Trick or Treat Street (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, event promoter Monica Flynn, Wichita Children's Theatre and Dance Center, is coordinating the Trick or Treat Street event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Trick or Treat Street October 29, 2016 10:00 am to 7:00 pm

- East English Street, South Pattie Street to South Lulu Street
- South Lulu Street, East English Street to East Waterman Street

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special event.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

Agenda Item No. II-5d

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Community Events – Wichita Toy Run (Districts I, IV and VI)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, event promoter Terisa Olson, Wichita Toy Run Association, is coordinating the Wichita Toy Run event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Wichita Toy Run November 6, 2016 1:00 pm to 4:00 pm

- West Maple Street, Sycamore to McLean Boulevard
- McLean Boulevard, West Maple Street to Douglas Avenue
- Douglas Avenue, McLean Boulevard to Broadway Avenue
- Broadway Avenue, Douglas Avenue to 53rd Street North

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special event.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Renewal of the Right-of-Entry Agreement between City of Wichita and United States of America, McConnell Air Force Base for property located on the Kansas Aviation Museum (District III)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the renewal of the Right-of-Entry Agreement between the City of Wichita and United States of America, McConnell Air Force Base (McConnell AFB).

Background: The City entered into a five-year Right-Of-Entry Agreement with McConnell Air Force Base on June 14, 2011, which expired July 30, 2016. This agreement allowed for environmental surveying, testing and monitoring of potential pollution on McConnell AFB. Past testing of ground water samples for volatile organic compounds near the Kansas Aviation Museum have shown results above Environmental Protection Agency limits.

The land affected by this Right-of-Entry Agreement is located in the State of Kansas, in the County of Sedgwick, (NW ¼ of Sec 12, Township 28 South, Range 1 East) and described in Exhibit A.

Analysis: The renewal of this five-year agreement will allow McConnell AFB access to property located on the Kansas Aviation Museum. This Right-of-Entry will allow ingress and egress otherwise not conveniently available to McConnell. Work that may be included in the exploration of potential pollution may include but is not limited to installing, monitoring, operating and sampling groundwater-monitoring wells. It may also include sampling and inspecting, to include soil borings of any and all soils, sediments, groundwater waste materials, waste pits and discarded debris or materials, and fill materials located on the land or beneath the surface.

The Air Force agrees to give no less than three calendar days' notice in advance of the initiation of any activity related to the agreement.

Financial Consideration: The agreement has no financial impact.

Legal Consideration: The Right-of-Entry Agreement has been reviewed by the Law Department and approved to form.

Recommendations/Action: It is recommended that the Right-of-Entry Agreement be approved.

Attachments: Agreement with Exhibit A

RIGHT-OF-ENTRY

FROM THE CITY OF WICHITA, KS

TO THE

UNITED STATES OF AMERICA

THE UNDERSIGNED, hereinafter referred to as the "Grantor", hereby grants to the UNITED STATES OF AMERICA, hereinafter referred to as the "Grantee", a right-of-entry upon the following terms and conditions:

1. The Grantor hereby grants to the Grantee an irrevocable right to enter upon the lands hereinafter described at any time for a period of five (5) years beginning **1 August 2016** and ending **31 July 2021** in order to survey, make test borings, and carry out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Grantee. The work may include but is not limited to:

   a. Installing, monitoring, operating and sampling groundwater-monitoring wells.

   b. Sampling and inspecting, to include soil borings of any and all soils, sediments, groundwater waste materials, waste pits and discarded debris or materials, and fill materials located on said land or beneath the surface thereof.

2. This right-of-entry includes the right of ingress and egress on other lands of the Grantor not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Grantee.

3. All tools, equipment, and other property taken upon or placed upon the land by the Grantee shall remain the property of the Grantee and may be removed by the Grantee at any time within a reasonable period after the expiration of this right-of-entry.

4. If any action of the Grantee's officer's, employees, or agents in the exercise of this right-of-entry results in damage to the real property, the Grantee will, at its option, either repair such damage or make an appropriate settlement with the Grantor. In no event shall such repair or settlement exceed the fair market value of the fee interest of the

real property at the time immediately preceding such damage. The Grantee's liability under this clause may not exceed appropriations available for such payment and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Grantor may have to make a claim under applicable laws for any other damages than provided herein.

5. The land affected by this right-of-entry is located in the State of Kansas, in the County of Sedgwick, **(NW ¼ of Sec 12, Township 28 South, Range 1 East)** and described in **Exhibit "A"** which is attached hereto and made a part hereof.

6. The Air Force agrees to give notice to the Grantor not less than three (3) calendar days in advance of the initiation of any activity pursuant to this license. This notice shall include a full disclosure of the activities nature, scope, location, and duration. Any questions or comments by the Grantor concerning the proposed activity should be addressed to:

Mr. Cole Knight
AFCEC/CZOM
57830 Pittsburg St, Ste 120
McConnell AFB, KS 67221-3617
(316) 759-3887

7. Any requests for information by the Air Force should be addressed to:

City of Wichita
455 N. Main
Wichita, KS 67202

8. No conveyance of title, easement, or other interest by the Grantor in said land shall be consummated without providing for the continued operation of wells, facilities, or other actions provided for in the license. The Grantor shall notify the Air Force by certified mail at least sixty (60) days prior to such conveyance of title or other interest to said land, to advise of the Owner's intent and the provisions made for continued operation of the wells, facilities or other actions granted by this license.

IN WITNESS whereof, this Right-of-Entry is made by Grantor this _____ day of _____, 20____.

_____
City of Wichita

IN WITNESS whereof, I have hereunto set my hand by authority of the Secretary of the Air Force.

THE UNITED STATES OF AMERICA,
by the Secretary of the Air Force

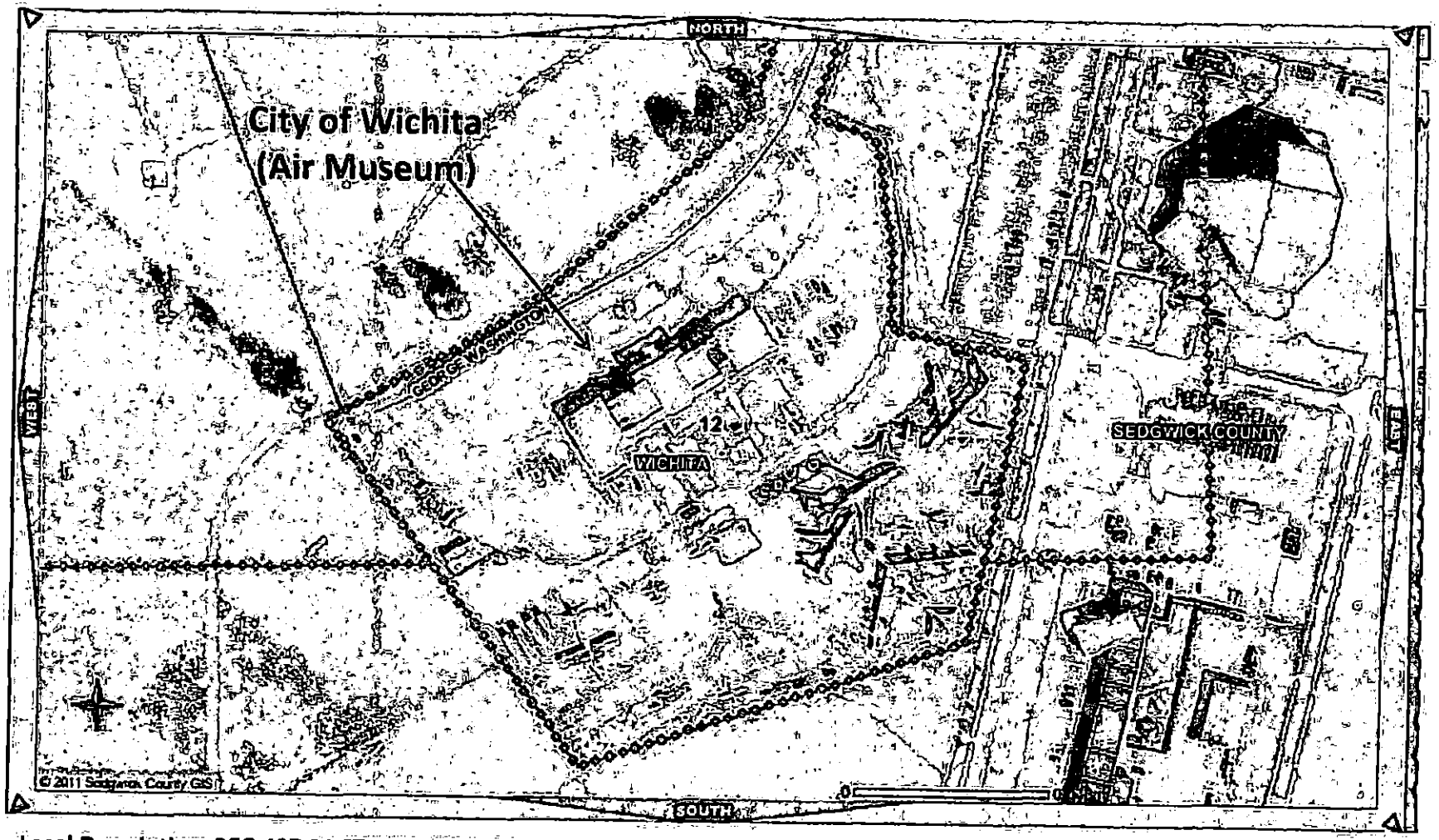
BY:_____
ALBERT G.MILLER, Colonel USAF
Commander, 22d Air Refueling Wing (AMC)

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer Magana, City Attorney
and Director of Law



Legal Description: BEG 497.38 FT W TO PT 2170.42 FT E OF NW COR & 30 FT S OF NE COR NW1/4 S 490.25 FT SW 253.9 FT SW 389.4 FTSW 285.26 FT SW 26.76 FT SE 553.32 FT NE 529.18 FT NE 377.9 FT NW 176.92 FT N 100 FT NW 146.51 FT W 89.02 FT NLY ALG A CUR 421.2 FT WLY 6.59 FT NLY 294.2 FT NW 30.33 FT W 46.25 FT TO BEG SEC 12-28-1E

Property Owner Name: WICHITA CITY OF

Mailing Address: 455 N MAIN WICHITA KS 67202-1600

Key Number (Geo Code): C 0066200UP **Control Number (PIN):** 00522646 **Parcel Id (AIN):** 211120120000100

Exhibit "A"

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Supplemental Design Agreement No. 2 for Improvements to 9th Street North between I-135 and Hillside (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Design Agreement No. 2.

Background: On April 19, 2016, the City Council approved a design concept agreement with Baughman Company for improvements to 9th Street North between I-135 and Hillside. On July 19, 2016, the City Council approved the design concept and supplemental agreement No. 1 to complete the design.

Analysis: The water and sewer items were not addressed with the final design agreement due to potential conflicts with the proposed storm sewer. An additional storm sewer system was added after recent rains revealed previously unforeseen problems. The storm sewer alignment is now set and the water and sewer work are ready for design.

Financial Considerations: The additional cost of the design work is $39,000. The storm sewer cost will be covered by the existing design budget. The water budget will be set up from the Arterial Projects Water funding that was approved by the City Council on November 10, 2015. The sewer budget will be set up from the Collections Mains Replacement Sewer funding that was approved by the City Council on November 17, 2015. Both funding sources are included in the Capital Improvement Program (CIP). Funding is general obligation (GO) bonds for the drainage and utility funding for the water and sewer work.

Legal Considerations: Supplemental Design Agreement No. 2 has been reviewed and approved as to form by the Law Department.

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

Attachment: Supplemental Design Agreement No. 2.

SUPPLEMENTAL AGREEMENT NO. 2

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED APRIL 19, 2016

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BAUGHMAN COMPANY, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists an Agreement (dated April 19, 2016) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **9TH STREET, HILLSIDE TO I-135** (Project No.472-85283).

WHEREAS, Paragraph IV. B. of the above referenced Agreement 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:

Prepare additional Sewer, Water and Stormwater Improvements for 9th Street, Hillside to I-135 (see Attached for details)

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 as outlined in this Supplemental Agreement shall be made on the basis of the not to exceed fee as follows:

Water improvements :	**$27,000.00**
Sanitary Sewer improvements:	**$ 4,000.00**
Stormwater improvements:	**$ 8,000.00**
TOTAL:	**$39,000.00**

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 within the time allotted for the project as stipulated below; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

(a) Field check plans of the project for distribution to utilities by **September 12, 2016**.
(b) Office check plans by **December 5, 2016**.
(c) Completion of all work required by this agreement (including submittal of final approved plans, field notes, and related project documents by **January 15, 2017**.

D. PROVISIONS OF THE ORIGINAL AGREEMENT

The parties hereunto mutually agree that all provisions and requirements of the original Agreement, not specifically modified by this Supplemental Agreement, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2016.

CITY OF WICHITA

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and
Director of Law

BAUGHMAN COMPANY, P.A.

_____
Tim Aziere, P.E., PTOE
Director of Transportation Engineering

Agenda Item No. II-9

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council Members

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

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: Consent

Recommendations: Adopt the resolutions scheduling a public hearing to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes.

Background: On September 12, 2016, the Board of Building Code Standards and Appeals (BBCSA) conducted hearings on the properties listed below. The buildings on these properties are considered dangerous and unsafe structures per State Statutes and local ordinances, and are being presented in order to schedule condemnation hearings before the City Council. The BBCSA has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on these properties.

Analysis: Minimum Housing Code violation notices have been issued on the structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to complete required building repairs or to remove the dangerous building.

Property Address	Council District
a. 1322 N. Wabash Ave	I
b. 1608 N. Minneapolis Ave (garage)	I
c..1244 N. Indiana Ave	I
d. 1608 S. Edwards Ave Lot 10	IV

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Metropolitan Area Building and Construction Department (MABCD) 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) charge to cover associated costs of the condemnation, including title search, publishing, copying and mailing costs. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property.

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

Recommendations/Actions: It is recommended that the City Council adopt the attached resolutions to schedule a public hearing before the City Council on December 13, 2016 at 9:30 a.m. or soon thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

Attachments: Letter to Council, summary, and resolutions.

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1322 N. WABASH AVE** and legally described as: **LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **December 13, 2016** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame dwelling about 25 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a sagging and badly deteriorated composition roof, with missing shingles and holes; exposed, rotted rafters; dilapidated front porch; fire damaged wood trim and framing members; rotted soffit and fascia; and the 10 x 10 accessory structure is deteriorated.

(b) Street Address: 1322 N. WABASH AVE

(c) Owners:
Amos Bobbitt
Agent: Laura Bobbitt
1921 N. Madison
Wichita, KS 67214

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
525 N. Main
Wichita, KS 67203

(g) Mortgage Holder(s): None

(h) Interested Parties: None

DATE: September 19, 2016

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 1322 N. WABASH AVE

LEGAL DESCRIPTION: LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 25 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a sagging and badly deteriorated composition roof, with missing shingles and holes; exposed, rotted rafters; dilapidated front porch; fire damaged wood trim and framing members; rotted soffit and fascia; and the 10 x 10 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 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 Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1322 N. WABASH AVE** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS, commonly known as: 1322 N. WABASH AVE, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame dwelling about 25 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a sagging and badly deteriorated composition roof, with missing shingles and holes; exposed, rotted rafters; dilapidated front porch; fire damaged wood trim and framing members; rotted soffit and fascia; and the 10 x 10 accessory structure is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1608 N. MINNEAPOLIS AVE (GARAGE)** and legally described as: **LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **December 13, 2016** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story garage about 28 x 42 feet in size. This dilapidated structure has rotted and missing siding; rotted and missing wood trim; and collapsing roof.

(b) Street Address: 1608 N. MINNEAPOLIS AVE (GARAGE)

(c) Owners:
U.S. Bank National Association
Attorney Mark Mellor
245 N. Waco Suite 410
Wichita, KS 67202

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record: None

(g) Mortgage Holder(s): None

(h) Interested Parties: None

DATE: September 19, 2016

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 1608 N. MINNEAPOLIS AVE (GARAGE)

LEGAL DESCRIPTION: LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story garage about 28 x 42 feet in size. This dilapidated structure has rotted and missing siding; rotted and missing wood trim; and collapsing roof.

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. The building has parts, which are so attached that they may fall and injure other property or the public.

E. 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 Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1608 N. MINNEAPOLIS AVE (GARAGE)** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, commonly known as: 1608 N. MINNEAPOLIS AVE (GARAGE), may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story garage about 28 x 42 feet in size. This dilapidated structure has rotted and missing siding; rotted and missing wood trim; and collapsing roof.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

GROUP #

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1244 N. INDIANA AVE** and legally described as: **THE SOUTH 10 FEET OF LOT 60, ALL OF LOT 62, AND THE NORTH 5 FEET OF LOT 64, ON CHERRY, NOW INDIANA AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS.**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **December 13, 2016** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____
Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____
Notary Public

My Appointment Expires:
_____

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: This occupied one story, single family dwelling has shifting foundation walls; dilapidated porches; missing plumbing fixtures; missing water heater; exposed electrical wiring; defective fixtures and outlets; no gas service; and the interior is full of trash, bulky waste and salvage material.

(b) Street Address: 1244 N. INDIANA AVE

(c) Owners:
Joe W. Luinstra
Trustee of the Helen L. Luinstra Living Trust and Arlin Marr
3340 W. 10th N.
Wichita, KS 67203

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
525 N. Main
Wichita, KS 67203

(g) Mortgage Holder(s): None

(h) Interested Parties: None

DATE: September 19, 2016

CDM SUMMARY

COUNCIL DISTRICT # I

ADDRESS: 1244 N. INDIANA AVE

LEGAL DESCRIPTION: THE SOUTH 10 FEET OF LOT 60, ALL OF LOT 62, AND THE NORTH 5 FEET OF LOT 64, ON CHERRY, NOW INDIANA AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS.

DESCRIPTION OF STRUCTURE: This occupied one story, single family dwelling has shifting foundation walls; dilapidated porches; missing plumbing fixtures; missing water heater; exposed electrical wiring; defective fixtures and outlets; no gas service; and the interior is full of trash, bulky waste and salvage material.

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 Date
Enforcing Officer

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE SOUTH 10 FEET OF LOT 60, ALL OF LOT 62, AND THE NORTH 5 FEET OF LOT 64, ON CHERRY, NOW INDIANA AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS.** COMMONLY KNOWN AS **1244 N. INDIANA AVE** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE SOUTH 10 FEET OF LOT 60, ALL OF LOT 62, AND THE NORTH 5 FEET OF LOT 64, ON CHERRY, NOW INDIANA AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS., commonly known as: 1244 N. INDIANA AVE, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is one story, single family dwelling has shifting foundation walls; dilapidated porches; missing plumbing fixtures; missing water heater; exposed electrical wiring; defective fixtures and outlets; no gas service; and the interior is full of trash, bulky waste and salvage material.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1608 S. EDWARDS AVE LOT 10** and legally described as: **THE SOUTH 15 FEET OF LOT 16, AND ALL OF LOTS 18 AND 20, ON MECCA, NOW EDWARDS AVENUE, IN GARFIELD PARK ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**, is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **December 13, 2016** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

_____

Thomas Stolz, Director, Metropolitan Area Building and Construction Department
City of Wichita

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Thomas Stolz, Director of Metropolitan Area Building and Construction Department, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

_____

Notary Public

My Appointment Expires:
_____

TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A 10 x 40 foot mobile home. Vacant and open, this mobile home is dilapidated.

(b) Street Address: 1608 S. EDWARDS AVE LOT 10

(c) Owners:
Larry J. Phyle
1608 S. Edwards Ave Lot 7
Wichita, KS 67213

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Kelly Arnold, County Clerk
525 N. Main
Wichita, KS 67203

(g) Mortgage Holder(s): None

(h) Interested Parties:
Nancy Phyle & Stephanie Bauer
1907 S. Exchange
Wichita, KS 67213

DATE: September 19, 2016

CDM SUMMARY

COUNCIL DISTRICT # IV

ADDRESS: 1608 N. EDWARDS AVE LOT 10

LEGAL DESCRIPTION: THE SOUTH 15 FEET OF LOT 16, AND ALL OF LOTS 18 AND 20, ON MECCA, NOW EDWARDS AVENUE, IN GARFIELD PARK ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A 10 x 40 foot mobile home. Vacant and open, this mobile home 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. The building has parts, which are so attached that they may fall and injure other property or the public.

E. 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

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE SOUTH 15 FEET OF LOT 16, AND ALL OF LOTS 18 AND 20, ON MECCA, NOW EDWARDS AVENUE, IN GARFIELD PARK ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1608 S. EDWARDS AVE LOT 10** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at THE SOUTH 15 FEET OF LOT 16, AND ALL OF LOTS 18 AND 20, ON MECCA, NOW EDWARDS AVENUE, IN GARFIELD PARK ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, commonly known as: 1608 S. EDWARDS AVE LOT 10, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A 10 x 40 foot mobile home. Vacant and open, this mobile home is dilapidated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

OCA: 230200

FIRST PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 14, 2016
RESOLUTION NO. 16-401

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1322 N. WABASH AVE** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOTS 30 AND 32, ON WABASH AVENUE, H.O. BURLEIGHS THIRD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS, commonly known as: 1322 N. WABASH AVE, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame dwelling about 25 x 40 feet in size. Vacant and open, this structure has been damaged by fire. It has a sagging and badly deteriorated composition roof, with missing shingles and holes; exposed, rotted rafters; dilapidated front porch; fire damaged wood trim and framing members; rotted soffit and fascia; and the 10 x 10 accessory structure is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

OCA: 230200

FIRST PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 14, 2016
RESOLUTION NO. 16-402

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1608 N. MINNEAPOLIS AVE (GARAGE)** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the **13th day of December 2016,** before the governing body of the city at **9:30 A.M.,** or thereafter in the council chambers, City Hall at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at LOTS 88 AND 90, BLOCK 7, KANSAS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, commonly known as: 1608 N. MINNEAPOLIS AVE (GARAGE), may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story garage about 28 x 42 feet in size. This dilapidated structure has rotted and missing siding; rotted and missing wood trim; and collapsing roof.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

OCA: 230200

FIRST PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 14, 2016
RESOLUTION NO. 16-403

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE SOUTH 10 FEET OF LOT 60, ALL OF LOT 62, AND THE NORTH 5 FEET OF LOT 64, ON CHERRY, NOW INDIANA AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS.** COMMONLY KNOWN AS **1244 N. INDIANA AVE** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
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Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

OCA: 230200

FIRST PUBLISHED IN THE WICHITA EAGLE ONOCTOBER 14, 2016
RESOLUTION NO. 16-404

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: **THE SOUTH 15 FEET OF LOT 16, AND ALL OF LOTS 18 AND 20, ON MECCA, NOW EDWARDS AVENUE, IN GARFIELD PARK ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS** COMMONLY KNOWN AS **1608 S. EDWARDS AVE LOT 10** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **11th day of October 2016**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
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Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **11th day of October 2016.**

_____
Jeff Longwell, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

Approved as to form:

_____
Jennifer L. Magana, City Attorney and Director of Law

CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
SEPTEMBER 2016

COMMODITY TITLE	EXPIRATION DATE	VENDOR NAME	DEPARTMENT	ORIGINAL CONTRACT DATES	RENEWAL OPTIONS REMAINING
Beverage Services at Various Park and Recreation Facilities, Locations, and Special Events	9/30/2017	The Bottling Group, LLC dba Pepsi Beverages Company	Park & Recreation	10/1/2012 - 9/30/2015	1 - 1 year option
Collection of Delinquent Court Fines	9/30/2017	Gila LLC dba Municipal Services Bureau	Municipal Court	10/1/2012 - 9/30/2013	Last option
Controlled Substance & Alcohol Testing Program Third-Party Administrator	9/30/2017	Kelly Compliance, Inc.	Human Resources	10/1/2014 - 9/30/2015	1- 1 year option
Hauling - Salt	9/30/2017	A-Plus Logistics, LLC	Public Works & Utilities	1/1/2016 - 9/30/2016	1 - 1 year option
Industrial Pretreatment Wastewater Sampling	9/30/2017	Integrated Solutions Inc. DBA iSi Environmental Services	Public Works & Utilities	10/1/2015 - 9/30/2016	1 - 1 year option
Janitorial Services for Animal Control Facility - Group 5	9/30/2017	AAA Commercial Janitorial	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Janitorial Services for Central Public Library - Group 1, Old Town and WaterWalk Parking Garages and Restrooms - Group 6 and Wichita Fire Department Regional Training Facility - Group 7, Group 10 - Park Community Facilities - added effective October 9, 2015 per FQ540108 and Group 11 - Mid America All Indian Center	9/30/2017	Stephens Industries Inc dba Air Capital Building Maintenance Company	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Janitorial Services for Environmental Health - Group 2, Athletic Fields Various Locations within Wichita, KS - Group 4, Pawnee Prairie Park Community Facility - Group 8, and Property & Evidence - Group 9 (Options 1 & 2), and Group 12, Central Maintenance Facility Group Complex	9/30/2017	Able Janitorial, Inc.	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Janitorial Services for Outside Park Restrooms - Group 3	9/30/2017	Wilson Building Maintenance Inc.	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Janitorial Services for Police Substations	9/30/2016	Clean Country, Inc.	Public Works & Utilities	4/1/2015 - 9/30/2015	1 - 1 year option
Lamps - LED Traffic Signal Lamps - Group 1	9/30/2017	Mid-American Signal	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Lamps - LED Traffic Signal Lamps - Group 2	9/30/2017	Pinkley Sales Company	Public Works & Utilities	10/1/2014 - 9/30/2015	Last option
Mail Delivery Service	9/30/2017	Metro Courier, Inc.	Finance	10/1/2014 - 9/30/2015	Last option
Sedgwick, Kansas Solids Handling Agreement with City of Wichita	9/30/2017	The City of Sedgwick, Kansas	Public Works & Utilities	10/1/2015 - 9/30/2016	1 - 1 year option
Transcription Services	9/30/2017	Net Transcripts, Inc.	Police	10/1/2015 - 9/30/2016	1 - 1 year option
Trash Carts and Collection Services - Housing & Community Services	9/30/2017	Waste Management of Kansas, Inc.	Housing & Community Services	10/1/2014 - 9/30/2015	Last option
Uniforms - Airport Utility	9/30/2017	Quickstitch Alterations Inc.	Airport	10/1/2015 - 9/30/2016	1 - 1 year option
Uniforms (for Public Works & Utilities, Various Water Divisions)	9/30/2017	Industrial Uniform Co., LLC dba Logo Depot	Public Works & Utilities	10/1/2015 - 9/30/2016	1 - 1 year option
Water Heaters	9/30/2017	The Tap of Kansas, Inc.	Housing & Community Services	10/1/2015 - 9/30/2016	1 - 1 year option

PROFESSIONAL CONTRACTS UNDER $50,000
SEPTEMBER 2016

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Baughman Co.	PO640773	Engineering Consulting	$34,900.00		
Ruggles & Bohm PA	PO640800	Engineering Consulting	$15,000.00		

ANNUAL MAINTENANCE CONTRACTS OVER $50,000
DIRECT PURCHASE ORDERS FOR SEPTEMBER 2016

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

Agenda Item No. II-11

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Payment for Settlement of Claim

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize payment of $55,000 as full settlement of the claim and lawsuit and approve the bonding resolution.

Background: This lawsuit arises from a personal injury occuring on December 20, 2014, at the Kansas Humane Society parking lot.

Analysis: The claimant/plaintiff has agreed to accept a lump sum payment of $55,000 from the City as full settlement of all 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; 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 $55,000. 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 $55,000 as full settlement of all possible claims arising out of the events which are the subject of this claim and adopt the bonding resolution.

Attachments: Claim for Damages Settlement Authority and Resolution.

RESOLUTION NO. 16-405

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 in the amount of $55,000 relating to an incident occurring on December 20, 2014, involving a damaged parking block located in the handicapped stall at the Kansas Humane Society (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 October 11, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magana
City Attorney and Director of Law

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Easements Across City-owned Property in the 300 Block of South Broadway (District I)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the easements.

Background: The building at 303 South Broadway is being redeveloped. It is located immediately north of a City-owned parcel at 319 South Broadway. The City-owned parcel is currently utilized as a surface parking lot. The improvements at 100 South Market have no setback from the property line as there used to be a common wall between 303 South Broadway and the City-owned property at 319 South Broadway.

Analysis: To facilitate the redevelopment of the building at 303 South Broadway, several easements are required that impact the adjacent City-owned parking lot. One of these allows public access to the building over the north 15 feet of the parking lot. A second easement allows the placement of certain improvements such as an entryway, stairway, trash chute, and other appurtenances in the north 15 feet of the City parcel. A third agreement provides the required setback for the development of the building. None of these agreements adversely impacts the utilization of the City-owned parcel for its ascribed purpose and all are necessary to allow the redevelopment of the adjacent building.

Financial Considerations: None of the easements requires any financial expenditure by the City nor do the easements impact any future revenues or expenses.

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

Recommendation/Action: It is recommended that the City Council approve the agreements and authorize all necessary signatures.

Attachments: Declaration of Building Encroachment Easement, Building Setback Agreement, Declaration of Ingress and Egress Easement, aerial.

City Parking Lot - 319 S Broadway

Legend

- Parcels

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

1: 578

AFTER RECORDING MAIL TO:
Broadway Autopark Properties, L.L.C.
Attn: Michael D. Ramsey
135 East Douglas
Wichita, KS 67202

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DECLARATION INGRESS AND EGRESS EASEMENT

THIS DECLARATION OF INGRESS AND EGRESS EASEMENT (this "Declaration") is made and entered into as of the _12_ day of Septembery, 2016 by the CITY OF WICHITA, KANSAS, a corporate body politic and political subdivision of the State of Kansas (the "City").

WITNESSETH

WHEREAS, Broadway Autopark Properties, L.L.C. is the owner of **Even Lots 46 to 56 inclusive, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.** (the "Broadway Property", the owner at any time of the Broadway Property being referred to herein as the "Broadway Property Owner") and the improvements thereon;

WHEREAS, the City is the owner of **Lots 58, 60, and 62, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas** (the "City Property" the owner of which being referred to herein as the "City Owner");

WHEREAS, the City, as the City Owner, desires to grant for the benefit of the Broadway Property Owner and its successors and assigns an easement for pedestrian ingress and egress over and across the City Property.

NOW, THEREFORE, in consideration of the foregoing and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, for itself and its successors and assigns, state as follows:

1. *Declaration of Easement*. The City, for itself as owner of the City Property and for its successors and assigns, hereby grants and conveys to the Broadway Property Owner a perpetual nonexclusive easement of ingress and egress for pedestrian traffic to and from the Broadway Property over and across the northern most fifteen (15) feet of the City Property, as an appurtenance to the Broadway Property.

2. *Benefits and Duration*. The easement granted in this Declaration is perpetual and unless and until terminated, amended, or revoked by the filing of a duly executed termination, amendment, or release of easement, as applicable, in the office of the Sedgwick County Register of Deeds and shall run with the land and shall bind the Broadway Property Owner and the City, and their respective successors and assigns in ownership, for so long as, and to the extent such persons or entities own any interest in the Broadway Property and the City Property, as applicable. Broadway Property Owner or City, at any time, unilaterally and without the necessity of obtaining the consent of the other, may revoke said easement by executing and placing of record a document so stating. Broadway Property Owner and City agree in the event of the revocation of easement as described in Section 1 above, which would cause the improvements, if any, to then fail to meet the International Building Code of the City of Wichita, Kansas regarding protection of exterior walls and/or openings, to take such action as necessary to bring their improvements into compliance with the International Building Code of the City of Wichita, Kansas.

3. *Reservation of City*. Notwithstanding the foregoing, the Easement granted herein shall be subordinate to the rights hereby reserved unto City, its successors and assigns, to construct permanent improvements upon the City Property, so long as such improvements do not unreasonably impair Broadway Property Owner's use and enjoyment of the Easement herein granted.

4. *Indemnity*. The Broadway Property Owner agrees to indemnify and hold the City Owner harmless from any and all claims resulting from the Broadway Property Owner's use of the easement granted in this Declaration, to the extent such claims are caused by the negligence of the Broadway Property Owner.

IN WITNESS WHEREOF, the City Owner has executed and delivered this Declaration as of the day and year first above written.

CITY OF WICHITA, KANSAS

_____

Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of July, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jeff Longwell, Mayor of the City of Wichita, Kansas, and Karen Sublett, City Clerk of such City, who are personally known to me to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same, by and for, and as the free act and deed of such City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Notary Public

_____
My Commission Expires: _____

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

AFTER RECORDING MAIL TO:
Broadway AutoPark Building, L.L.C.
Attn: Michael D. Ramsey
135 East Douglas
Wichita, KS 67202

(Space left blank for recording purposes)

DECLARATION OF BUILDING ENCROACHMENT EASEMENT

THIS DECLARATION OF BUILDING ENCROACHMENT EASEMENT (this "***Declaration***") is made and entered into as of the ___ day of _____, 2016 by the CITY OF WICHITA, KANSAS, a corporate body politic and political subdivision of the State of Kansas (the "***City***").

WITNESSETH

WHEREAS, Broadway AutoPark Building, L.L.C. owns real property located at 303 South Broadway Avenue in the City of Wichita, County of Sedgwick, Kansas, more particularly described on Exhibit A attached hereto and made a part hereof (the "**Broadway Property**", the owner at any time of such Broadway Property being referred to herein as "**Broadway Property Owner**") and the improvements thereon.

WHEREAS, the City owns property commonly known as 319 South Broadway, a surface parking lot on the south side of Broadway Avenue, more particularly described on Exhibit B attached hereto and made a part hereof (the "**City Property**" the owner of which, being referred to herein as the "**City**") and grant to Broadway Property Owner and its affiliates an option to construct an stairway, trash chute, sidewalk, and other incidental architectural embellishments attached to the Broadway Property and over and on a portion of the City Property, more particularly described on Exhibit C attached hereto and made a part hereof, and

WHEREAS, City Property Owner desires to grant for the benefit of Broadway Property Owner and its successors and assigns an easement for the construction (including footings and foundations), maintenance and use of a stairway, trash chute, sidewalk, and other incidental architectural embellishments (**"Encroachments"**) attached to the Broadway Property and over the City Property.

NOW, THEREFORE, in consideration of the foregoing and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Broadway Property Owner and City for themselves and their respective successors and assigns, state as follows:

1. Declaration of Easement. The City, for itself as owner of the City Property and its successors and assigns, hereby grants and conveys to the Broadway Property Owner a perpetual exclusive easement, as an appurtenance to the Broadway Property over the City Property for the construction (including footings and foundations), maintenance and use

of the Encroachments, in the location shown on Exhibit D, attached hereto and made a part hereof.

2. Consent to Attachment. The Broadway Property Owner hereby consents to the attachment of the Encroachments to the Broadway Property, provided the manner of attachment shall be in accordance with good construction practice, in the manner customary for improvements of such type and so as not to impose an unreasonable load on the Broadway Property. The Broadway Property Owner shall comply with all applicable building codes and permitting processes.

3. Destruction. In the event the Encroachments are destroyed by fire or other casualty, the Broadway Property Owner may rebuild the Encroachments without any further consent, except such consents as may be required by a governmental authority.

4. Removal of Encroachments. If the Broadway Property Owner should ever require the Encroachments or any part thereof to be permanently removed, the Broadway Owner shall, at its cost and expense, cause the Encroachments to be removed and the places where the Encroachments connect to the Broadway Property to be restored to a condition suitable without the Encroachments. Upon such removal and repair, this Declaration shall automatically terminate and become null and void.

5. Maintenance of Encroachments. The Broadway Property Owner shall, at all times during the term of this Declaration, maintain the Encroachments in good repair and condition, at its sole expense.

6. Benefits and Duration. The easement granted in this Declaration is perpetual and unless and until terminated, amended or revoked by the filing of a written and duly executed termination, amendment or release of easement, as applicable, in the Register of Deeds for Sedgwick County, and shall run with the land and shall bind the Broadway Property Owner and the City, and their respective successors and assigns in ownership, for so long as, and to the extent such persons or entities own any interest in the Broadway Property and the City Property, as applicable. Broadway Property Owner or City, at any time, unilaterally and without the necessity of obtaining the consent of the other, may revoke said easement by executing and placing of record a document so stating. Broadway Property Owner and City agree in the event of the revocation of easement as described in Section 1 above, which would cause the improvements, if any, to then fail to meet the International Building Code of the City of Wichita, Kansas regarding protection of exterior walls and/or openings, to take such action as necessary to bring their improvements into compliance with the International Building Code of the City of Wichita, Kansas.

7. Utility Relocation. The relocation of any utilities necessitated by the construction of the Encroachments shall be at the sole cost and expense of the Broadway Property Owner.

8. Indemnity. The Broadway Property Owner agrees to indemnify and hold harmless the City from any and all claims resulting from the Broadway Property Owner's use and occupancy of the Encroachments and the easement granted in this Declaration, including

but not limited to the failure of the Encroachments, increased cost that may arise from the necessity of construction or repair of public facilities that is caused by the presence of the Encroachments, and the cost of repair or replacement of the Encroachments.

9. Governing Law. This Declaration shall be governed by the laws of the State of Kansas.

10. Enforceability. The unenforceability of any provision of this Declaration shall not render the remaining provisions hereof unenforceable or void.

[*Signature Page Follows*]

IN WITNESS WHEREOF, the Broadway Property Owner and City have executed and delivered this Declaration as of the day and year first above written.

Broadway AutoPark Building, L.L.C. (Broadway Property Owner)

BY: Michael D Ramsey
Michael D. Ramsey, Manager

CITY OF WICHITA, STATE OF KANSAS (City)

BY: _____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jeff Longwell, Mayor of the City of Wichita, Kansas, and Karen Sublett, City Clerk of such City, who are personally known to me to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same, by and for, and as the free act and deed of such City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Notary Public

_____

My Appointment Expires:

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 22nd day of September, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Michael D. Ramsey, Manager, who is personally known to me to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of the same, by and for, and as the free act and deed of such Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Notary Public

Kathi S. Conner

My Appointment Expires: KATHI S. CONNER Notary Public, State of Kansas My Appointment Expires 2/07/2017

APPROVED AS TO FORM:

Jennifer Magana, Director of Law and City Attorney

EXHIBIT A

Even Lots 46 to 56 inclusive, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

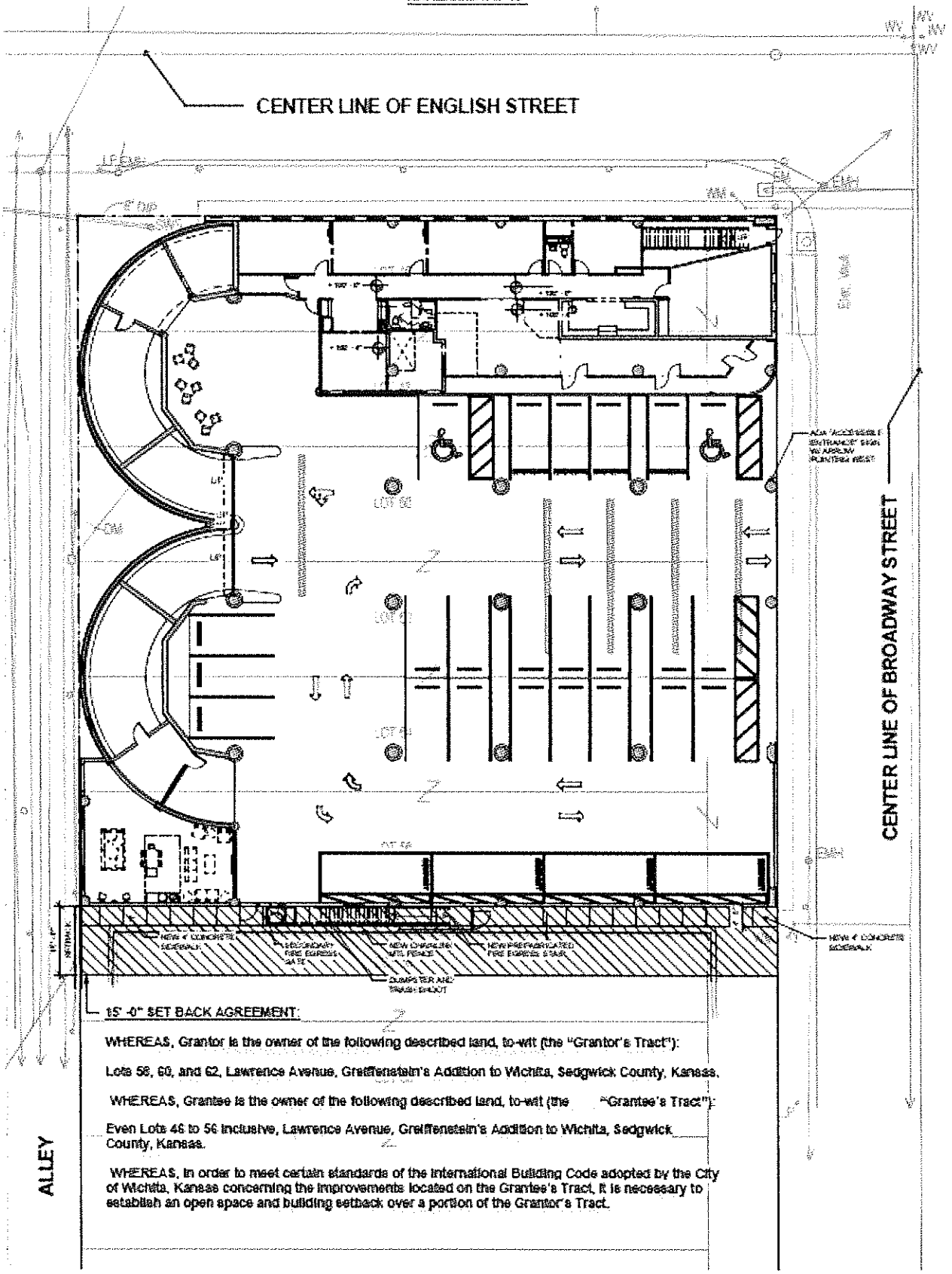
EXHIBIT B

Lots 58, 60, and 62, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

EXHIBIT C

The North 15 feet of Lot 58, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

EXHIBIT D


CENTER LINE OF ENGLISH STREET
CENTER LINE OF BROADWAY STREET
ALLEY
15' -0" SET BACK AGREEMENT:
WHEREAS, Grantor is the owner of the following described land, to-wit (the "Grantor's Tract"):
Lots 58, 60, and 62, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.
WHEREAS, Grantee is the owner of the following described land, to-wit (the "Grantee's Tract"):
Even Lots 46 to 56 inclusive, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.
WHEREAS, in order to meet certain standards of the International Building Code adopted by the City of Wichita, Kansas concerning the improvements located on the Grantee's Tract, it is necessary to establish an open space and building setback over a portion of the Grantor's Tract.

BUILDING SETBACK AGREEMENT
For protection of exterior walls and openings

THIS BUILDING SETBACK AGREEMENT (the "Agreement") is made and entered into this ___ day of _____ , 2016, by and between the City of Wichita, Kansas ("Grantor") and Broadway AutoPark Building, L.L.C. ("Grantee").

WHEREAS, Grantor is the owner of the following described land, to-wit (the "Grantor's Tract"):

Lots 58, 60, and 62, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, Grantee is the owner of the following described land, to-wit (the "Grantee's Tract"):

Even Lots 46 to 56 inclusive, Lawrence Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, in order to meet certain standards of the International Building Code adopted by the City of Wichita, Kansas concerning the improvements located on the Grantee's Tract, it is necessary to establish an open space and building setback over a portion of the Grantor's Tract.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. Grantor hereby creates a fifteen (15) foot setback (the "Setback") from its north property line and agrees that it will not construct any structure within the Setback that would cause the improvements on the Grantee's Tract to fail to meet the International Building Code of the City of Wichita, Kansas regarding protection of exterior walls and/or openings. The Setback is created for the protection of southern exterior wall and openings to be located on Grantee's Tract as required by the International Building Code adopted by the City of Wichita, Kansas.

2. Grantor or Grantee, at any time, unilaterally and without the necessity of obtaining the consent of the other, may revoke said open space and adjust setback line as described in Section 1 above by executing and placing of record a document so stating. Grantor and Grantee agree in the event of the vacation or revocation of said open space and/or adjusted setback line as described in Section 1 above, which would cause the improvements, if any, to then fail to meet the International Building Code of the City of Wichita, Kansas regarding protection of exterior walls and/or openings, to take such action as necessary to bring their improvements into compliance with the International Building Code of the City of Wichita, Kansas.

3. This Agreement shall be deemed to be a covenant running with the land and shall be binding upon the successors and assigns of the parties whereto.

4. In the event any portion of this Agreement is revoked by either party or both, a written notice of such revocation shall be given to the Director of the Metropolitan Area Building and Construction Department for the City of Wichita, Kansas.

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

CITY OF WICHITA, KANSAS

_____
Jeff Longwell, Mayor

Broadway AutoPark Building, L.L.C.

Michael D Ramsey
Michael D. Ramsey, Manager

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this _____ day of July, 2016, by Jeff Longwell, the Mayor of the City of Wichita, Kansas.

Notary Public _____
My Commission Expires: _____

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this 22nd day of Sept. ~~July~~, 2016, by Michael D. Ramsey, Manager, of Broadway AutoPark Building, L.L.C.

Notary Public
My Commission Expires: 2/01/2017

KATHI S. CONNER
Notary Public, State of Kansas
My Appointment Expires
2/01/2017

Kathi S Conner

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magana, Director of Law and City Attorney

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Funding for 17th and 18th Street and Mt. Vernon Bicycle Enhancement Projects (Districts III and VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendations: Adopt the resolutions and amending resolution, and waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds and approve the revised budgets.

Background: On February 5, 2013, the City Council endorsed the Wichita Bicycle Master Plan. On August 19, 2014, the City Council approved design agreements and funding for nine of the bicycle projects. The projects were bid and constructed in 2015 and 2016. When original design agreements were approved, funding was not available for design or construction of the 17th and 18th Street Bicycle Project, nor was construction funding available for the Mt. Vernon Bicycle Project.

Analysis: The 17th and 18th Street Bicycle Project is listed in the top ten priority projects within the Wichita Bicycle Master Plan. A Request for Proposal (RFP) was sent out for design of the 17th and 18th Street Bicycle Project. The Staff Screening and Selection Committee selected Ruggles & Bohm to complete the design for this project for a fee of $17,500.

Mt. Vernon on-street bicycle lanes from Broadway to Woodlawn are also listed in the top ten priority projects within the plan. This project will complete a portion of the route, from Oliver to Woodlawn, connecting to the Gypsum Creek path at Woodlawn and the recently completed intersection at Oliver. The design phase is complete and construction is ready to begin.

Financial Considerations: The design fee total for the 17th and 18th Street Bicycle Project is $17,500, and the estimated construction and administration cost is $102,700, for a total project cost of $120,200.

The estimated project cost for Mt. Vernon is $375,000.

The City of Wichita has received $70,200 of Wichita Area Metropolitan Planning Organization (WAMPO) Transportation Alternative (TA) funding programmed in 2016 for the 17th and 18th Street Bicycle Project. On March 15, 2016, the City Council approved the Third Program Year Action Plan that included $125,000 of Community Development Block Grant (CDBG) funding to construct on-street bicycle lanes on Mt. Vernon from Oliver to Woodlawn.

Staff proposes adding an additional $300,000 in general obligation bond (GO) funding available for transfer from the initial Wichita Bicycle Master Plan projects to the 17th and 18th Street Bicycle and Mt. Vernon Bicycle Projects. The offset of GO bond funding is due to lower than anticipated bid prices. Staff requests waiver of City Council Policy No. 2 regarding the use of project savings to allow this transfer of funds. This will provide a total budget of $495,200 for the two projects ($70,200 WAMPO; $125,000 CDBG; $300,000 GO).

The total budget for the 17th and 18th Street Bicycle Project would be $120,200, which will allow for payment of design, construction and staff oversight and administration. The total budget for the Mt. Vernon Bicycle Project would be $375,000, which will allow for payment of construction.

Legal Considerations: The resolutions and amending resolution have been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council adopt the resolutions and amending resolution, waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds, and authorize the necessary signatures.

Attachments: Resolutions, amending resolution, and budget sheets.

Project Request

◉ CIP ◯ Non-CIP CIP YEAR: 2016 CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

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

ENGINEERING REFERENCE #: 472-85295

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving

COUNCIL DISTRICT Council District III DATE COUNCIL APPROVED: 10-1-16 REQUEST DATE:

PROJECT # : 211563 PROJECT TITLE: Mt. Vernon Project 472-85295

PROJECT DETAIL # : 01 PROJECT DETAIL DESCRIPTION: Mt. Vernon Project 472-85295

OCA # : 707110 OCA TITLE: Mt. Vernon Project 472-85295

PERSON COMPLETING FORM: Kim Pelton PHONE #: 268-4499

PROJECT MANAGER: Paul Gunzelman PHONE #: 268-4393

◉ NEW BUDGET ◯ REVISED BUDGET

REVENUE		EXPENSE	
Object Level 3	**Budget**	**Object Level 3**	**Budget**
9720 G.O. Bonds	$250,000.00	2999 Contractuals	$250,000.00
9813 Cash Transfer In	$125,000.00	2999 Contractuals	$125,000.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
REVENUE TOTAL:	$375,000.00	**EXPENSE TOTAL:**	$375,000.00

NOTES:

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: DATE: 09/19/16

DEPARTMENT HEAD: DATE: 9/28/16

BUDGET OFFICER: DATE: 9/15/16

CITY MANAGER: DATE:

RESOLUTION NO. ___-_____

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:

Construction of Mt. Vernon on-street bicycle lanes from Broadway to Woodlawn (472-85295).

(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 **$375,000 with $125,000 paid by Community Development Block Grant and $250,000 by general obligation bonds,** 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. 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 _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

Project Request

(•) CIP ( ) Non-CIP CIP YEAR: 2016 CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

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

ENGINEERING REFERENCE #: 472-85294

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving

COUNCIL DISTRICT: Council District VI DATE COUNCIL APPROVED: 10/11/16 REQUEST DATE:

PROJECT # : 211562 PROJECT TITLE: 17th & 18th Streets 472-85294

PROJECT DETAIL # : 01 PROJECT DETAIL DESCRIPTION: 17th & 18th Streets 472-85294

OCA # : 707109 OCA TITLE: 17th & 18th Streets 472-85294

PERSON COMPLETING FORM: Kim Pelton PHONE #: 268-4499

PROJECT MANAGER: Paul Gunzelman PHONE #: 268-4393

(•) NEW BUDGET ( ) REVISED BUDGET

REVENUE		EXPENSE	
Object Level 3	**Budget**	**Object Level 3**	**Budget**
9720 G.O. Bonds	$50,000.00	2999 Contractuals	$50,000.00
9800 WAMPO	$70,200.00	2999 Contractuals	$70,200.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
REVENUE TOTAL:	$120,200.00	**EXPENSE TOTAL:**	$120,200.00

NOTES:

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: Gary Jan DATE: 09/19/16

DEPARTMENT HEAD: Amy DATE: 9/28/16

BUDGET OFFICER: Lacy Tinsley DATE: 9/15/16

CITY MANAGER: DATE:

RESOLUTION NO. ____-_____

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, staff oversight, administration and construction of improvements to 17th and 18th Street Bicycle Project (472-85294).

(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 **$120,200 with $70,200 paid by Wichita Area Metropolitan Planning Organization Transportation Alternative and $50,000 by general obligation bonds,** 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. 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 _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magana, City Attorney and Director of Law

Project Request

◉ CIP ◯ Non-CIP CIP YEAR: 2015 CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

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

ENGINEERING REFERENCE #: 472-85108

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving

COUNCIL DISTRICT: 13 Council Districts 1, 6 DATE COUNCIL APPROVED: 10-11-16 REQUEST DATE:

PROJECT # : 211516 PROJECT TITLE: Bike Enhancement Projects

PROJECT DETAIL # : 01 PROJECT DETAIL DESCRIPTION: 1st & 2nd Street On-Street Bike Lanes 472-85108

OCA # : 707051 OCA TITLE: 1st & 2nd Street On-Street Bike Lanes 472-85108

PERSON COMPLETING FORM: Kim Pelton PHONE #: 268-4499

PROJECT MANAGER: Paul Gunzelman PHONE #: 268-4393

◯ NEW BUDGET ◉ REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	$408,741.00	($125,000.00)	$283,741.00
8062 Federal pass thru State	$342,279.00	$96,000.00	$438,279.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$751,020.00	($29,000.00)	$722,020.00

Expense Object Level 3			
2999 Contractuals	$751,020.00	($29,000.00)	$722,020.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
Total Expense:	$751,020.00	($29,000.00)	$722,020.00

NOTES:

$125K tranferred to 17th & 18th Project OCA 707109 PPN 211562

SIGNATURES REQUIRED

Print Form

DIVISION HEAD: Gary Jones DATE: 9/19/16

DEPARTMENT HEAD: DATE: 9/28/16

BUDGET OFFICER: Troy Gilstrap DATE: 9/15/16

CITY MANAGER: DATE:

Project Request

(•) CIP ( ) Non-CIP CIP YEAR: 2015 CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

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

ENGINEERING REFERENCE #: 472-85111

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving

COUNCIL DISTRICT: 09 Council Districts 1, 2 DATE COUNCIL APPROVED: 10/1/16 REQUEST DATE:

PROJECT # : 211516 PROJECT TITLE: Bike Enhancement Projects

PROJECT DETAIL # : 04 PROJECT DETAIL DESCRIPTION: Armour Bicycle Boulevard 472-85111

OCA # : 707054 OCA TITLE: Armour Bicycle Boulevard 472-85111

PERSON COMPLETING FORM: Kim Pelton PHONE #: 268-4499

PROJECT MANAGER: Paul Gunzelman PHONE #: 268-4393

( ) NEW BUDGET (•) REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	$329,275.00	($125,000.00)	$204,275.00
8062 Federal pass thru State	$493,403.00	($96,000.00)	$397,403.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$822,678.00	($221,000.00)	$601,678.00

Expense Object Level 3			
2999 Contractuals	$822,678.00	($221,000.00)	$601,678.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
Total Expense:	$822,678.00	($221,000.00)	$601,678.00

NOTES:

$125K tranferred to Mt. Vernon Project OCA 707110 PPN 211563

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: DATE: 9/19/16

DEPARTMENT HEAD: DATE: 9/28/16

BUDGET OFFICER: DATE: 9/15/16

CITY MANAGER: DATE:

Project Request

◉ CIP ◯ Non-CIP CIP YEAR: 2015 CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

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

ENGINEERING REFERENCE #: 472-85109

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving

COUNCIL DISTRICT: 20 Council Districts 3, 6 DATE COUNCIL APPROVED: 10-11-16 REQUEST DATE:

PROJECT # : 211516 PROJECT TITLE: Bike Enhancement Projects

PROJECT DETAIL # : 02 PROJECT DETAIL DESCRIPTION: Market & Topeka On-Street Bike Lanes 472-85109

OCA # : 707052 OCA TITLE: Market & Topeka On-Street Bike Lanes 472-85109

PERSON COMPLETING FORM: Kim Pelton PHONE #: 268-4499

PROJECT MANAGER: Paul Gunzelman PHONE #: 268-4393

◯ NEW BUDGET ◉ REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	$289,040.00	($50,000.00)	$239,040.00
8062 Federal pass thru State	$382,452.00	0	$382,452.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$671,492.00	($50,000.00)	$621,492.00

Expense Object Level 3			
2999 Contractuals	$671,492.00	($50,000.00)	$621,492.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
	$0.00	$0.00	$0.00
Total Expense:	$671,492.00	($50,000.00)	$621,492.00

NOTES:

$50K tranferred to 17th & 18th Project OCA 707109 PPN 211562

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: DATE: 9/19/16

DEPARTMENT HEAD: DATE: 9/28/16

BUDGET OFFICER: DATE: 9/15/16

CITY MANAGER: DATE:

RESOLUTION NO. __-___

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 15-137 OF THE CITY OF WICHITA, KANSAS WHICH AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS 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 has heretofore by **Resolution No. 15-137** of the City (the "Prior Resolution"), authorized the following described public improvements:

> Design and construction of on-street bicycle facility improvements and related appurtenances along 1st and 2nd streets (472-85108); Market and Topeka (472-85109); Woodchuck Bicycle Boulevard (472-85110); Armour Bicycle Boulevard (472-85111); Green Street, from Wichita State University to I-135 Path Connection (472-85112); Sycamore Street (472-85113); Mount Vernon Street (472-85114); the Continuation of the Redbud Multi-Purpose Path from Oliver to Woodlawn (472-85117); and Douglas Avenue (472-85170)

(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. Amendment. ***Section 1*** of the Prior **Resolution No. 15-137** is hereby amended to read as follows:

> **Section 1. Amendment.** ***Section 1*** of the Prior **Resolution No. 14-234** is hereby amended to read as follows:

Section 1. Amendment. Section 1of Resolution No. 13-175 is hereby amended to read 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 **$3,450,668** in accordance with specifications prepared or approved by the City Engineer.

Section 2. Repealer; Ratification. ***Section 1*** of the **Resolution No. 15-137** is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

Section 3. 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 prior to the September 17, 2013, adopted of Resolution No. 13-175, to the extent of Bonds authorized thereunder, and expenditures made on or after the date 60 days prior to the August 19, 2014, adoption of Resolution No. 14-234, to the extent of Bonds authorized thereunder, and expenditures made on or after the date 60 days prior to the May 19, 2015, adoption of Resolution No. 15-137 and expenditures made on or after the date 60 days prior to the adoption of this Resolution,** to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation §1.150-2.

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 _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, Director of Law and City Attorney

RESOLUTION NO. 16-406

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, staff oversight, administration and construction of improvements to 17th and 18th Street Bicycle Project (472-85294).

(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 **$120,200 with $70,200 paid by Wichita Area Metropolitan Planning Organization Transportation Alternative and $50,000 by general obligation bonds,** 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. **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 October 11, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. 16-407

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:

Construction of Mt. Vernon on-street bicycle lanes from Broadway to Woodlawn (472-85295).

(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 **$375,000 with $125,000 paid by Community Development Block Grant and $250,000 by general obligation bonds,** 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. **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 October 11, 2016.

(SEAL)

_____

Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. 16-408

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 15-137 OF THE CITY OF WICHITA, KANSAS WHICH AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS 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 has heretofore by **Resolution No. 15-137** of the City (the "Prior Resolution"), authorized the following described public improvements:

> Design and construction of on-street bicycle facility improvements and related appurtenances along 1st and 2nd streets (472-85108); Market and Topeka (472-85109); Woodchuck Bicycle Boulevard (472-85110); Armour Bicycle Boulevard (472-85111); Green Street, from Wichita State University to I-135 Path Connection (472-85112); Sycamore Street (472-85113); Mount Vernon Street (472-85114); the Continuation of the Redbud Multi-Purpose Path from Oliver to Woodlawn (472-85117); and Douglas Avenue (472-85170)

(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. Amendment. ***Section 1*** of the Prior **Resolution No. 15-137** is hereby amended to read as follows:

> **Section 1**. **Amendment**. ***Section 1*** of the Prior **Resolution No. 14-234** is hereby amended to read as follows:

Section 1. Amendment. Section 1of Resolution No. 13-175 is hereby amended to read 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 **$3,450,668** in accordance with specifications prepared or approved by the City Engineer.

Section 2. **Repealer; Ratification**. ***Section 1*** of the **Resolution No. 15-137** is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

Section 3. **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 prior to the September 17, 2013, adopted of Resolution No. 13-175, to the extent of Bonds authorized thereunder, and expenditures made on or after the date 60 days prior to the August 19, 2014, adoption of Resolution No. 14-234, to the extent of Bonds authorized thereunder, and expenditures made on or after the date 60 days prior to the May 19, 2015, adoption of Resolution No. 15-137 and expenditures made on or after the date 60 days prior to the adoption of this Resolution,** to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation §1.150-2.

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 October 11, 2016

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____

Jennifer Magaña, Director of Law and City Attorney

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: 2016 Internet Crimes Against Children (ICAC) Grant and Agreement

INITIATED BY: Wichita Police Department

AGENDA: Consent

Recommendation: Approve the 2016 Internet Crimes Against Children (ICAC) Grant and Agreement.

Background: The City of Wichita Police Department, Sedgwick County Sheriff's Office and Department of Children and Family (DCF) have jointly operated an Exploited and Missing Child Unit (EMCU) since the mid 1980's. The mission of the unit is to investigate cases of missing and/or abused children, to identify offenders and to collect evidence for the prosecution of suspect(s), all minimizing trauma to the child victims. The EMCU operation is based on a Memorandum of Understanding signed by the participating parties.

Analysis: Since 2002, the U.S. Department of Justice and the Office of Juvenile Justice Programs (OJJP) have awarded an Internet Crimes Against Children (ICAC) grant to the (EMCU). The grant is administered by Sedgwick County and provides funding for one Sheriff's Office Detective and one Wichita Police Department detective assigned to the (EMCU), and also vehicle, travel/training, equipment and supplies costs. The City of Wichita's portion of the 2016 Internet Crimes Against Children (ICAC) grant award is $142,467 for salary/benefits for one detective position and associated vehicle costs.

Financial Considerations: Sedgwick County will reimburse the City of Wichita for salary and benefit costs for a Police detective position and related vehicle fleet costs, not to exceed $142,467 for a 12-month period ending June 30, 2017. No local grant match is required.

Legal Considerations: The Agreement have been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the 2016 Internet Crimes Against Children (ICAC) Grant in the amount of $142,467, approve the Agreement between the City of Wichita and Sedgwick County and authorize the necessary signatures.

Attachments: 2016 Agreement between the City of Wichita and Sedgwick County.

AGREEMENT
BETWEEN THE CITY OF WICHITA, KANSAS AND SEDGWICK COUNTY, KANSAS

2016 Kansas Internet Crimes Against Children (ICAC) Task Force Award

This Agreement is made and entered into this____day of_____, 2016 by and between Sedgwick County, Kansas, hereinafter referred to as COUNTY, and the CITY of Wichita, hereinafter referred to as CITY, both of Sedgwick County, State of Kansas.

Witnesseth:

WHEREAS, this Agreement is made under the authority of K.S.A. 12-2908, which authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking that each is authorized by law to perform; and

WHEREAS, COUNTY is the recipient of a grant award from the United States Department of Justice for funding the Internet Crimes Against Children (ICAC) program operated by the Exploited and Missing Child Unit (EMCU); and

WHEREAS, included in the award budget is a City of Wichita Police Department detective salary and benefits and vehicle service charges totaling $142,467.00; and

WHEREAS, the COUNTY agrees to provide the CITY $142,467.00 as a sub-grantee of the ICAC award to cover staff and vehicle costs as identified the grant application budget excerpt (Attachment A): and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the ICAC funds; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

COUNTY agrees to sub-grant ICAC Grant funds to the CITY in the amount of $142,467.00 for use in the ICAC Taskforce as specified in Attachment A.

Section 2.

CITY agrees to use $142,467.00 for the staff and vehicle costs related to the Internet Crimes Against Children Taskforce for the grant period of July 1, 2016 through June 30, 2017 and in so doing will comply with all grant requirements as stipulated in the Cooperative Agreement included in Attachment B.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Kansas Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Kansas Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF WICHITA, KANSAS	SEDGWICK COUNTY, KANSAS
_____	_____
JEFF LONGWELL, Mayor	JAMES M. HOWELL, Chairman Commissioner, 5th District
ATTEST:	ATTEST:
_____	_____
KAREN SUBLETT, City Clerk	KELLY ARNOLD, County Clerk

APPROVED AS TO FORM:

JENNIFER MAGANA, City Attorney

APPROVED AS TO FORM:

KAREN L. POWELL,
Deputy County Counselor

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: 2017 Victims of Crime Act (VOCA) Grant

INITIATED BY: Wichita Police Department

AGENDA: Consent

Recommendation: Approve the submission of the grant application and authorize the Mayor to sign the grant upon approval.

Background: The Wichita Police Department (WPD) has received Victims of Crime Act (VOCA) funding since 2002 to support victim advocacy and related services. For the period beginning October 1, 2016 to September 30, 2017, the State of Kansas received a substantial increase to the VOCA grant program which will be used directly for victim services.

Analysis: The primary grant funding request is to maintain the two Victim Advocate employees and the established services they provide. It is WPD's desire to expand the Domestic Violence Lethality Project and continue utilizing a Victim Assistance Dog Program to support crime victims during the initial impact of trauma. An important element of the Lethality Project includes partnerships with service providers from whom victims of domestic violence can receive support services. An increase in funding is requested in the application to facilitate immediate, direct mobile phone communication between victims and service providers at the time of contact by officers. Additional funding is requested in the application to maintain the Victim Assistance canine.

Financial Considerations: WPD is requesting $237,159. Eighty percent of the requested amount ($189,723) will be provided from VOCA funding and 20 percent ($47,436) will be provided by a local match, which is allocated within the Police Department budget.

Legal Considerations: Due to the compressed time frame, staff submitted an application for this grant with the approval of the City Manager as allowed under Administrative Regulation 2.4.

Recommendations/Actions: It is recommended the City Council approve the submission of the grant application and authorize the Mayor to sign the grant upon approval.

Attachments: None.

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: Purchase Option (WSF Holdings, Inc.) (District II)

INITIATED BY: Office of Urban Development

AGENDA: Consent

Recommendations: Adopt the Resolution and authorize necessary signatures.

Background: On July 19, 2016, the City Council approved the issuance of Industrial Revenue Bonds (IRBs) in an amount not to exceed $3,000,000 for WSF Holdings, Inc. The funds were utilized to construct the 145,000 square-foot Wichita Sports Forum facility located at K-96 and Greenwich.

The City received notice from WSF Holdings of its intention to exercise the IRB purchase option and requests approval of the conveyance of the IRB-financed property.

Analysis: Under the provisions of the IRB Lease between WSF Holdings, Inc. (Tenant) and the City, the Tenant has the option, if all outstanding bonds and fees have been, or will be, paid, to purchase the facilities from the City of Wichita for the sum of $1,000. The Tenant has paid off the bonds.

Financial Considerations: The City has received payment of the $1,000 purchase option price required by the Lease Agreement. There are no fiscal impacts to the City as a result of the purchase option.

Legal Considerations: The City is required to convey the IRB Project property to the Tenant once all the conditions established in the Lease have been met. The Resolution authorizing execution of the Bill of Sale, Special Warranty Deed and Release of Lease Agreement, and the delivery of such documents has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council adopt the Resolution approving the Bill of Sale and Release of Lease Agreement and to convey the property to WSF Holdings, Inc. and authorize the necessary signatures.

Attachment: Resolution, Bill of Sale, Release of Lease

Gilmore & Bell, P.C.
09/29/2016

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF WICHITA, KANSAS
HELD ON OCTOBER 11, 2016

The governing body met in regular session at the usual meeting place in the City Council on October 11, 2016, at 9:00 a.m., the following members being present and participating, to wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * * * * * * * * * * *

(Other Proceedings)

Thereupon, there was presented on the governing body's consent agentda a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IV, 2016, (WICHITA SPORTS FORUM PROJECT) AND THE CONVEYANCE OF BOND FINANCED PROPERTY AND RELEASE OF A RELATED LEASE.

Thereupon, Councilmember_____ moved that the consent agenda be passed. The motion was seconded by Councilmember _____. The motion that the consent agenda be passed, including adoption of said Resolution, was carried by the vote of the governing body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, the Resolution was duly numbered Resolution No.409 and was signed by the Mayor and attested by the Clerk.

* * * * * * * * * * * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting hereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Wichita, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL] _____

Clerk

Gilmore & Bell, P.C.
09/29/3016

RESOLUTION NO. 16-409

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IV, 2016, (WICHITA SPORTS FORUM PROJECT) AND THE CONVEYANCE OF BOND FINANCED PROPERTY AND RELEASE OF A RELATED LEASE.

WHEREAS, pursuant to Ordinance No. 50-289 and the Trust Indenture dated as of July 1, 2016, the City of Wichita, Kansas (the "Issuer") has previously issued its Taxable Industrial Revenue Bonds, Series IV, 2016 (Wichita Sports Forum Project) in the original aggregate principal amount of $3,000,000 (the "Bonds") to finance the cost of acquiring, purchasing, constructing and equipping a certain commercial facility (the "Project"); and

WHEREAS, the Project is leased to WSF Holdings, Inc., a Kansas corporation (the "Tenant"), pursuant to a Lease dated as of July 1, 2016 between the City and the Tenant (the "Lease"); and

WHEREAS, the Tenant desires to provide for the immediate payment of all outstanding Bonds and interest thereon accruing to the redemption date of October 11, 2016 (the "Redemption Date"); and

WHEREAS, the Issuer and the Tenant will provide the Emprise Bank, Wichita, Kansas (the "Trustee"), as Trustee under the Trust Indenture dated as of July 1, 2016 (the "Trust Indenture") authorizing and securing the Bonds, written notice to redeem all outstanding Bonds on the Redemption Date; and

WHEREAS, the Tenant desires to exercise its option to purchase the Project under Section 17.1 of the Lease and is not in default under the Lease; and

WHEREAS, the Tenant has provided the Issuer written notice of its intent to exercise its option to purchase the Project on the Redemption Date; and

WHEREAS, upon termination of the Lease, the Base Lease dated as of July 1, 2016 between the Tenant and the Issuer will terminate in accordance with its terms.

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

Section 1. The Mayor and Clerk are authorized and directed to provide for the redemption of the outstanding Bonds on the Redemption Date and to execute a bill of sale and a release of lease, in substantially the forms submitted to the Governing Body concurrently with the adoption of this Resolution, for delivery upon certification from the Trustee that no Bonds remain outstanding under the Trust Indenture.

Section 2. The Mayor and Clerk are hereby further authorized and directed to sign such other instruments and certificates as shall be necessary and desirable in connection with this Resolution, and are hereby further authorized to take such further actions as may be necessary to accomplish the purposes of this Resolution.

Section 3. The Trustee is hereby directed to take all action necessary to accomplish the purpose of this Resolution.

ADOPTED by the governing body of the City of Wichita, Kansas on October 11, 2016.

CITY OF WICHITA, KANSAS

_____
Mayor

[SEAL]

Attest:

By: _____
Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, Director of Law and
City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the City Council of the City of Wichita, Kansas on October 11, 2016, as the same appears of record in my office.

DATED: October 11, 2016.

_____
Karen Sublett, City Clerk

JLN\600809.70398\RESOLUTION \

(Signature Page to Resolution)

BILL OF SALE

In furtherance of the terms of a certain Lease dated as of July 1, 2016 between the City of Wichita, Kansas, as Assignor, and WSF Holdings, Inc., a Kansas corporation, as Assignee, and for valuable consideration, Assignor hereby transfers, assigns and conveys to Assignee, all personal property purchased with the proceeds of the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IV, 2016 (Wichita Sports Forum Project).

[SEAL]

ATTEST:

CITY OF WICHITA, KANSAS
a municipal corporation

_____
Karen Sublett, Clerk

_____
Jeff Longwell, Mayor

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Jeff Longwell, Mayor, and Karen Sublett, Clerk, of the City of Wichita, Kansas, on behalf of said City.

[SEAL]

_____
Notary Public

My appointment expires:

_____

RELEASE OF LEASE

WHEREAS, the City of Wichita, Kansas (the "Issuer") has heretofore entered into a Lease dated as of July 1, 2016 (the "Lease") between the Issuer and WSF Holdings, Inc., a Kansas corporation (the "Tenant"), notice of which is recorded as Doc.#/Flm-Pg 29630516 in the office of the Sedgwick County Register of Deeds; and

WHEREAS, the Issuer assigned its interest in the Lease to Emprise Bank, Wichita, Kansas, acting as Trustee for the Issuer and others for the purpose of enforcement of the Tenant's covenants under the Lease pursuant to an Assignment of Lease which is recorded as Doc.#/Flm-Pg 29630517 in the office of the Sedgwick County Register of Deeds; and

WHEREAS, the Tenant has exercised its option to purchase the facility described in the Lease (the "Project") from the Issuer; and

WHEREAS, all of the Tenant's obligations to the Issuer under the Lease have been satisfied; and

WHEREAS, in connection with the satisfaction of Tenant's obligation under the Lease, the Base Lease dated as of July 1, 2016 (the "Base Lease") between the Issuer and the Tenant has terminated in accordance with its terms; and

WHEREAS, in connection with the satisfaction of Tenant's obligation under the Lease, the Amendment to Wichita Sports Forum Lease Agreement dated as of July 1, 2016 between the Tenant and Wichita Sports Forum, LLC, has terminated in accordance with its terms.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

THEREFORE, the property described in the attached *Schedule I* is hereby released from any claim of the Issuer and the Trustee under the Base Lease and Lease as of October 11, 2016.

CITY OF WICHITA, KANSAS

By: _____
Jeff Longwell, Mayor

[SEAL]

ATTEST:

By : _____
Karen Sublett, Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Jeff Longwell, Mayor, and Karen Sublett, Clerk, of the City of Wichita, Kansas, on behalf of said City.

[SEAL] By: _____
Notary Public

My appointment expires:_____

EMPRISE BANK
Wichita, Kansas
as Trustee

[SEAL]

By:_____
Name:
Title:

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

This instrument was acknowledged before me this ___ day of _____, 2016 by _____ as _____ of the Emprise Bank, Wichita, Kansas, a state banking association or corporation.

[SEAL]

_____
Notary Public

My appointment expires: _____
Date

SCHEDULE I

PROPERTY SUBJECT TO LEASE

(A) A leasehold interest in the following described real estate located in Sedgwick County, Kansas, to wit:

Lot 1, Block A, Wichita Destination Development, Wichita, Sedgwick County, Kansas

said real property constituting the "Land" as referred to in the Lease, subject to Permitted Encumbrances.

(B) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed on the Land and financed or refinanced with proceeds of the Series IV, 2016 Bonds, including but not limited to the following:

142,376 multi-sport athletic venue

The property described in paragraphs (A) and (B) of this *Schedule I*, together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of *Sections 10.3* and *10.4* of the Lease, constitute the "Project" as referred to in both the Lease and the Indenture.

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: HOME Program: Housing Development Loan Program Funding Agreement Amendment, Mennonite Housing Rehabilitation Services, Inc. (Districts I and VI)

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve the contract amendment providing for additional time to complete construction and sale of the two Park Place homes, and authorize the necessary signatures.

Background: On August 12, 2014, the City Council approved HOME Program Housing Development Loan Program (HDLP) funding with Mennonite Housing Rehabilitation Services, Inc. (MHRS) in the amount of $141,650, in order to subsidize development and construction of three single-family homes located at 1954 N. Ash, 2833 N. Park Place, and 2837 N. Park Place. Under the terms of the funding agreement, the three homes are to be sold to income-eligible, owner-occupant homebuyers, who will receive down payment/closing costs assistance loans through the City's HOMEownership 80 Program. The home constructed at 1954 N. Ash has been completed and sold to a HOME-eligible, owner-occupant homebuyer.

The City Council subsequently approved an amendment of the funding agreement on March 24, 2015, in order to provide additional funding to cover the costs associated with constructing the Park Place homes to meet the current Energy Star standard. Constructing the two homes to the Energy Star standard became necessary in order to mitigate exterior noise levels to the extent that interior noise levels will not exceed 45 decibels. This requirement is a condition of the environmental review. The funding agreement was amended in order to provide a total of $155,838 in HOME funding.

On December 22, 2015, the City Council approved a second amendment to extend the term of the funding agreement through October 31, 2016, in order to allow additional time for completion of site modifications and project completion. The Park Place sites cleared environmental review, and were determined to not be located within the 100-year flood plain. However, following acquisition of the sites and during the initial stages of construction, Housing and Community Services staff became aware that the two Park Place sites were to be located within the proposed 100-year flood plain, as reflected in the Federal Emergency Management Association's (FEMA's) recently published revisions to the flood plain maps for the City of Wichita. MHRS consulted with a professional engineering firm in order to determine the site modifications that would be required in order to secure a Letter of Map Amendment (LOMA) from FEMA for the two single family home sites. The LOMA would eliminate the mandatory requirement for flood insurance coverage. The site modifications have been completed, and MHRS staff, based on the advice provided by the professional engineering firm, is confident that the LOMA can be obtained for each of the home sites. However, the application for the LOMA cannot be pursued until December 23, 2016, following final publication of the new flood plain maps.

Analysis: MHRS has requested an additional amendment to extend the term of the funding agreement through June 30, 2017, in order to pursue the LOMA for each of the home sites, to complete sale of each

of the homes, and to complete final site improvements as soon as weather permits, in early 2017. MHRS has not requested additional funding.

The project is consistent with the City's Comprehensive Housing Policy, specifically, the components related to affordability, availability, and neighborhood stability. The project is also in accordance with the departmental goal to increase and preserve the supply of housing in order to maintain affordability for residents earning 80 percent or less of the area median income, which is currently $65,200.

Financial Considerations: There is no impact to the General Fund. No additional federal funding is being provided under the proposed amendment to the funding agreement. The total project cost, including the third home that was completed and sold under the funding agreement, is estimated to be $450,288. HOME funding is provided under the zero-interest, forgivable development subsidy loan structure, for each individual home.

Legal Considerations: The Law Department has reviewed and approved the amendment to the funding agreement as to form.

Recommendations/Actions: It is recommended that the City Council approve the contract amendment providing for additional time to complete construction and sale of the two Park Place homes, and authorize the necessary signatures.

Attachments: Amendment to funding agreement.

THIRD AMENDMENT TO FUNDING AGREEMENT
Between

THE CITY OF WICHITA
HOUSING AND COMMUNITY SERVICES DEPARTMENT

A
PARTICIPATING JURISDICTION
And

Mennonite Housing Rehabilitation Services, Inc.

HOME Investment Partnerships Program

2010 and 2012 Re-allocated Housing Development Loan Program Funding

City of Wichita
Housing and Community Services Department
332 N. Riverview
Wichita, KS 67203
Phone (316) 462-3700
Fax (316) 462-3719

This contract amendment is entered into October 11, 2016 and dated to be effective October 11, 2016, between the City of Wichita (hereinafter referred to as the CITY) and Mennonite Housing Rehabilitation Services, Inc., a Community Housing Development Organization/Non-profit Developer, hereinafter referred to individually as the Developer.

WITNESSETH THAT:

WHEREAS, the above named entities were parties to a Grant Agreement dated August 12, 2014, and effective the date executed by the Mayor of the City of Wichita, August 22, 2014, in the amount of $141,650, and amended March 24, 2015, dated to be effective March 24, 2015, in the amount of $155,838, and amended December 22, 2015, dated to be effective December 22, 2015, in which the Developer agreed to undertake an affordable housing program involving the acquisition of property and construction of single-family homes.

NOW, THEREFORE, the above named parties, in order to fulfill the original intent of the grant agreement dated to be effective August 22, 2014, and executed August 22, 2014, and amended March 24, 2015, and amended December 22, 2015, hereby agree, covenant, and contract with each other that, effective October 11, 2016, the terms of the amended agreement are hereby reaffirmed and re-executed for and on behalf of these parties except for the following amendments, modifications, and changes indicated below and the original Exhibit B which are indicated in the Exhibit B hereto:

SECTION 2. TIME OF PERFORMANCE. The services of the Developer are to begin as soon as possible, on the date of this contract, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this contract. The construction phase of this contract shall be complete by May 31, 2017, with all expenses incurred on or before that date. This contract shall otherwise remain in force through the period of affordability, which will end on a date up to 20 years following the date of completion of each unit, as defined in 24 CFR 92.2, depending on the amount of HOME funds invested in each unit of construction. Should it be necessary to convert a housing unit developed under this agreement to a rental unit as described in section IV of Exhibit B of this agreement, the contract will otherwise remain in force through the period of affordability which will end on a date 20 years following the date of completion of the unit, as defined in 24 CFR 92.2. Deed restrictions filed in connection with each unit will specify the applicable affordability period for the unit.

Mennonite Housing Rehabilitation Services, Inc.

_____
Signature

_____
Title of Officer Date

CITY OF WICHITA

By_____
Jeff Longwell, Mayor Date

ATTEST:

_____
Karen Sublett, City Clerk

_____
Date

Approved as to Form:

_____ _____
Jennifer Magana Date
City Attorney and Director of Law

Exhibit B

PERFORMANCE CRITERIA
AND
CONTRACT OBJECTIVES

It is mutually agreed and understood by the City of Wichita and Mennonite Housing Rehabilitation Services, Inc., hereinafter referred to as the "City" and "Developer" (or MHRS) respectively, that execution of this contract obligates the Developer to the following performance requirements.

In return for the $155,838 remuneration stated herein, the Developer agrees to undertake an affordable housing program, which will result in the acquisition and redevelopment of sites as follows:

2833 N. Park Place, Wichita, Kansas

2837 N. Park Place, Wichita, Kansas

1954 N. Ash, Wichita, Kansas

A single-family home is to be constructed on each site. The single-family homes must be sold to income-eligible owner-occupant buyers. If any of the single-family homes are not sold as described, within a period of six (6) months following issuance of a Certificate of Occupancy by the City of Wichita, the unsold home(s) must be converted to a single unit HOME-assisted rental project as described in Section IV of this Exhibit “B”.

Housing constructed/developed under this agreement must be sold to a HOME-compliant owner-occupant buyer, with down payment and closing costs assistance provided through the City's HOMEownership 80 program. The City will hold the deed restrictions for this HOME assistance. (24 CFR 92.254, Qualification as Affordable Housing, Homeownership.) The City hereby commits funding for said down payment and closing costs assistance loans, in the maximum amount of $21,110 per housing units, or a total of $63,330, in addition to applicable and eligible homebuyer training costs.

The Developer represents and agrees that its purchase of property and its other undertakings pursuant to this Agreement are, and will be, for the purpose of redevelopment of such property and not for speculation.

Sales prices of homes to be constructed/developed under this agreement shall be as follows:

Single-Story, Two Bedroom, One Bath, Two-Car Garage, Full Unfinished Basement: $85,700

Single-Story, Two Bedroom, One Bath, Two-Car Garage, Full Basement with One Bath, One Bedroom Finished in Basement: $90,450

Single-Story, 2-Bedroom, One Bath, Two-Car Garage, Two Bedrooms, One Bath Finished In Basement: $92,200

Single-Story, 3-Bedroom, One Bath, Two Car Garage, Full Unfinished Basement: $95,550

(Prices may be increased, subject to approval by the City of Wichita's Housing and Community Services Department, for certain modifications or additional bedroom or bathroom finish requested by buyer.)

The Developer represents and agrees that it will remain the owner of the property until it reaches agreement with a prospective buyer(s) of the property and, by mutual agreement, the Developer will transfer title to the prospective buyer. All HOME assistance will be repaid to the City; except in cases where there are no net proceeds or where the net proceeds are insufficient to repay the full amount of assistance. Net proceeds will be considered funds available following adjustment for approved additional costs incurred by the Developer to prepare the property for ownership that were not collectable through sale of property. Funds that are not recoverable will be considered a development grant subsidy to the Developer.

I. Project Requirements

A. Project must conform to regulations under 24 CFR Part 92. The HOME Investment Partnerships Program regulation. Specific references can be found as follows:

24 CFR 92.250, Maximum Per Unit Subsidy: The amount of HOME funds invested per unit may not exceed the per-unit dollar limits established under section 221 (d)(3)(ii)of the National Housing Act (12 U.S.C. 17151(d)(3)(ii)) for elevator-type projects that apply to the City of Wichita.

24 CFR 92.251, Property Standards: Housing constructed with HOME funds must meet all applicable local codes, ordinances and zoning ordinances at the time of project completion, and must comply with the current version of the CABO Model Energy Code. Housing must be inspected upon completion and throughout construction to verify compliance.

24 CFR 92.254(a)(2)(iii), Maximum Property Value: Housing created or acquired and rehabilitated with HOME funds must be modest in nature and affordable to a low-income buyer. The maximum purchase price or value cannot exceed 95 percent of median purchase price for the area, as determined by HUD.

B. Prior to executing any contracts for sale of assisted properties, the Developer must confirm that the City has certified that the applicant household meets the HOME Program income requirements and that the household's eligibility has been verified through a review of source documentation in accordance with 24 CFR 92.203.

II. Program Content

A. The use of HOME funds provided under this contract will be limited to the subsidy of actual costs involved in the acquisition of property, construction of homes, purchase and re-habilitation of existing homes, demolition, and the developer fees earned in connection with completion of each unit.

Funding under this agreement will be provided in the form of a 0% interest development subsidy loan to complete the project as approved by the Department of Housing and Community Services.

B. Upon execution of this contract, the Developer shall proceed to complete acquisition of the individual project sites as described herein, upon completion of environmental reviews or within 60 days of execution of this agreement, whichever date comes later. An extension of time for site acquisition may be approved by the City of Wichita Housing and Community Services Department on a case-by-case basis.

C. Developer will identify potential owner-occupant buyers for the homes to be constructed, will assist them in applying for and securing first mortgage financing, will assist them in applying for down payment assistance loans to be provided by the City, and will coordinate final closings. The Developer is prohibited from charging servicing, loan origination, processing, inspection, or other fees that represent the cost of providing HOME assistance.

D. Developer shall complete closing of construction loans in order to leverage HOME funds construction investment, in an amount equivalent to 70% or more of the appraised value of the home to be constructed, as approved by the City, within 60 days of the acquisition of the project sites, or within 60 days of signing a purchase agreement with an owner-occupant buyer who has obtained a written commitment for long-term mortgage financing, whichever date comes later.

E. The Developer shall commence construction activities at each individual project site within 45 days of construction loan closing, but no later than 360 days from the date of execution of this funding agreement. Each single family home is to be completed within a period of six months. Final site improvements are to be completed as seasonally appropriate.

III. Administration

The MHRS President/C.E.O. will supervise operations and administration on a day-to-day basis. The MHRS Board of Directors is ultimately responsible for program administration.

A. Funding: It is mutually agreed by and between the City and the Developer that the total HOME funds available for this project will be $155,838, in the form of a forgivable development subsidy loan, to be used as set forth in the sections entitled Budget and Method of Payment.

B. Budget: The City shall pay the Developer as hereinafter set out; the maximum of $155,838.00 for the program described in this contract. A developer fee in the amount of 10% of the total development cost will be paid to the Developer in connection with a completed project. The developer fee will be pre-determined at the onset of the construction of the home, and will be paid upon the closing of the sale of the individual home. Proceeds from the sale of the home, less the aforementioned developer fee, and applicable costs will be returned to the City, in the form of a payoff of the development subsidy loan provided under this agreement. Contract payments over and above the original budgeted amount are contingent upon the sale of completed homes/projects, and extended grant authority as a result of repayments generated by the sale of the completed home. Extended grant authority may be utilized to develop additional housing units under the terms of this agreement. Funding under this agreement shall be originally budgeted as follows:

Contractual Expenses: (Acquisition, Demolition, Rehabilitation or Construction Expenses, Eligible Project Soft Costs deemed necessary and as approved by the Department of Housing and Community Services, Site Improvements, 10% Developer Fee, Construction Loan Refinance/Principal Reduction, Operating Reserves, 5% Contingency.)

	$ 155,838.00
TOTAL	$ 155,838.00

C. Method of Payment: The Developer agrees that payments under this contract shall be made according to established budgeting, purchasing and accounting procedures of the City of Wichita and HOME.

1. The City and MHRS also agree that the categories of expenditures and amounts are estimates and may vary during the course of the contract. Changes greater than $10,000, other than those within the scope of this agreement must be approved by the City Council.

2. MHRS will ensure all costs are eligible according to the approved budget. The original documentation supporting any expenditure made under this agreement will be retained in the Developer's files for five (5) years after the final audit of expenditures made under this contract and throughout the applicable period of affordability.

3. Construction costs to be reimbursed based on direct costs and percentage completion, as determined by the City, of each project. Fully documented draw requests will be processed on Friday of the week submitted. Payment will be available for receipt by the Developer within three weeks of the Friday on which the draw request was received.

IV. Conversion of Homeownership Activities (Sites) to Rental Projects

In the event that a single-family home and real estate developed under this agreement has not been sold to an eligible homebuyer, as evidenced by a ratified sales contract, within six months of completion, the unit must be converted to a HOME rental unit that complies with all HOME requirements for the period of affordability applicable to such unit (20 years), as described in this Section IV. For purposes of this Section IV, the "Developer" shall become the "Owner", and the following additional requirements of this Section IV shall apply:

A. Project Requirements

1. Project must conform to regulations under 24 CFR Part 92, commonly known as the HOME Regulations.

2. 24 CFR Part 92, Subpart F specifically describes maximum HOME contribution per unit, Property Standards, Tenant and participation rents and protections, and period of affordability based on the level of HOME fund contributions.

Specific references to HOME Project Requirements can be found as follows:

24 CFR 92.252, Qualification as affordable housing: Rental Housing. The HOME-assisted units in a rental housing project must be occupied only by households that are eligible as low-income families and must meet the requirements of this part, in order to qualify as affordable housing.

24 CFR 92.253, Tenant and participant protections apply, and are related to lease terms, termination of tenancy, and tenant selection.

24 CFR 92.504, Required Annual On-Site Inspections of HOME-assisted Rental Housing.

B. Initial rents for HOME-assisted units are as follows, per 2014 HUD guidelines:

2 Bedroom: $742 - $198 (Utility Allowance) = $544.00

3 Bedroom: $856 - $229 (Utility Allowance) = $627.00

4 Bedroom: $956 - $275 (Utility Allowance) = $681.00

These rents assume that homes constructed under this program will feature gas heat and gas water heating, an electric range, electric air conditioning, with other electric appliances and electric lighting. Electric ranges are to be provided. The tenant will pay for all utilities, including water service, sewer service, and trash service. If utilities are to be provided in an alternative manner, the Owner will notify the City so that HOME rents can be re-calculated. HOME rents are subject to revision by HUD on an annual basis. HOME assisted units will be subject to rent limitations and other requirements specified in Section 92.252, during the period of affordability.

Should any of the units developed under this agreement be converted to rental housing, the Rent and Utility Allowance schedule shall approved and issued for use by the Developer, by the City of Wichita's Housing and Community Services Staff, at the time of conversion.

The Owner is also required to lease the HOME-assisted unit to households earning 60% or less of median annual income for the area, as determined by HUD. This requirement, in addition to the other requirements in Section 92.252, will be in effect during the period of affordability.

Units with four bedrooms may be allowed on a case-by-case basis, subject to City approval. The City will provide HOME rent amounts and utility allowances as required.

C. Procedures for Rent Increases: The Owner will submit requests for rental increases 60 days prior to the effective date of the proposed rent increase for approval by the City of Wichita's Housing and Community Services Department staff.

D. Leases, Tenant Selection Policies, and standards for its waiting lists will comply with 24 CFR Part 92.253, and the Owner will submit these documents to City staff for review and approval, prior to lease-up.

E. The Owner shall maintain project/tenant records for a period of no less than five years.

F. Owner agrees to inspection of all HOME-assisted units following completion to ensure compliance with the requirements of 24 CFR Part 92.251 (a) (1) and (3). The Owner must maintain the housing in compliance with 24 CFR Part 92.251 for the duration of the affordability period, and agrees to inspection of the HOME-assisted units on an annual basis, in order to verify continued compliance with 24 CFR Part 92.251 and 24 CFR Part 92.252.

G. Owner agrees to execute a document placing deed restrictions and covenants against the property in order to comply with 24 CFR Part 92.252. Said restrictions and covenants will be in force for the period of affordability, which is 20 years, beginning the date of project completion. Definition of project completion is specified in 24 CFR, Part 92.2. Said document will be filed of record by the City.

H. Owner agrees to comply with the Fair Housing and Equal Opportunity Act. (92.202 and 92.250), Title VI of Civil Rights Act of 1964, (42 USC 2000d et.seq.), Fair Housing Act (42 USC3601-3620) Executive Order 11063 (amended by Executive order 12259), Age Discrimination Act of 1975, as amended (42 USC 6101), 24 CFR 5.105 (a).

Owner must comply with federal requirements set forth in 24 CFR part 5, subpart A. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace. Nondiscrimination requirements at section 282 of the Act are applicable.

J. Owner must comply with the affordability requirements in 24 CFR Part 92.252 as applicable. If Owner fails to comply with the affordability requirements in 24 CFR Part 92.252 repayment of HOME funds is required.

K. The Owner/Project Management must verify the income of tenants of HOME-assisted units prior to occupancy, per the requirements of 24 CFR Part 92.203 (a) (1) (I). Copies of source documentation are required to be maintained in tenant files. Project Management must re-examine the income of tenants of HOME-assisted units on an annual basis. Project Management will utilize the definition of annual income described in 24 CFR Part 92.203 (b) (1), also known as the Section 8 Method.

L. The Owner/Project Management agree to adopt affirmative marketing procedures and requirements and prepare a written Affirmative Marketing Plan for the project. The Affirmative Marketing Plan must be available for public inspection in the leasing office. The plan must contain specific steps and actions that the developer will take to provide information and otherwise attract eligible persons of all racial, ethnic, and gender groups in the housing market area of the available housing. Specific activities that must be included in the Developer's Affirmative Marketing Plan include:

1. Display the Equal Housing Opportunity logo, slogan or statement in all advertising material related to this project.

2. Display the HUD Equal Housing Opportunity logo, slogan or statement at the construction site, from the start of construction, and properly maintained throughout the construction and rental period

3. Send notices of housing availability (using form approved by the City) to agencies from a list provided by the City.

4. Provide copies of all materials sent to community contacts announcing the housing availability to the City of Wichita Housing Services Department.

5. No later than 90 days prior to engaging in marketing activities, the Agency should notify the City of Wichita Housing Services Department, either in writing or by telephone of the earlier of the dates on which: (1) the Agency plans to begin initial marketing activities; (2) accepts leasing applications; and (3) begins leasing units.

6. The Owner must begin marketing activities 90 days prior to the

anticipated date of availability for occupancy of the first unit of the project.

7. The Owner will retain copies of all documentation related to marketing efforts, and make available for City inspection.

8. The Owner will provide, for the year ending June 30 of each year, beginning June 30, 2015, an annual report, in a format to be provided by the City. Said report shall be due to the City of Wichita July 10 of each applicable year.

V. Records and Reports

A. Records shall be maintained documenting performance to be indicated in an annual report. Records are subject to review by the City.

B. **The Developer will provide, for the year ending June 30 of each year, beginning June 30, 2017, an annual report of the HOME funded portion of the program**. It shall indicate yearly expenditures, cumulative expenditures since program inception and balance remaining. Yearly expenditures will be identified by category of expenditure (acquisition, rehabilitation, developer's fee, accounting & legal, architects). The report shall also indicate, by race and sex, the number of households/persons served during the year with HOME funds. The report shall also provide the total number of contracts awarded and the number of contracts awarded to minority-and women-owned businesses. The City reserves the right to change the due dates and contents of reports to be submitted under this clause.

The financial reports will be provided until such time as there are no expenditures. The owner shall continue to provide a report that indicates, by race and sex, the number of households/persons served during the year with HOME funds, when applicable. The report shall also provide the total number of contracts awarded and the number of contracts awarded to minority- and women-owned businesses. Said report shall be due to the City of Wichita **July 10** of each applicable year.

C. Additionally, a narrative or other description of progress may be provided.

D. Records shall be maintained valuing in-kind services, and donated goods and services, to be reported in the same manner as other annual reports.

VI. Conditions Precedent to Construction

The following items (matters) must be provided (completed) prior to beginning construction on the project and related improvements:

A. The Developer agrees to execute a document placing deed restrictions and covenants against properties on which projects are constructed, in order to comply with 24 CFR 92.254. Said restrictions and covenants will be in force until such time as a property/home is re-sold, as specified in this agreement.

B. Provide a detailed overall project/unit budget, including but not limited to a Sources and Uses of Funds Statement.

C. Provide Certificates regarding Debarment and Suspension, and/or lists of contractors/subcontractors to be utilized and other file documentation as requested by the City in order to comply with HOME regulations.

D. Submit final construction plans, specifications and a budget for each home to be constructed for approval by the Housing and Community Services Department, City of Wichita. (Not in connection with plan review or obtaining applicable permits.) Individual home construction may not begin until a Notice to Proceed has been issued by the Housing and Community Services Department.

E. Provide evidence that ownership interest in the property vests in MHRS (Copy of Deed, and/or Title Insurance Binder/Policy)

F. The Developer will obtain any and all permits required by the City prior to undertaking construction.

G. The Developer will obtain construction loans from private sector financial institutions, in an amount equivalent to a minimum of 70% of the appraised value of the home to be developed/constructed on each project site. Developer to provide a construction loan appraisal for each individual home to be constructed under this agreement, which is to be reviewed and approved by the City, prior to construction.

H. The Developer will obtain the approval of the City of Wichita Housing and Community Services Department for any changes to the previously submitted project plan. This includes changes in costs, as well as changes in the project scope or plans.

I. The Developer shall obtain Builder's Risk Insurance for the home to be constructed, in an amount sufficient to repay the amount of the face amount of the first mortgage construction loan, plus anticipated interest expense, and the total anticipated HOME funds investment in the project. The Developer is also responsible for workers compensation insurance and general liability insurance.

J. The Developer shall not undertake construction, reconstruction or rehabilitation on a site contaminated by hazardous materials without undertaking a Phase I environmental assessment of the site in a form, scope and substance satisfactory to the City. The Developer shall consult with Wichita/Sedgwick County Department of Environmental Health regarding the necessity and scope of the

environmental assessment. The Developer shall remediate or cause to be remediated all contaminants and hazardous materials as required or recommended by the Wichita/Sedgwick County Department of Environmental Health. Such remediation shall be accomplished in accordance with the requirements of applicable environmental laws of the Kansas Department of Health and Environment, the federal Environmental Protection Agency and the U.S. Department of Housing and Urban Development. During the process of redevelopment and/or construction, should the Developer discover any soil staining or odors emanating from soil at the project site, the Developer must cease work immediately, and notify the City.

K. The Developer shall submit any subdivision plats, street designs, variance requests, lot split requests, or any other documentation regarding zoning adjustments required to carry out construction of a home or a group of homes to the Housing and Community Services department for review and approval, prior to submission to the Wichita/Sedgwick County Metropolitan Area Planning Department, or the Wichita/Sedgwick County Metropolitan Area Planning Commission.

L. In addition to the above, the Developer agrees to provide any additional documentation deemed necessary by the City to comply with program regulations, including, but not limited to, real estate contracts and mortgage loan commitment documentation.

VII. Other Program Requirements

A. The Developer agrees to adopt affirmative marketing procedures and requirements and prepare a written Affirmative Marketing Plan for this project. The Affirmative Marketing Plan must be available for public inspection in the Developer's office. The plan must contain specific steps and actions that the Developer will take to provide information and otherwise attract eligible persons for all racial, ethnic, and gender groups in the housing market area to the available housing. Specific activities that must be included in the Developer's Affirmative Marketing Plan include:

1. Display of the Equal Housing Opportunity logo, slogan or statement in all advertising material related to this project.

2. Display of the HUD Equal Housing Opportunity logo, slogan or statement at the construction site, from the start of construction, and properly maintained throughout the construction and rental period.

3. No later than 90 days prior to engaging in marketing activities, the Developer should notify the City of Wichita Housing and Community Services Department, either in writing or by telephone of the dates on which the Developer plans to: (1) begin initial marketing activities; (2) accept purchase contracts; and (3) start initial sales.

4. The Developer must begin marketing activities 90 days prior to the anticipated date of availability for occupancy of the first unit of the project.

5. The Developer must market/advertise the housing opportunity utilizing publications, such as community newspapers, in an effort to attract income-qualified homebuyers.

B. The City and agents designated by the City shall, at all reasonable times during the development of the project and construction or rehabilitation, have the right of entry and free access to the project and all parts thereof, and the right to inspect all work done, labor performed and materials furnished in or about the project and all records relative to all payments made in connection with the project.

The Developer shall have the responsibility of maintaining the property until such time as the development project is complete and the newly constructed home has been sold to a HOME-eligible buyer.

C. Site Improvements: The City may require a Developer to undertake site improvements upon completion of construction. Site improvements include, but are not limited to, seeding or sodding of front yards, and 4' chain-link fencing. Said site improvements must be undertaken when seasonally appropriate. The City reserves the right to make an exception on a case-by-case basis.

D. Warranty: The Developer must provide a one-year construction warranty for all homes constructed or rehabilitated under this contract.

E. Developer is required to obtain insurance coverage for all perils, including vandalism, in an amount equivalent to the amount of the first mortgage construction loan balance plus interest, and the total HOME funds investment, in the event that a home constructed under this agreement has not sold, as of the day of completion, and the Builder's Risk Insurance Policy will no longer provide adequate coverage.

F. Developer is responsible for retaining all records in connection with projects undertaken with HOME funding provided under this contract, including but not limited to, real estate purchase contracts, invoices, property development documentation, infrastructure development, and other records as further specified in this agreement.

G. Developer shall apply for City incentives for projects undertaken with funding provided under this agreement, including property tax rebates and permit fee waivers.

VIII. Program Evaluation

The City shall evaluate this project based on the objectives stated in this Exhibit. Failure by the Developer to provide the level of service stated herein may result in a determination by the City to modify the level of payment to the Developer on a pro rata basis with level of service. The Developer's records are subject to review by the City to ensure the accuracy and validity of information reported in progress reports.

IX. Project Close-Out

The Developer shall provide all records and reports as deemed necessary by the City, in order to satisfy federal requirements related to final reporting and project close-out, in accordance with established HUD procedures.

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: HOME Program; Amendment to Housing Development Loan Program Funding Agreement, Wichita Habitat for Humanity, Inc. (Districts I and IV)

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve the contract amendment providing for changes of the addresses of HOME-assisted units and extension of the funding agreement, and authorize the necessary signatures.

Background: On September 15, 2015, the City Council approved HOME Program Housing Development Loan Program (HDLP) funding for Wichita Habitat for Humanity, Inc. (Wichita Habitat) in the amount of $150,000, to support development and construction of ten single-family homes within the 1100 and 1200 blocks of North Green and within the 1100 and 1200 blocks of North Poplar. Upon completion of construction, the homes are to be sold to income-eligible, owner-occupant homebuyers, who will receive down payment/closing costs assistance loans through the City's HOMEownership 80 Program.

Analysis: Wichita Habitat has requested a second amendment of the funding agreement in order to remove sites located at 1258 N. Green and 1157 N. Poplar, and to replace them with sites located at 1055 N. Poplar and 1101 N. Poplar. The organization identified buyers for the homes constructed at 1258 N. Green and 1157 N. Poplar who were not income-eligible under the HOME Program regulations. In addition, the organization has asked to remove the site located at 1248 N. Green from the funding agreement, and to replace it with a site located at 1102 N. Green. The organization will construct the home located at 1248 N. Green under a separate HDLP funding agreement previously approved by the City Council. The organization has also requested extension of the funding agreement to July 31, 2017, in order to complete construction and sale of the ten homes. To date, four homes have been completed and sold, and three additional homes will be completed and sold by December 31, 2016, under the agreement. The remaining three homes will be completed and sold by July 31, 2017. All development sites are located within the organization's "Rock the Block" project area.

The project is consistent with the City's Comprehensive Housing Policy, specifically, the components related to affordability, availability, and neighborhood stability. The project is also in accordance with the departmental goal to increase and preserve the supply of housing in order to maintain affordability for residents earning 80 percent or less of the area median income, which is currently $65,200.

Financial Considerations: There is no impact to the General Fund. No additional federal HOME funding has been requested. The total project cost is estimated to be $1,112,730. HOME funding is provided under the zero-interest, forgivable development subsidy loan structure, for each individual home.

Legal Considerations: The Law Department has reviewed and approved the amendment to the funding agreement as to form.

Recommendations/Actions: It is recommended that the City Council approve the contract amendment providing for changes of the addresses of HOME-assisted units and extension of the funding agreement, and authorize the necessary signatures.

Attachments: Amendment to funding agreement.

SECOND AMENDMENT TO FUNDING AGREEMENT
Between

THE CITY OF WICHITA
HOUSING AND COMMUNITY SERVICES DEPARTMENT

A
PARTICIPATING JURISDICTION
And

Wichita Habitat for Humanity, Inc.

A Non-Profit Housing Developer

HOME Investment Partnerships Program

2015 Housing Development Loan Program

City of Wichita
Housing and Community Services Department
332 N. Riverview
Wichita, KS 67203
Phone (316) 462-3700
Fax (316) 462-3719

This contract amendment is entered into October 11, 2016 and dated to be effective October 11, 2016, between the City of Wichita (hereinafter referred to as "the City") and Wichita Habitat for Humanity, Inc., a non-profit Developer, hereinafter referred to individually as the Developer).

WITNESSETH THAT:

WHEREAS, the above named entities were parties to a Grant Agreement dated September 15, 2015, and effective the date executed by the Mayor of the City of Wichita, September 15, 2015, in the amount of $150,000, in which the Developer agreed to undertake an affordable housing program involving the acquisition of property and construction of single-family homes.

NOW, THEREFORE, the above named parties, in order to fulfill the original intent of the grant agreement dated to be effective September 15, 2015 and executed September 15, 2015, and amended February 23, 2016, dated to be effective February 23, 2016, and the intent of this amendment, entered into October 11, 2016, dated to be effective October 11, 2016, hereby agree, covenant, and contract with each other that, effective October 11, 2016, the terms of the amended agreement are hereby reaffirmed and re-executed for and on behalf of these parties except for the following amendments, modifications, and changes indicated below and the original Exhibit B which are indicated in the Exhibit B hereto.

SECTION 2. TIME OF PERFORMANCE. The services of the Developer are to begin as soon as possible, on the date of this contract, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this contract. The construction phase of this contract shall be complete by July 31, 2017, with all expenses incurred on or before that date. This contract shall otherwise remain in force through the period of affordability, which will end on a date up to 15 years following the date of completion of each unit, as defined in 24 CFR 92.2, depending on the amount of HOME funds invested in each unit of construction. Should it be necessary to convert a housing unit developed under this agreement to a rental unit as described in section IV of Exhibit B of this agreement, the contract will otherwise remain in force through the period of affordability which will end on a date 20 years following the date of completion of the unit, as defined in 24 CFR 92.2. Deed restrictions filed in connection with each unit will specify the applicable affordability period for the unit.

Wichita Habitat for Humanity, Inc.

_____
Signature

_____
Title of Officer Date

CITY OF WICHITA

By_____
Jeff Longwell, Mayor Date

ATTEST:

_____
Karen Sublett, City Clerk

_____
Date

Approved as to Form:

_____ _____
Jennifer Magana, Date
City Attorney and Director of Law

Exhibit B

PERFORMANCE CRITERIA
AND
CONTRACT OBJECTIVES

It is mutually agreed and understood by the City of Wichita and Wichita Habitat for Humanity, Inc., hereinafter referred to as the "City" and "Developer", that execution of this contract obligates the Developer to the following performance requirements.

In return for the $150,000 remuneration stated herein, the Developer agrees to undertake an affordable housing program, which will result in the acquisition and redevelopment of sites as follows:

1228 N. Green, Wichita, Kansas

1252 N. Poplar, Wichita, Kansas

1133 N. Poplar, Wichita, Kansas

1128 N. Poplar, Wichita, Kansas

1148 N. Poplar, Wichita, Kansas

1210 N. Poplar, Wichita, Kansas

423 S. Sycamore, Wichita, Kansas

1055 N. Poplar, Wichita, Kansas

1101 N. Poplar, Wichita, Kansas

1102 N. Green, Wichita, Kansas

A single-family home is to be constructed on each site. Each single-family home must be sold to an income-eligible owner-occupant buyer. If a single-family home is not sold as described, within a period of nine (9) months following issuance of a Certificate of Occupancy by the City of Wichita, the unsold home must be converted to a single unit HOME-assisted rental project as described in Section IV of this Exhibit “B”.

Housing constructed/developed under this agreement must be sold to a HOME-compliant owner-occupant buyer, with down payment and closing costs assistance provided through the City's HOMEownership 80 program. The City will hold the deed restrictions for this HOME assistance. (24 CFR 92.254, Qualification as Affordable Housing, Homeownership.) The City hereby commits funding for said down payment and closing costs assistance loans, in accordance with established HOMEownership 80 Program loan standards, in the maximum amount of $20,000 per unit, or a total of $200,000, in addition to any applicable homebuyer training costs.

Developer represents and agrees that its purchase of property and its other undertakings pursuant to this Agreement are, and will be, for the purpose of redevelopment of such property and not for speculation.

Sales prices of homes to be constructed/developed under this agreement shall be as follows:

5-Bedroom, 2-Bathroom Units with Single-Car Garage: $90,000

4-Bedroom, 2-Bathroom Units with Single-Car Garage: $82,000

3-Bedroom, 1-Bathroom Units, with Single-Car Garage: $76,000

2-Bedroom, 1-Bathroom Units, with Single-Car Garage: $70,000

(Prices may be increased, subject to approval by the City of Wichita's Housing and Community Services Department, for certain modifications or additional bedroom or bathroom finish requested by buyer.)

The Developer represents and agrees that it will remain the owner of the property until it reaches agreement with a prospective buyer(s) of the property and, by mutual agreement, the Developer will transfer title to the prospective buyer. All HOME assistance will be repaid to the City; except in cases where there are no net proceeds or where the net proceeds are insufficient to repay the full amount of assistance. Net proceeds will be considered funds available following adjustment for approved additional costs incurred by the Developer to prepare the property for ownership that were not collectable through sale of property. Funds that are not recoverable will be considered a development grant subsidy to the Developer.

I. Project Requirements

A. Project must conform to regulations under 24 CFR Part 92. The HOME Investment Partnerships Program regulation. Specific references can be found as follows:

24 CFR 92.250, Maximum Per Unit Subsidy: The amount of HOME funds invested per unit may not exceed the per-unit dollar limits established under section 221 (d)(3)(ii)of the National Housing Act (12 U.S.C. 17151(d)(3)(ii)) for elevator-type projects that apply to the City of Wichita.

24 CFR 92.251, Property Standards: Housing constructed with HOME funds must meet all applicable local codes, ordinances and zoning ordinances at the time of project completion, and must comply with the current version of the CABO Model Energy Code. Housing must be inspected upon completion and throughout construction to verify compliance.

24 CFR 92.254(a)(2)(iii), Maximum Property Value: Housing created or acquired and rehabilitated with HOME funds must be modest in nature and affordable to a low-income

buyer. The maximum purchase price or value cannot exceed 95 percent of median purchase price for the area, as determined by HUD.

B. Prior to executing any contracts for sale of assisted properties, the Developer must confirm that the City has certified that the applicant household meets the HOME Program income requirements and that the household's eligibility has been verified through a review of source documentation in accordance with 24 CFR 92.203.

II. Program Content

A. The use of HOME funds provided under this contract will be limited to the subsidy of actual costs involved in the acquisition of property, construction of homes, purchase and re-habilitation of existing homes, demolition, and the developer fees earned in connection with completion of each unit.

Funding under this agreement will be provided in the form of a 0% interest development subsidy loan to complete the project as approved by the Department of Housing and Community Services.

B. Upon execution of this contract, the Developer shall proceed to complete acquisition of the individual project sites as described herein, upon completion of environmental reviews or within 60 days of execution of this agreement, whichever date comes later. An extension of time for site acquisition may be approved by the City of Wichita Housing and Community Services Department on a case-by-case basis.

C. Developer will identify potential owner-occupant buyers for the homes to be constructed, will assist them in applying for and securing first mortgage financing, will assist them in applying for down payment assistance loans to be provided by the City, and will coordinate final closings. The Developer is prohibited from charging servicing, loan origination, processing, inspection, or other fees that represent the cost of providing HOME assistance.

D. Developer shall complete closing of construction loans in order to leverage HOME funds construction investment, in an amount equivalent to 70% or more of the appraised value of the home to be constructed, as approved by the City, within 60 days of the acquisition of the project sites, or within 60 days of signing a purchase agreement with an owner-occupant buyer who has obtained a written commitment for long-term mortgage financing, whichever date comes later.

E. The Developer shall commence construction activities at each individual project site within 45 days of construction loan closing, but no later than 360 days from the date of execution of this funding agreement. Each single family home is to be completed within a period of six months. Final site improvements are to be completed as seasonally appropriate.

III. Administration

The Developer will supervise operations and administration on a day-to-day basis. The Developer's Board of Directors is ultimately responsible for program administration, if applicable.

A. Funding: It is mutually agreed by and between the City and the Developer that the total HOME funds available for this project will be $150,000.00 in the form of forgivable development subsidy loans, to be used as set forth in the sections entitled Budget and Method of Payment.

B. Budget: The City shall pay the Developer as hereinafter set out; the maximum of $150,000.00 for the program described in this contract. A developer fee in the amount of 10% of the total development cost will be paid to the Developer in connection with a completed project. The developer fee will be pre-determined at the onset of the construction of the home, and will be paid upon the closing of the sale of the individual home. Proceeds from the sale of the home, less the aforementioned developer fee, and applicable costs will be returned to the City, in the form of a payoff of the development subsidy loan provided under this agreement. Contract payments over and above the original budgeted amount are contingent upon the sale of completed homes/projects, and extended grant authority as a result of repayments generated by the sale of the completed home. Extended grant authority may be utilized to develop additional housing units under the terms of this agreement. Funding under this agreement shall be originally budgeted as follows:

Contractual Expenses: (Acquisition, Demolition, Rehabilitation or Construction Expenses, Eligible Project Soft Costs deemed necessary and as approved by the Department of Housing and Community Services, Site Improvements, 10% Developer Fee, Construction Loan Refinance/Principal Reduction.)

	$ 150,000.00
TOTAL	$ 150,000.00

C. Method of Payment: The Developer agrees that payments under this contract shall be made according to established budgeting, purchasing and accounting procedures of the City of Wichita and HOME.

1. The City and the Developer also agree that the categories of expenditures and amounts are estimates and may vary during the course of the contract. Changes greater than $10,000, other than those within the scope of this agreement must be approved by the City Council.

2. The Developer will ensure all costs are eligible according to the approved budget. The original documentation supporting any expenditure made under this agreement will be retained in the Developer's files for five (5) years after

the final audit of expenditures made under this contract and throughout the applicable period of affordability.

3. Construction costs to be reimbursed based on direct costs and percentage completion, as determined by the City, of each project. Fully documented draw requests will be processed on Friday of the week submitted. Payment will be available for receipt by the Developer within three weeks of the Friday on which the draw request was received.

IV. Conversion of Homeownership Activities (Sites) to Rental Projects

In the event that a single-family home and real estate developed under this agreement has not been sold to an eligible homebuyer, as evidenced by a ratified sales contract, within nine (9) months of completion, the unit must be converted to a HOME rental unit that complies with all HOME requirements for the period of affordability applicable to such unit (20 years), as described in this Section IV. For purposes of this Section IV, the "Developer" shall become the "Owner", and the following additional requirements of this Section IV shall apply:

A. Project Requirements

1. Project must conform to regulations under 24 CFR Part 92, commonly known as the HOME Regulations.

2. 24 CFR Part 92, Subpart F specifically describes maximum HOME contribution per unit, Property Standards, Tenant and participation rents and protections, and period of affordability based on the level of HOME fund contributions.

Specific references to HOME Project Requirements can be found as follows:

24 CFR 92.252, Qualification as affordable housing: Rental Housing. The HOME-assisted units in a rental housing project must be occupied only by households that are eligible as low-income families and must meet the requirements of this part, in order to qualify as affordable housing.

24 CFR 92.253, Tenant and participant protections apply, and are related to lease terms, termination of tenancy, and tenant selection.

24 CFR 92.504, Required Annual On-Site Inspections of HOME-assisted Rental Housing.

B. Initial rents for HOME-assisted units are as follows, per 2016 HUD guidelines:

2 Bedroom: $742 - $198 (Utility Allowance) = $544.00

3 Bedroom: $856 - $229 (Utility Allowance) = $627.00

4 Bedroom: $956 - $275 (Utility Allowance) = $681.00

5 Bedroom: $1055 - $307 (Utility Allowance) = $748.00

These rents assume that homes constructed under this program will feature gas heat and gas water heating, an electric range, electric air conditioning, with other electric appliances and electric lighting. Electric ranges are to be provided. The tenant will pay for all utilities, including water service, sewer service, and trash service. If utilities are to be provided in an alternative manner, the Owner will notify the City so that HOME rents can be re-calculated. HOME rents are subject to revision by HUD on an annual basis. HOME assisted units will be subject to rent limitations and other requirements specified in Section 92.252, during the period of affordability.

Should any of the units developed under this agreement be converted to rental housing, the Rent and Utility Allowance schedule shall be approved and issued for use by the Developer, by the City of Wichita's Housing and Community Services Staff, at the time of conversion.

The Owner is also required to lease the HOME-assisted unit to households earning 60% or less of median annual income for the area, as determined by HUD. This requirement, in addition to the other requirements in Section 92.252, will be in effect during the period of affordability.

Units with four bedrooms may be allowed on a case-by-case basis, subject to City approval. The City will provide HOME rent amounts and utility allowances as required.

C. Procedures for Rent Increases: The Owner will submit requests for rental increases 60 days prior to the effective date of the proposed rent increase for approval by the City of Wichita's Housing and Community Services Department staff.

D. Leases, Tenant Selection Policies, and standards for its waiting lists will comply with 24 CFR Part 92.253, and the Owner will submit these documents to City staff for review and approval, prior to lease-up.

E. The Owner shall maintain project/tenant records for a period of no less than five years.

F. Owner agrees to inspection of all HOME-assisted units following completion to ensure compliance with the requirements of 24 CFR Part 92.251 (a) (1) and (3). The Owner must maintain the housing in compliance with 24 CFR Part 92.251 for the duration of the affordability period, and agrees to inspection of the HOME-assisted units on an annual basis, in order to verify continued compliance with 24 CFR Part 92.251 and 24 CFR Part 92.252.

G. Owner agrees to execute a document placing deed restrictions and covenants

against the property in order to comply with 24 CFR Part 92.252. Said restrictions and covenants will be in force for the period of affordability, which is 20 years, beginning the date of project completion. Definition of project completion is specified in 24 CFR, Part 92.2. Said document will be filed of record by the City.

H. Owner agrees to comply with the Fair Housing and Equal Opportunity Act. (92.202 and 92.250), Title VI of Civil Rights Act of 1964, (42 USC 2000d et.seq.), Fair Housing Act (42 USC3601-3620) Executive Order 11063 (amended by Executive order 12259), Age Discrimination Act of 1975, as amended (42 USC 6101), 24 CFR 5.105 (a).

Owner must comply with federal requirements set forth in 24 CFR part 5, subpart A. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace. Nondiscrimination requirements at section 282 of the Act are applicable.

J. Owner must comply with the affordability requirements in 24 CFR Part 92.252 as applicable. If Owner fails to comply with the affordability requirements in 24 CFR Part 92.252 repayment of HOME funds is required.

K. The Owner/Project Management must verify the income of tenants of HOME-assisted units prior to occupancy, per the requirements of 24 CFR Part 92.203 (a) (1) (I). Copies of source documentation are required to be maintained in tenant files. Project Management must re-examine the income of tenants of HOME-assisted units on an annual basis. Project Management will utilize the definition of annual income described in 24 CFR Part 92.203 (b) (1), also known as the Section 8 Method.

L. The Owner/Project Management agree to adopt affirmative marketing procedures and requirements and prepare a written Affirmative Marketing Plan for the project. The Affirmative Marketing Plan must be available for public inspection in the leasing office. The plan must contain specific steps and actions that the developer will take to provide information and otherwise attract eligible persons of all racial, ethnic, and gender groups in the housing market area of the available housing. Specific activities that must be included in the Developer's Affirmative Marketing Plan include:

1. Display the Equal Housing Opportunity logo, slogan or statement in all advertising material related to this project.

2. Display the HUD Equal Housing Opportunity logo, slogan or statement at the construction site, from the start of construction, and properly maintained throughout the construction and rental period

3. Send notices of housing availability (using form approved by the City) to agencies from a list provided by the City.

4. Provide copies of all materials sent to community contacts announcing the housing availability to the City of Wichita Housing Services Department.

5. No later than 90 days prior to engaging in marketing activities, the Agency should notify the City of Wichita Housing Services Department, either in writing or by telephone of the earlier of the dates on which: (1) the Agency plans to begin initial marketing activities; (2) accepts leasing applications; and (3) begins leasing units.

6. The Owner must begin marketing activities 90 days prior to the anticipated date of availability for occupancy of the first unit of the project.

7. The Owner will retain copies of all documentation related to marketing efforts, and make available for City inspection.

8. The Owner will provide, for the year ending June 30 of each year, beginning **June 30, 2016**, an annual report, in a format to be provided by the City. Said report shall be due to the City of Wichita July 10 of each applicable year.

V. Records and Reports

A. Records shall be maintained documenting performance to be indicated in an annual report. Records are subject to review by the City.

B. **The Developer will provide, for the year ending June 30 of each year, beginning June 30, 2016, an annual report of the HOME funded portion of the program**. It shall indicate yearly expenditures, cumulative expenditures since program inception and balance remaining. Yearly expenditures will be identified by category of expenditure (acquisition, rehabilitation, developer's fee, accounting & legal, architects). The report shall also indicate, by race and sex, the number of households/persons served during the year with HOME funds. The report shall also provide the total number of contracts awarded and the number of contracts awarded to minority-and women-owned businesses. The City reserves the right to change the due dates and contents of reports to be submitted under this clause.

The financial reports will be provided until such time as there are no expenditures. The owner shall continue to provide a report that indicates, by race and sex, the number of households/persons served during the year with HOME funds, when applicable. The report shall also provide the total number of contracts awarded and the number of contracts awarded to minority- and women-owned businesses. Said report shall be due to the City of Wichita **July 10** of each applicable year.

C. Additionally, a narrative or other description of progress may be provided.

D. Records shall be maintained valuing in-kind services, and donated goods and services, to be reported in the same manner as other annual reports.

VI. Conditions Precedent to Construction

The following items (matters) must be provided (completed) prior to beginning construction on the project and related improvements:

A. The Developer agrees to execute a document placing deed restrictions and covenants against properties on which projects are constructed, in order to comply with 24 CFR 92.254. Said restrictions and covenants will be in force until such time as a property/home is re-sold, as specified in this agreement.

B. Provide a detailed overall project/unit budget, including but not limited to a Sources and Uses of Funds Statement.

C. Provide Certificates regarding Debarment and Suspension, and/or lists of contractors/subcontractors to be utilized and other file documentation as requested by the City in order to comply with HOME regulations.

D. Submit final construction plans, specifications and a budget for each home to be constructed for approval by the Housing and Community Services Department, City of Wichita. (Not in connection with plan review or obtaining applicable permits.) Individual home construction may not begin until a Notice to Proceed has been issued by the Housing and Community Services Department.

E. Provide evidence that ownership interest in the property vests in Wichita Habitat for Humanity, Inc. (Copy of Deed, and/or Title Insurance Binder/Policy)

F. The Developer will obtain any and all permits required by the City prior to undertaking construction.

G. The Developer will obtain construction loans from private sector financial institutions, in an amount equivalent to a minimum of 70% of the appraised value of the home to be developed/constructed on each project site. Developer to provide a construction loan appraisal for each individual home to be constructed under this agreement, which is to be reviewed and approved by the City, prior to construction.

H. The Developer will obtain the approval of the City of Wichita Housing and Community Services Department for any changes to the previously submitted project plan. This includes changes in costs, as well as changes in the project scope or plans.

I. The Developer shall obtain Builder's Risk Insurance for the home to be constructed, in an amount sufficient to repay the amount of the face amount of the first mortgage construction loan, plus anticipated interest expense, and the total anticipated HOME funds investment in the project. The Developer is also responsible for workers compensation insurance and general liability insurance.

J. The Developer shall not undertake construction, reconstruction or rehabilitation on a site contaminated by hazardous materials without undertaking a Phase I environmental assessment of the site in a form, scope and substance satisfactory to the City. The Developer shall consult with the City of Wichita Office of Environmental Health regarding the necessity and scope of the environmental assessment. The Developer shall remediate or cause to be remediated all contaminants and hazardous materials as required or recommended by the City of Wichita Office of Environmental Health. Such remediation shall be accomplished in accordance with the requirements of applicable environmental laws of the Kansas Department of Health and Environment, the federal Environmental Protection Agency and the U.S. Department of Housing and Urban Development. During the process of redevelopment and/or construction, should the Developer discover any soil staining or odors emanating from soil at the project site, the Developer must cease work immediately, and notify the City.

K. The Developer shall submit any subdivision plats, street designs, variance requests, lot split requests, or any other documentation regarding zoning adjustments required to carry out construction of a home or a group of homes to the Housing and Community Services department for review and approval, prior to submission to the Wichita/Sedgwick County Metropolitan Area Planning Department, or the Wichita/Sedgwick County Metropolitan Area Planning Commission.

L. In addition to the above, the Developer agrees to provide any additional documentation deemed necessary by the City to comply with program regulations, including, but not limited to, real estate contracts and mortgage loan commitment documentation.

VII. Other Program Requirements

A. The Developer agrees to adopt affirmative marketing procedures and requirements and prepare a written Affirmative Marketing Plan for this project. The Affirmative Marketing Plan must be available for public inspection in the Developer's office. The plan must contain specific steps and actions that the Developer will take to provide information and otherwise attract eligible persons for all racial, ethnic, and gender groups in the housing market area to the available housing. Specific activities that must be included in the Developer's Affirmative Marketing Plan include:

1. Display of the Equal Housing Opportunity logo, slogan or statement in all advertising material related to this project.

2. Display of the HUD Equal Housing Opportunity logo, slogan or statement at the construction site, from the start of construction, and properly maintained throughout the construction and rental period.

3. No later than 90 days prior to engaging in marketing activities, the Developer should notify the City of Wichita Housing and Community Services Department, either in writing or by telephone of the dates on which the Developer plans to: (1) begin initial marketing activities; (2) accept purchase contracts; and (3) start initial sales.

4. The Developer must begin marketing activities 90 days prior to the anticipated date of availability for occupancy of the first unit of the project.

5. The Developer must market/advertise the housing opportunity utilizing publications, such as community newspapers, in an effort to attract income-qualified homebuyers.

B. The City and agents designated by the City shall, at all reasonable times during the development of the project and construction or rehabilitation, have the right of entry and free access to the project and all parts thereof, and the right to inspect all work done, labor performed and materials furnished in or about the project and all records relative to all payments made in connection with the project.

The Developer shall have the responsibility of maintaining the property until such time as the development project is complete and the newly constructed home has been sold to a HOME-eligible buyer.

C. Site Improvements: The City may require a Developer to undertake site improvements upon completion of construction. Site improvements include, but are not limited to, seeding or sodding of front yards, and 4' chain-link fencing. Said site improvements must be undertaken when seasonally appropriate. The City reserves the right to make an exception on a case-by-case basis.

D. Warranty: The Developer must provide a one-year construction warranty for all homes constructed or rehabilitated under this contract.

E. Developer is required to obtain insurance coverage for all perils, including vandalism, in an amount equivalent to the amount of the first mortgage construction loan balance plus interest, and the total HOME funds investment, in the event that a home constructed under this agreement has not sold, as of the day of completion, and the Builder’s Risk Insurance Policy will no longer provide adequate coverage.

F. Developer is responsible for retaining all records in connection with projects undertaken with HOME funding provided under this contract, including but not limited to, real estate purchase contracts, invoices, property development documentation, infrastructure development, and other records as further specified in this agreement.

G. Developer shall apply for City incentives for projects undertaken with funding provided under this agreement, including property tax rebates and permit fee waivers.

VIII. Program Evaluation

The City shall evaluate this project based on the objectives stated in this Exhibit. Failure by the Developer to provide the level of service stated herein may result in a determination by the City to modify the level of payment to the Developer on a pro rata basis with level of service. The Developer's records are subject to review by the City to ensure the accuracy and validity of information reported in progress reports.

IX. Project Close-Out

The Developer shall provide all records and reports as deemed necessary by the City, in order to satisfy federal requirements related to final reporting and project close-out, in accordance with established HUD procedures.

SECOND READING ORDINANCES FOR OCTOBER 11, 2016 (FIRST READ OCTOBER 4, 2016)

a. Ordinance No. 50-332

AN ORDINANCE AMENDING SECTION 1.04.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO GENERAL PENALTY AND CONTINUING VIOLATIONS, AND REPEALING THE ORIGINAL THEREOF.

SECTION 1. Section 1.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows: **"General penalty; continuing violations."**

b. Ordinance No. 50-333

AN ORDINANCE CREATING SECTION 10.01.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ENFORCEMENT PROCEDURES BY CITY ENGINEER.

c. Ordinance No. 50-334

AN ORDINANCE AMENDING SECTIONS 10.04.126, 10.04.127, 10.04.131, 10.04.132, 10.04.180, 10.04.190, 10.04.210, 10.04.215, 10.04.220, REPEALING SECTIONS 10.04.055, 10.04.056 AND 10.04.057 AND CREATING 10.04.137 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY.

d. Ordinance No. 50-335

AN ORDINANCE AMENDING SECTIONS 10.08.040, 10.08.130, 10.08.135, 10.08.250 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO RIGHT-OF-WAY AND EASEMENT USE PERMITS.

e. Ordinance No. 50-336

AN ORDINANCE AMENDING SECTION 10.16.120 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY AND REPEALING THE ORIGINAL THEREOF.

f. Ordinance No. 50-337

AN ORDINANCE AMENDING SECTIONS 10.20.050, 10.20.170 AND 10.20.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXCAVATIONS IN THE RIGHT OF WAY AND REPEALING THE ORIGINALS THEREOF.

g. Ordinance No. 50-338

AN ORDINANCE AMENDING SECTIONS 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280 AND 10.24.300 AND CREATING SECTION 10.24.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MOVING OF BUILDINGS.

h. Ordinance No. 50-339

AN ORDINANCE AMENDING SECTION 11.22.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERSECTIONS AND REPEALING THE ORIGINAL THEREOF.

i. Ordinance No. 50-340

AN ORDINANCE CREATING CHAPTER 28.06 AND REPEALING CHAPTER 10.32 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE RULES AND REGULATIONS GOVERNING LANDSCAPING AND PARKING LOT SCREENING.

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

SUBJECT: ZON2016-00034– Zone Change from LI Limited Industrial to SF-5 Single-Family Residential and MF-18 Multi-Family Residential, Generally Located on the South Side of North 29th Street West of East 127th (District II)

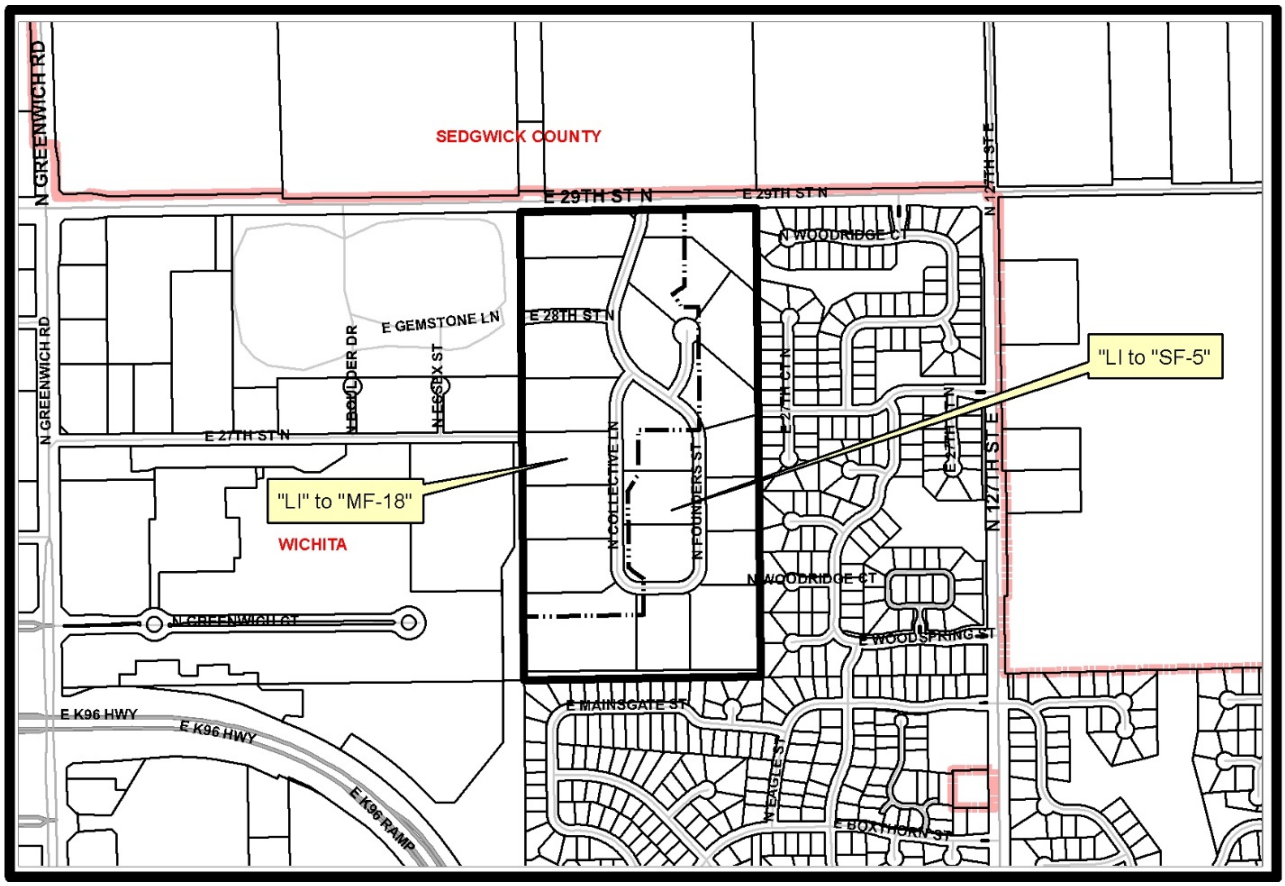
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-1).

DAB Recommendation: District Advisory Board II recommended approval of the request (8-0).

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



Background: The applicant is requesting a zone change from LI Limited Industrial to SF-5 Single-Family Residential (approximately 38.5 acres) and MF-18 Multi-Family Residential (approximately 41.1 acres) zoning on approximately 79.6 acres; generally located south of 29th Street North and west of 127 Street East. The applicant proposes to build single-family residences, duplexes and multi-family residences and is in the process of replatting the property as the Firefly Way Addition.

West of the subject property is MF-18, LC Limited Commercial and LI Limited Industrial (CUP DP-333) zoned property that is developing with apartments and destination retail. Property east and south of the subject property is SF-5 zoned Woods North Addition, 2nd Addition and 3rd Addition developed with single-family residences. Immediately south of the subject property is SF-5 zoned Fairmount Addition that is developed with single-family residences. North of the subject property, across 21st Street, is RR Rural Residential large lot agricultural land.

Analysis: On August 18, 2016, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) approved the request (8-1).

Numerous members of the public spoke at the MAPC hearing. No protest petitions were filed. The request can be approved with a simple majority vote.

On September 12, District Advisory Board (DAB) II reviewed the application and voted (8-0) to recommend approval of the requested zone change. No members of the public were in attendance.

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, place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading.

Attachments: Ordinance
MAPC Minutes
DAB II Report

OCA 150004

ORDINANCE NO. 50-344

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. ZON2016-00034

City zone change from LI Limited Industrial to Single-Family Residential (SF-5) and MF-18 Multi-Family; described as:

MF-18 Zoning for Firefly Way Legal Description:
All of Lots 3 and 4, Block 2, TOGETHER with all of Lots 1, 11, 12, 13, 14, and 15, Block 3, TOGETHER with that part of Lots 2, 3, 4, 9, and 10, in said Block 3, TOGETHER with that part of Lots 1, 2, and 3, Block 4, TOGETHER with all of Reserve "F", TOGETHER with that part of Reserve "B", TOGETHER with all of Founders Ct., and TOGETHER with that part of 28th St., Founders, and Collective Ln., all as platted and dedicated in Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas, and all of the above lying within and being coincident with the following described tract of land: Beginning at the northwest corner of Lot 4 in said Block 2; thence N88°52'42"E along the north line of Lot 4 in said Block 2, the north line of said Reserve "F", the north line of said Founders, and the north line of said Reserve "B", 881.98 feet to a point 168.59 feet east of the north west corner of said Reserve "B"; thence S01°07'17"E into said Reserve "B", 154.59 feet to the intersection with the most northerly lot line common to said Reserve "B" and Lot 2 in said Block 3; thence continuing S01°07'17"E into Lot 2 in said Block 3, 134.42 feet to the point of curvature of a tangent curve to the right; thence southerly and southeasterly along said curve, through a central angle of 49°50'55" and having a radius of 200.00 feet, an arc distance of 174.00 feet; (having a chord length of 168.57 feet bearing S23°48'10"W); thence S41°16'22"E, 33.05 feet to the point of curvature of a tangent curve to the left; thence southeasterly and easterly along said curve, having a central angle of 49°17'05" and a radius of 100.00 feet, an arc distance of 86.02 feet, (having a chord length of 83.39 feet bearing S65°54'55"E), to the point of tangency of said curve; thence N89°26'33"E, 89.24 feet; thence S00°33'27"E, 75.60 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 3; thence continuing S00°33'27"E into Lot 3 in said Block 3, 172.31 feet to the intersection with the lot line common to Lots 3 and 4 in said Block 3; thence continuing S00°33'27"E, 435.41 feet to the intersection with the southwest line of Lot 4 in said Block 3, said southwest line also being the east right-of-way line of said Founders; thence continuing S00°33'27"E into said Founders right-of-way, 47.57 feet; thence S89°07'06"W, 56.66 feet to the intersection with the west right-of-way line of said Founders, said west right-of-way line also being the east line of Lot 1 in said Block 4; thence continuing S89°07'06"W into Lot 1 in said Block 4, 304.08 feet; thence S00°52'54"E, 222.49 feet to the intersection with the lot line common to Lots 1 and 2 in said Block 4; thence continuing S00°52'54"E into Lot 2 in said Block 4, 37.20 feet to the point of curvature of a tangent curve to the right, thence southerly and southeasterly along said curve, having a central angle of 30°52'57" and a radius of 200.00 feet, and arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33'35"W), to the point of reverse curvature of a tangent curve to the left; thence southeasterly and southerly along said curve, having a central angle of 30°52'57" and a radius of 200.00 feet, and

arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33’35”W), to the point of tangency of said curve; thence S00°52’54”E, 57.20 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 4; thence continuing S00°52’54”E into Lot 3 in said Block 4, 219.80 feet to the point of curvature of a tangent curve to the left; thence southerly and southeasterly along said curve, through a central angle of 73°20’02” and having a radius of 100.00 feet, an arc distance of 127.99 feet, (having a chord length of 119.43 feet bearing S37°32’55”E); thence S15°47’04”W, 4.96 feet to the intersection with the south line of Lot 3 in said Block 4, said south line also being the north right-of-way line of said Collective Ln.; thence continuing S15°47’04”W into said Collective Ln., 27.04 feet; thence S00°52’54”E, 44.06 feet to the intersection with the south right-of-way line of said Collective Ln., said south right-of-way line also being the north line of Lot 9 in said Block 3; thence continuing S00°52’54”E into Lot 9 in said Block 3, 91.49 feet; thence S89°07’06”W, 21.34 feet to the intersection with the lot line common to Lots 9 and 10 in said Block 3; thence continuing S89°07’06”W into Lot 10 in said Block 3, 629.42 feet to the intersection with the west line of Lot 10 in said Block 3; thence N00°35’43”W along the west line of Lot 10 in said Block 3, 107.79 feet to the most westerly corner common to Lots 10 and 11 in said Block 3; thence continuing N00°35’43”W along the west line of Lots 11, 12, 13, 14, and 15 in said Block 3, 1497.51 feet to the northwest corner of Lot 15 in said Block 3, said northwest corner also being a point on the south right-of-way line of said 28th St.; thence continuing N00°35’43”W into said 28th St. right-of-way, 70.61 feet to the intersection with the north right-of-way of said 28th St., said intersection also being the southwest corner of Lot 3 in said Block 2; thence continuing N00°35’43”W along the west line of Lots 3 and 4 in said Block 2, 558.35 feet to the point of beginning. Containing 1790541.5 Sq. Ft., or 41.105 Acres, more or less.

<u>SF-5 Zoning for Firefly Way Legal Description</u>

That part of Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas lying in Government Lot 2 and in the West Half of the South Half of the Northeast Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part of 29th St. N. lying in said Government Lot 2 as dedicated in said Greenwich Business Center Addition, and EXCEPT the following: All of Lots 3 and 4, Block 2, together with all of Lots 1, 11, 12, 13, 14, and 15, Block 3, together with that part of Lots 2, 3, 4, 9, and 10, in said Block 3, together with that part of Lots 1, 2, and 3, Block 4, together with all of Reserve “F”, together with that part of Reserve “B”, together with all of Founders Ct., and together with that part of 28th St., Founders, and Collective Ln., all as platted and dedicated in said Greenwich Business Center Addition, and all of the above lying within and being coincident with the following described tract of land: Beginning at the northwest corner of Lot 4 in said Block 2; thence N88°52’42”E along the north line of Lot 4 in said Block 2, the north line of said Reserve “F”, the north line of said Founders, and the north line of said Reserve “B”, 881.98 feet to a point 168.59 feet east of the north west corner of said Reserve “B”; thence S01°07’17”E into said Reserve “B”, 154.59 feet to the intersection with the most northerly lot line common to said Reserve “B” and Lot 2 in said Block 3; thence continuing S01°07’17”E into Lot 2 in said Block 3, 134.42 feet to the point of curvature of a tangent curve to the right; thence southerly and southeasterly along said curve, through a central angle of 49°50’55” and having a radius of 200.00 feet, an arc distance of 174.00 feet; (having a chord length of 168.57 feet bearing S23°48’10”W); thence S41°16’22”E, 33.05 feet to the point of curvature of a tangent curve to the left; thence southeasterly and easterly along said curve, having a central angle of 49°17’05” and a radius of 100.00 feet, an arc distance of 86.02 feet, (having a chord length of 83.39 feet bearing S65°54’55”E), to the point of tangency of said curve; thence N89°26’33”E, 89.24 feet; thence S00°33’27”E, 75.60 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 3; thence continuing S00°33’27”E into Lot 3 in said Block 3, 172.31 feet to the intersection with the lot line common to Lots 3 and 4 in said Block 3; thence continuing S00°33’27”E, 435.41 feet to the intersection with the southwest line of Lot 4 in said Block 3, said southwest line also being the east right-of-way line of said Founders; thence continuing S00°33’27”E into said Founders right-of-way, 47.57 feet; thence S89°07’06”W, 56.66 feet to the intersection with the west right-of-way line of said Founders, said west right-of-way line also being the east line of Lot 1 in said Block 4; thence continuing S89°07’06”W into Lot 1 in said Block 4, 304.08 feet; thence S00°52’54”E, 222.49 feet to the intersection with the lot line common to Lots 1 and 2 in said Block 4; thence continuing S00°52’54”E into Lot 2 in said Block 4, 37.20

feet to the point of curvature of a tangent curve to the right, thence southerly and southeasterly along said curve, having a central angle of 30°52’57” and a radius of 200.00 feet, and arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33’35”W), to the point of reverse curvature of a tangent curve to the left; thence southeasterly and southerly along said curve, having a central angle of 30°52’57” and a radius of 200.00 feet, and arc distance of 107.80 feet, (having a chord length of 106.50 feet bearing S14°33’35”W), to the point of tangency of said curve; thence S00°52’54”E, 57.20 feet to the intersection with the lot line common to Lots 2 and 3 in said Block 4; thence continuing S00°52’54”E into Lot 3 in said Block 4, 219.80 feet to the point of curvature of a tangent curve to the left; thence southerly and southeasterly along said curve, through a central angle of 73°20’02” and having a radius of 100.00 feet, an arc distance of 127.99 feet, (having a chord length of 119.43 feet bearing S37°32’55”E); thence S15°47’04”W, 4.96 feet to the intersection with the south line of Lot 3 in said Block 4, said south line also being the north right-of-way line of said Collective Ln.; thence continuing S15°47’04”W into said Collective Ln., 27.04 feet; thence S00°52’54”E, 44.06 feet to the intersection with the south right-of-way line of said Collective Ln., said south right-of-way line also being the north line of Lot 9 in said Block 3; thence continuing S00°52’54”E into Lot 9 in said Block 3, 91.49 feet; thence S89°07’06”W, 21.34 feet to the intersection with the lot line common to Lots 9 and 10 in said Block 3; thence continuing S89°07’06”W into Lot 10 in said Block 3, 629.42 feet to the intersection with the west line of Lot 10 in said Block 3; thence N00°35’43”W along the west line of Lot 10 in said Block 3, 107.79 feet to the most westerly corner common to Lots 10 and 11 in said Block 3; thence continuing N00°35’43”W along the west line of Lots 11, 12, 13, 14, and 15 in said Block 3, 1497.51 feet to the northwest corner of Lot 15 in said Block 3, said northwest corner also being a point on the south right-of-way line of said 28th St.; thence continuing N00°35’43”W into said 28th St. right-of-way, 70.61 feet to the intersection with the north right-of-way of said 28th St., said intersection also being the southwest corner of Lot 3 in said Block 2; thence continuing N00°35’43”W along the west line of Lots 3 and 4 in said Block 2, 558.35 feet to the point of beginning. Containing 1677002.1 Sq. Ft., or 38.499 Acres, more or less.

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.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magaña, City Attorney and Director of Law

EXCERPT MINUTES OF THE AUGUST 18, 2016 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2016-00034 - Ritchie Development Corporation (owner) and Baughman Company, PA, Attn: Phil Meyer (agent) request a City zone change from LI Limited Industrial to SF-5 Single-family Residential (approx. 38.5 acres) and MF-18 Multi-family Residential (approx. 41.1 acres) on property described as:

All of Lots 3 and 4, Block 2, TOGETHER with all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 3, TOGETHER with all of Lots 1, 2, and 3, Block 4, TOGETHER with all of Reserves "B", "F", and "G", TOGETHER with all of Founders, Founders Ct., and Collective Ln., all as platted and dedicated in Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas, TOGETHER with that part of 28th St. as dedicated in said Greenwich Business Center Addition lying east of and abutting the following described line: Beginning at the northwest corner of said Lot 15, said northwest corner also being a point on the west line of Government Lot 2 in Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence N00°35'43"W along the northerly extension of the west line of said Lot 15, (and along the west line of said Government Lot 2), 70.61 feet to the southwest corner of Lot 3 in said Block 2, and for a point of termination, and TOGETHER with that part of 29th St. N. as dedicated in said Greenwich Business Center Addition lying east of and abutting the following described line: Beginning at the northwest corner of said Government Lot 2; thence S00°35'43"E along the west line of said Government Lot 2, 60.00 feet to the northwest corner of Lot 4 in said Block 2, and for a point of termination.

BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial to SF-5 Single-Family Residential (approximately 38.5 acres) and MF-18 Multi-Family Residential (approximately 41.1 acres) zoning on approximately 79.6 acres of the newly platted Firefly Way Addition (it is currently platted as the Greenwich Business Center Addition, see attached exhibit.) The applicant proposes to build single-family residences, duplexes and multi-family residences on the newly platted lots.

West of the subject property is MF-18, LC Limited Commercial and LI Limited Industrial (CUP DP-333) zoned property that is developing with apartments and destination retail. Property east and south of the subject property is SF-5 zoned Woods North Addition, 2nd Addition and 3rd Addition developed with single-family residences. Immediately south of the subject property is SF-5 zoned Fairmount Addition that is developed with single-family residences. North of the subject property, across 21st Street, is RR Rural Residential large lot agricultural land.

CASE HISTORY: The property was platted as the Greenwich Business Center Addition with LI zoning in 2005. The Subdivision Committee approved the preliminary plat of the Firefly Way Addition for the subject property on July 14, 2016.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family residential and agricultural land
SOUTH:	SF-5	Single-family residential
WEST:	MF-18; LC; LI	Partially developed with apartments and destination retail
EAST:	SF-5	Single-family residential

PUBLIC SERVICES: The site has access to 29th Street North, an unpaved arterial street with 100-feet right-of-way. The conditions of the Firefly Way Addition require paving of 29th Street North to a rural, asphalt mat standard from the end of the pavement to the west to the entrance of the subdivision. All utilities are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as New Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and middle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

(1) **The zoning, uses and character of the neighborhood:** The site is located in a mixed use development area with apartments and destination retail in MF-18, LC, and LI zoning and SF-5 zoned single-family residential neighborhoods. Single-family residences are located to the east and south of the proposed Firefly Way Addition. The proposed MF-18 zoning abuts exiting MF-18, LC and LI zoning to the west.

(2) **The suitability of the subject property for the uses to which it has been restricted:** SF-5 and MF-18 zoning would allow single-family residences, duplexes and multi-family units to be built, which is an appropriate use for urban residential development. The proposed development is separate and distinct from adjacent single-family neighborhoods and the proposed MF-18 zoning is buffered from existing single-family residences by proposed SF-5 zoning on the subject property.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested SF-5 zoning allows single-family residences by right and MF-18 zoning allows single-family, duplexes and multi-family by right. This zoning is a good buffer between the LC and LI zoning to the west of the subject property and the SF-5 zoning to the east and south of the subject property.

(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 limit development by right to single-family residential, duplex, multi-family and some (but not limited to) institutional uses such as a parks, schools and churches. The proposed rezoning further restricts uses on the property, as it is currently zoned LI.

(5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as New Residential Growth. The Plan encourages the full diversity of residential housing types and densities typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to single-family, duplexes, patio homes, townhouses, apartments and residential accommodations for the elderly. Elementary and idle schools, churches, playgrounds, small parks and other similar residential-serving uses are located in these areas. As such, the SF-5 and Mf-19 zoning of the Fire Fly Way Addition conforms to the future growth concept prescribed by the Community Investment Plan.

(6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities will be addressed through the platting process, including the pavement of 29th Street North and the extension of water and sanitary sewer services.

KATHY MORAN, Planning Staff presented the Staff Report.
RICHARDSON commented that it would be helpful to see what the new plat looked like; the one that was approved by the Subdivision Committee.

FOSTER asked then the plat attached to the Staff Report will be changed.

MORGAN suggested that the agent could address the questions concerning the latest plat.

RUSS EWY, BAUGHMAN COMPANY, P.A. , 315 ELLIS, AGENT FOR THE APPLICANT said they were asked to prepare two different plats: one with how the potential zone changes impact the existing plat and one that conforms to the preliminary plat that is on file with the Planning Department. He said they will take care of the split zoning issue if the Planning Commission approves the zoning request.

FRANK MESSINGER, 12100 E. 29TH ST., NORTH said his father lived across the street from the proposed development. He mentioned that when the electric substation went in more than three years ago his parent came to the Commission to speak against it because they believed the electro-magnetic fields caused leukemia. He said his mom died of leukemia which might just be a coincidence. He said this is tearing his farther up knowing these apartments are going in across the street from him. He said his dad moved out into the country to get away from that. He said he knows you can't stop progress. He said they would like some kind of buffer to protect his father's property from this because this is driving him crazy. He said his dad put a lot of money into his home. He said he understands the landscape buffer is a tree every 40 feet and that is not enough. He asked the Commission to do the right thing. He asked if there are going to be apartment complexes or duplexes at the location.

RICHARDSON said they would ask the applicant or agent to clarify specifically what was being proposed for the site.

FOSTER explained that Reserve G will have open space for drainage and a five foot masonry wall along 30% of the stretch across the street from his father's property.

MESSINGER said that is not what he was told by the agent and staff. He said once the LI zoning is changed, the wall and buffer go out the window. He asked if the Commission was going to continue to require the wall and buffer once the zoning was changed to apartments.

FOSTER said the Commission would get clarification from the applicant.

RUSS EWY, BAUGHMAN COMPANY, PA, AGENT FOR THE APPLICANT said his understanding is that the northern loop area at Pepperwood Street would have one lot on the final plat for an apartment complex, with duplexes on the southern Block A, lots 22-40 with potential for a duplex as well on Block D. He said a multi-family development does need to provide some type of buffering or landscaping along 29th Street.

FOSTER clarified that the Landscape Ordinance does require buffering because it is a more intense use across from RR. He asked the agent to explain the wall easement. He said he feels there is a conflict with the required tree planting requirement because of a drainage easement.

EWY said that is platted that way as a "place holder" to develop a mix of various types of walls and landscaping in and around the perimeter so it does not interfere with the utility provision. He said the Commission could make a provision for a screening wall as part of the motion.

KNEBEL clarified if they develop multi-family along 29th street the landscaping requirement is referred to as a landscape street yard which is a landscaped area that has trees, the size of which depends on the depth of the lot.

> **MOTION:** To approve subject to staff recommendation.
>
> **TODD** moved, **WARREN** seconded the motion, and it carried (8-1). **FOSTER** – No.

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council
FROM: Laura Rainwater
SUBJECT: ZON2016-00034
DATE: September 13, 2016

On Monday, September 12, 2016, the District II Advisory Board considered a request by Ritchie Development Corp (applicant/owner), represented by Phil Meyer, Baughman Engineering (agent), for SF-5 Single-Family Residential and MF-18 Multi-Family Residential on an area generally located one-third mile west of 127th Street on the south side of East 29th Street North .

Phil Meyer, agent for the applicant, was present at the meeting. No impacted property owners were present at the meeting.

Staff report was presented by **Kathy Morgan, Senior Planner, MAPD.** She reported that no protest petitions have been filed and the new plat has been approved by WFD and Stormwater. No questions were raised by DAB members

Meyer, presented and responded to the following questions from the DAB members:

- **DAB:** How many total living units?
  Answer: 168 lots if all single family
- **DAB:** Why multi-family zoning?
  Answer: Zoning some multi-family for flexibility
- **DAB:** Any opposition from adjacent property owners?
  Answer: Only opposition was from property owner to the north of parcel. Concerned about the increase in traffic. He is not present tonight and has not filed a protest.
- **DAB:** Will there be Impact Fees? How will it impact utilities (water/sewer)?
  Answer: City of Wichita does not impose impact fees. The impact is paid through tap fees based on meter size. Applicant must pay for any laterals that will need to be placed.

Action Taken: Motion made by **Howell** to **APPROVE** the application based on staff recommendations set forth in the staff report. Seconded by **Tuttle.**

MOTION PASSED 8-0

Respectfully submitted,

Laura Rainwater, Community Services Representative – District II

Agenda Report No. II-21

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

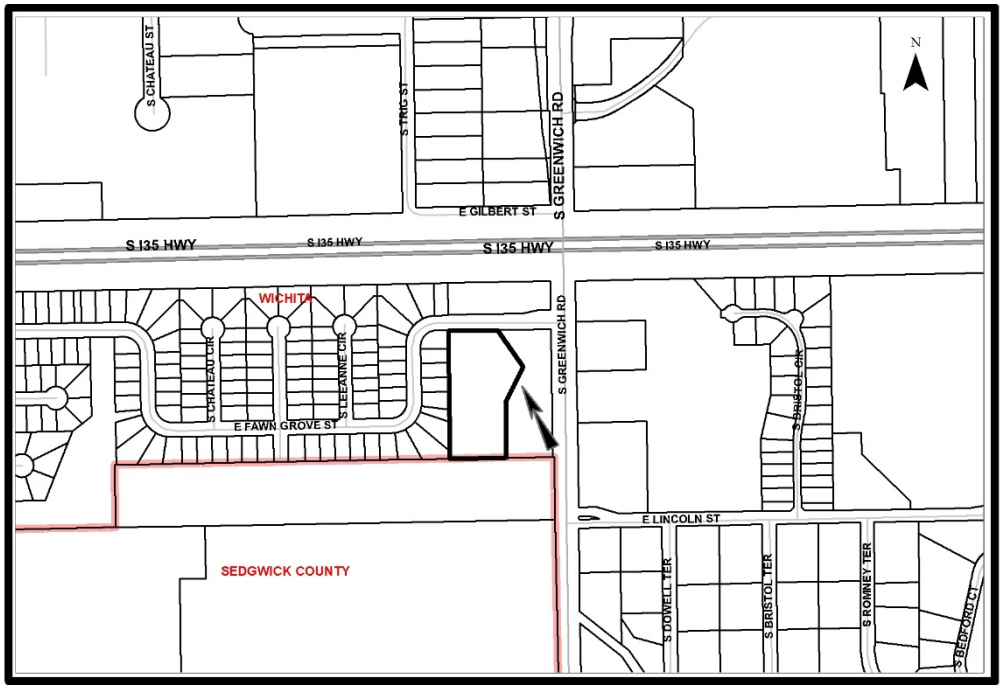
SUBJECT: SUB2016-00019 -- Plat of Fawn Grove Addition Located South of East US-54 Highway (Kellogg), West of South Greenwich Road (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat (12-0). Protest petitions (53) were submitted after the MAPC vote. Protest petitions are not valid in conjunction with plats and have no impact on the City Council vote.



Background: The site consists of 11 residential lots on 3.28 acres zoned General Office (GO).

Analysis: Sewer, water and paving improvements will be constructed by a private project. The applicant has submitted a Restrictive Covenant to provide for the ownership and maintenance responsibilities of the reserves being platted. 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 limiting the uses of the site to residential 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 Restrictive Covenants 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 and authorize the necessary signatures.

Attachments: Restrictive Covenants

RESTRICTIVE COVENANT

This covenant, executed this 18th day of August, 2016

WITNESSETH: That,

WHEREAS, the undersigned is in the process of platting certain real property to be known as Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas,

WHEREAS, as a part of the platting process, a requirement have been made by the Wichita-Sedgwick County Metropolitan Area Planning Department to limit the type of development of the site.

NOW THEREFORE, the undersigned does hereby subject Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas, to the following covenants and restrictions:

1. Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas is hereby limited to residential development.

2. This covenant is binding on the owners, their successors and assigns and is a covenant running with the land and is binding on all successors in title to the above described property.

3. 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, and the County of Sedgwick. 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 above written.

Signed this 18th day of August, 2016.

Fawn Grove Properties, Inc., a Kansas corporation,

Clinton F. Miller, President

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 18th day of August, 2016, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Clinton F. Miller, President of Fawn Grove Properties, Inc., a Kansas corporation, on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

, Notary Public
(signature of notary officer)

SANDRA L. BOHM
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10-30-19

My appointment expires: 10-30, 2019.

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

RESTRICTIVE COVENANT
(STREET, DRAINAGE & UTILITY EASEMENT)

THIS DECLARATION made this 18th day of August, 2016, by Clinton F. Miller, President of Fawn Grove Properties, Inc., a Kansas corporation, owner of Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas.

WITNESSETH

WHEREAS, Declarant is owner of the following described property:

FAWN GROVE, A REPLAT OF PART OF LOT 1, BLOCK 1, FAWN GROVE AT SUNSET LAKES, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

WHEREAS, the Declarant in connection therewith desires that restrictions involving Street, Drainage, Sidewalk & Utility Easements be placed of record.

NOW THEREFORE Declarant hereby declares and covenants that each of the following described residential Lots shall be prohibited from erecting retaining walls, fences, earth berms, mass plantings and the changing of grade within the platted 15-foot Street, Drainage and Utility Easements.

Lots 1 through 11, Block 1, Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land.

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 above written.

EXECUTED the day and year first above written.

Signed this 18th day of August, 2016.

Fawn Grove Properties, Inc., a Kansas corporation,

Clinton F. Miller, President

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 18th day of August, 2016, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Clinton F. Miller, President of Fawn Grove Properties, Inc., a Kansas corporation, on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

, Notary Public
(signature of notary officer)

SANDRA L. BOHM
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10-30-19

My appointment expires: 10-30, 2019.

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

RESTRICTIVE COVENANT

THIS DECLARATION made this 18th day of August, 2016, by Fawn Grove Properties, Inc., a Kansas corporation,

WITNESSETH: That,

WHEREAS, the undersigned is in the process of platting certain real property to be known as Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas,

WHEREAS, as a part of the platting process, certain requirements have been made by the Wichita-Sedgwick County Metropolitan Area Planning Department regarding the maintenance of the Reserve being platted with the Addition.

NOW THEREFORE, the undersigned does hereby subject Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas, to the following covenants and restrictions:

1. Maintenance of Reserve A, Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas, shall be the responsibility of Fawn Grove Properties, Inc., a Kansas corporation, until such time that a homeowners association is formed and charged with maintenance responsibilities of said Reserve.

   In the event that the undersigned, its successors or assigns, shall fail at any time to maintain the drainage improvements within said Reserve situated in Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas, the appropriate governing body may serve a written Notice of Delinquency upon the undersigned setting forth the manner in which the undersigned has failed to maintain the drainage improvements or planned sidewalk system. Such notice shall include a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days within which the undersigned may fulfill the obligations. If said obligation is not fulfilled within the time specified, the appropriate governing body, in order to preserve the taxable value of the properties within the Addition, to insure proper functioning of the drainage improvements or to prevent the reserves from becoming a nuisance, may enter upon said Reserves and perform the obligations listed in the Notice of Delinquency. All costs incurred by the governing body, in carrying out the obligations of the undersigned may be assessed against the Reserve situated in Fawn Grove, A Replat of part of Lot 1, Block 1, Fawn Grove at Sunset Lakes, an Addition to Wichita, Sedgwick County, Kansas, in the same manner as provided by law for such assessments and said assessments may be established as liens upon said Reserve. Should the undersigned, its successors or assigns, upon receipt of said Notice of Delinquency believe that the obligations described in said Notice of Delinquency are not proper for any reason, may, within the twenty-day period to be provided in said notice, apply for a hearing before the governing body

having jurisdiction over the Notice of Delinquency, to appeal said assessments and any further proceedings with respect to such appeal.

2. This covenant is binding on the owners, their successors and assigns and is a covenant running with the land and is binding on all successors in title to the above described property.

3. 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, and the County of Sedgwick. 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 above written.

Signed this 18th day of August, 2016.

Fawn Grove Properties, Inc., a Kansas corporation,

Clinton F. Miller, President

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 18th day of August, 2016, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Clinton F. Miller, President of Fawn Grove Properties, Inc., a Kansas corporation, on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

, Notary Public
(signature of notary officer)

SANDRA L. BOHM
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10-30-19

My appointment expires: 10-30, 2019.

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

Agenda Item No. II- 22

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

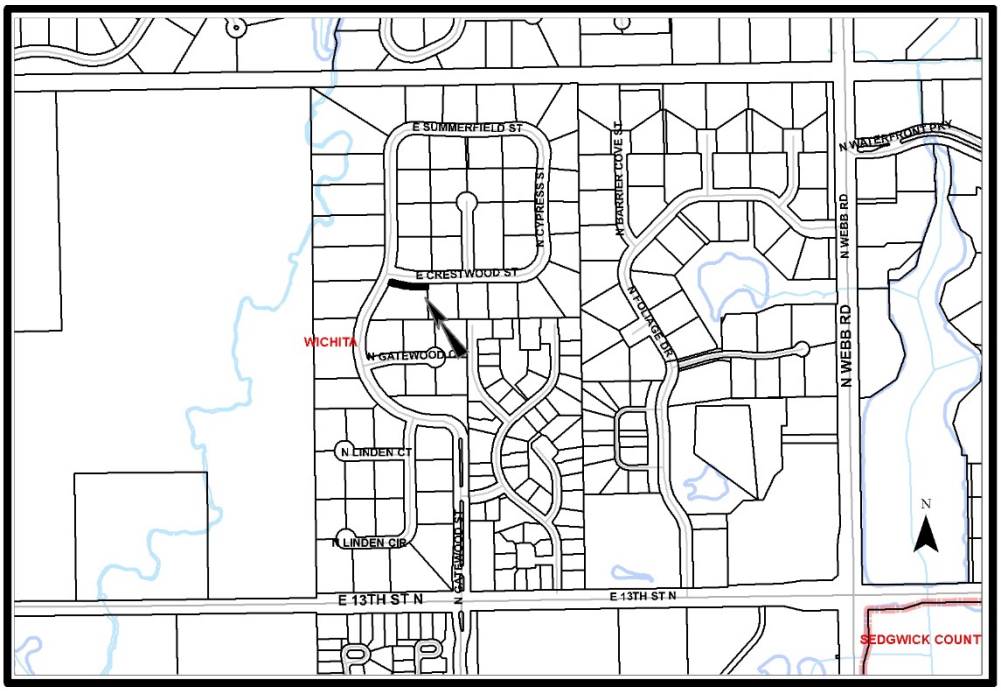
SUBJECT: VAC2016-00033 - Request to Vacate a Platted Building Setback on Property Generally Located North of East 13th Street North, West of North Webb Road, on the Southeast Corner of East Crestwood Street and North Gatewood Street (1624 North Gatewood) (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (10-0).



Background: The applicant proposes to vacate the south 15 feet of the platted 25-foot wide building setback running parallel to the north property line of Lot 41, Block 1, Country Place Estates Addition. The site is a corner lot with the shorter frontage along Crestwood and therefore defined as the front lot line per the Unified Zoning Code (UZC). The Unified Zoning Code's minimum front yard setback for the Single-Family Residential (SF-5) district is 25 feet. The applicant's request reduces the platted 25-foot setback to 10 feet. Section 10-104 of the Subdivision Regulations allows the Planning Commission to modify the setback standards.

No platted easements are located within the platted setback. No objections have been received from any franchised utilities. A letter has been submitted from the Country Place Estates Homeowners' Association which is in support of the request. The Country Place Estates Addition was recorded with the Register of Deeds on April 20, 1979.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved the Vacation Order as to form. The original Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

Attachment:

- Vacation Order

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PLATTED BUILDING SETBACK	)	
GENERALLY LOCATED NORTH OF EAST 13th STREET NORTH, WEST OF NORTH WEBB ROAD ON THE SOUTHEAST CORNER OF EAST CRESTWOOD STREET AND NORTH GATEWOOD STREET	)	**VAC2016-00033**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this this 11th day of October, 2016, comes on for hearing the petition for vacation filed by Ken and Pam Wells (owners), praying for the vacation of the following described platted building setback, to-wit:

The south 15 feet of the platted 25-foot wide building setback running parallel to the north property line of Lot 41, Block 1, Country Place Estates Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on July 28, 2016, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described building setback and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this this 11th day of October, 2016, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

Agenda Item No. II- 23

City of Wichita
City Council Meeting
October 11, 2016

TO: Mayor and City Council

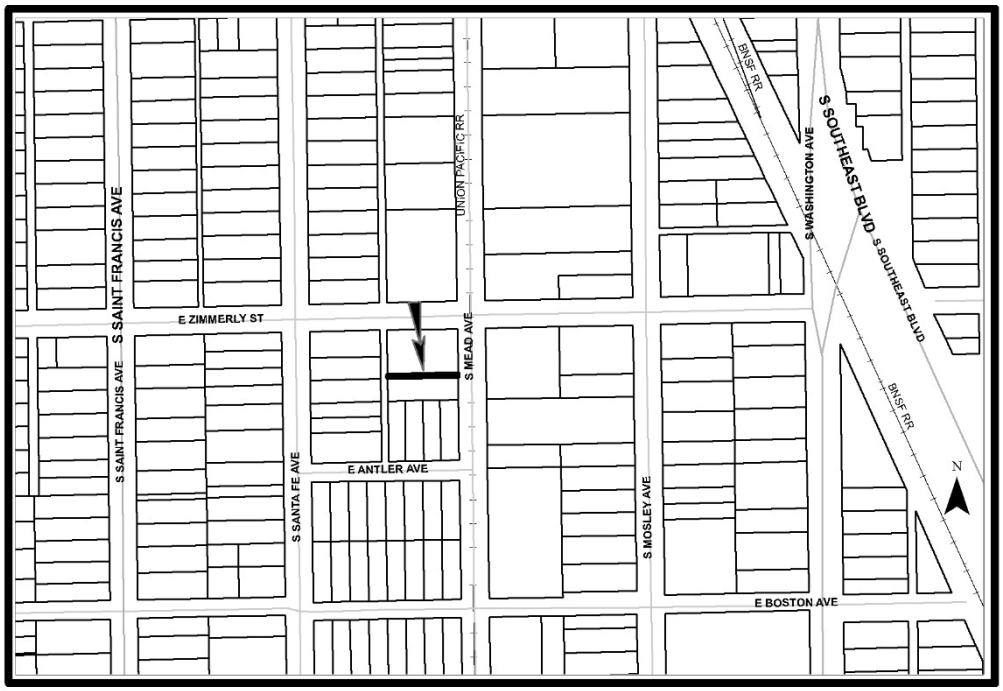
SUBJECT: VAC2016-00034 - Request to Vacate a Utility Easement Referenced in the Plattor's Text on Property Generally Located North of East Harry Street, East of South Broadway Avenue, on the Southwest Corner of East Zimmerly Street and South Mead Avenue (719 East Zimmerly Street) (District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (10-0).



Background: The applicant proposes to vacate a utility easement referenced in the plattor's text located in the south six feet of Lots 1, 2 and 3, Wakefield Addition. No utilities exist within the subject easement. No objections have been received from franchised utilities. The Wakefield Addition was recorded on June 30, 1914.

Analysis: The Metropolitan Area Planning Commission (MAPC) voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved the Vacation Order as to form. The original Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

Attachment:

- Vacation Order

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A UTILITY EASEMENT REFERENCED IN THE PLATTOR'S TEXT	)	
GENERALLY LOCATED NORTH OF EAST HARRY STREET, EAST OF SOUTH BROADWAY AVENUE, ON THE SOUTHWEST CORNER OF EAST ZIMMERLY STREET AND SOUTH MEAD AVENUE	)	**VAC2016-00034**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this this 11th day of October, 2016, comes on for hearing the petition for vacation filed by William S. Humphrey (owner), praying for the vacation of the following described utility easement as referenced in the plattor's text, to-wit:

The south six feet of Lots 1, 2 and 3, Wakefield Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on July 28, 2016 which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described utility easement and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this this 11th day of October, 2016, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law