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FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. October 13, 2015

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 6, 2015

AWARDS AND PROCLAMATIONS

- Proclamation:
International Irlen Awareness Week

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. Doug Ballard - Water and Sewer Utilities Optimization.

II. CONSENT AGENDA ITEMS 1 THROUGH 16

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. Edgewater Development Groundwater Pit Consent. (District VI)

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

2. Authorization of the Second Five Year Tax Exemption, H2 Corporate Office, LLC. (District II)

RECOMMENDED ACTION: Approve the second five-year ad valorem tax exemption for H2 Corporate Office, LLC, subject to annual payments-in-lieu-of-taxes.

3. Forestry Facility Project.

RECOMMENDED ACTION: Approve the budget adjustment, adopt the bonding resolution, authorize initiation of the project, and authorize all necessary signatures.

4. Design Concept and Funding for Improvements to Pawnee, between Hydraulic and Grove. (District III)

RECOMMENDED ACTION: Approve the design concept and revised budget, and adopt the amending resolution.

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

None

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. Carole Trapp Housing Member is also seated with the City Council.

Carole Trapp 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

None

IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 16)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated October 12, 2015.

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

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2015</u>	<u>(Consumption on Premises)</u>
Nisreen Sherbi	Petra Café LLC**	535 North Woodlawn

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

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

3. Preliminary Estimates:

- a. List of Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

4. Consideration of Street Closures/Uses:

- a. Community Events – 24th Annual Frostbite Regatta. (District VI)
- b. Community Events – No Sweat Run. (Districts I and II)
- c. Community Events – The Pirate and Princess Booty Chase 5K. (District III)
- d. Community Events - 2015 Food Trucks at the Fountains. (District I)
- e. Community Events - Ghoulish Gala. (District VI)
- f. Community Events - A Night at the Fountains. (District I)
- g. Community Events - InterHab Power Up Food Truck Night. (District I)
- h. Community Events - Mustache Dash 5K. (Districts I 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.

5. Agreements/Contracts:

- a. Agreement to Respread Assessments: Tyler's Landing 5th Addition. (District V)

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

6. Change Orders:

- a. Change Order No. 2 - 2015 Sanitary Sewer Reconstruction Phase 2. (Districts I, III and VI)

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

7. Minutes of Advisory Boards/Commissions:

Board of Building Code Standards and Appeals, August 3, 2015
Wichita Transit Advisory Board, August 21, 2015
Design Council, September 16, 2015
Bicycle and Pedestrian Advisory Board, August 10, 2015

RECOMMENDED ACTION: Receive and file.

8. Contracts and Agreements for September 2015.

RECOMMENDED ACTION: Receive and file.

9. 2015 Internet Crimes Against Children (ICAC) Grant and Agreement.

RECOMMENDED ACTION: Approve the 2015 Internet Crimes Against Children (ICAC) Grant in the amount of \$123,370, approve the Agreement between the City of Wichita and Sedgwick County and authorize the necessary signatures.

10. Funding and Change Order No. 7 for Improvements to 37th Street North, Broadway to Hydraulic. (District VI)

RECOMMENDED ACTION: Approve the revised budgets, adopt the amending resolutions, waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds, approve Change Order No. 7, and authorize the necessary signatures.

11. Second Reading Ordinances: (First Read October 6, 2015)

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.

12. *SUB2015-00004 -- Plat of Superior Self Storage Addition Located North of 21st Street North, West of Hoover Road. (District VI)

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

13. *SUB2015-00006 -- Plat of Harbor Isle 4th Addition Located North of 45th Street North, on the East Side of Meridian. (District VI)

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

14. *VAC2015-00016 - Request to Vacate Platted Street Right-of-Ways, the Platted Temporary Roadway Portion of the Temporary Roadway and Drainage Easement, Platted Setbacks, a Platted Reserve and the Plator's Text on Property Generally Located West of 119th Street West and South of 13th Street North, at the Intersection of Harvest and Azure Lanes. (District V)

RECOMMENDED ACTION: Approve the Vacation Order (simple majority of four votes required) 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.

Carole Trapp, 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.

15. *Parking Facilities Program - Change Order No. 13 - Wichita Dwight D. Eisenhower National Airport.

RECOMMENDED ACTION: Approve Change Order No. 13 and authorize the necessary signatures.

16. *Wichita Airport Facilities, Inc. - First Supplemental Lease - Wichita Dwight D. Eisenhower National Airport.

RECOMMENDED ACTION: Approve the first supplemental lease and authorize the necessary signatures.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: Edgewater Development Groundwater Pit Consent (District VI)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendation: Approve the waiver and authorize the necessary signatures.

Background: On April 16, 2015, the City of Wichita was requested to sign a consent form/waiver which would support a proposal to create a groundwater pit for the proposed Edgewater Development, located north of K-96 on the west side of Hoover Road. As per the Groundwater Management District No. 2 (GMD #2) requirements, the point of diversion for the proposed pit lake does not meet the minimum spacing requirement for the existing adjacent pit lake on the City's Crystal Prairie Lake Park site, a legacy park development immediately to the east. The Edgewater proposal drew concerns of potential effects to the water elevation, water quality, and groundwater contamination at Crystal Prairie Lake Park.

Analysis: As a result of those concerns, the Park & Recreation Department (P&R) commissioned a study to evaluate the potential hydrologic and water-quality effects of the proposed Edgewater Development on the Crystal Prairie Lake Park site. The study was conducted by the Thornhill Group, Inc., which included analysis of the existing and available hydrogeological and surface water, "safe yield" calculations following GMD #2 rules, and groundwater modeling calculations to estimate the potential effects of the proposed lakes on the local aquifer and surface water bodies.

The study concluded that both the Edgewater Development and the City's Crystal Prairie Lake Park can be constructed without significantly affecting each other's water levels or the local groundwater system's water levels. At the same time it acknowledged that local studies show groundwater pits may slightly alter the quality of groundwater, primarily as a result of surface water runoff entering the pits and subsequently moving into the shallow local aquifer.

Based on these findings, P&R recommends that the City of Wichita approve and sign a waiver, which will accompany the water right application for the expansion of the Edgewater Development with the following recommendations/requirements:

1. The owner will operate and maintain the Edgewater Development in strict compliance with the requirements, provisions and guidelines of the "Sedgwick County Storm Water Management Code" and other applicable regulations.
2. Because local studies indicate that the aquifer near groundwater pits in the northwestern parts of the City is generally more susceptible to contamination than in areas in southern Wichita, the following provisions should be added:
 - Impervious cover should be limited;
 - Areas that will be covered by turf grasses and other vegetation requiring fertilizers and irrigation should be limited, and;
 - Xeriscaping should be encouraged.

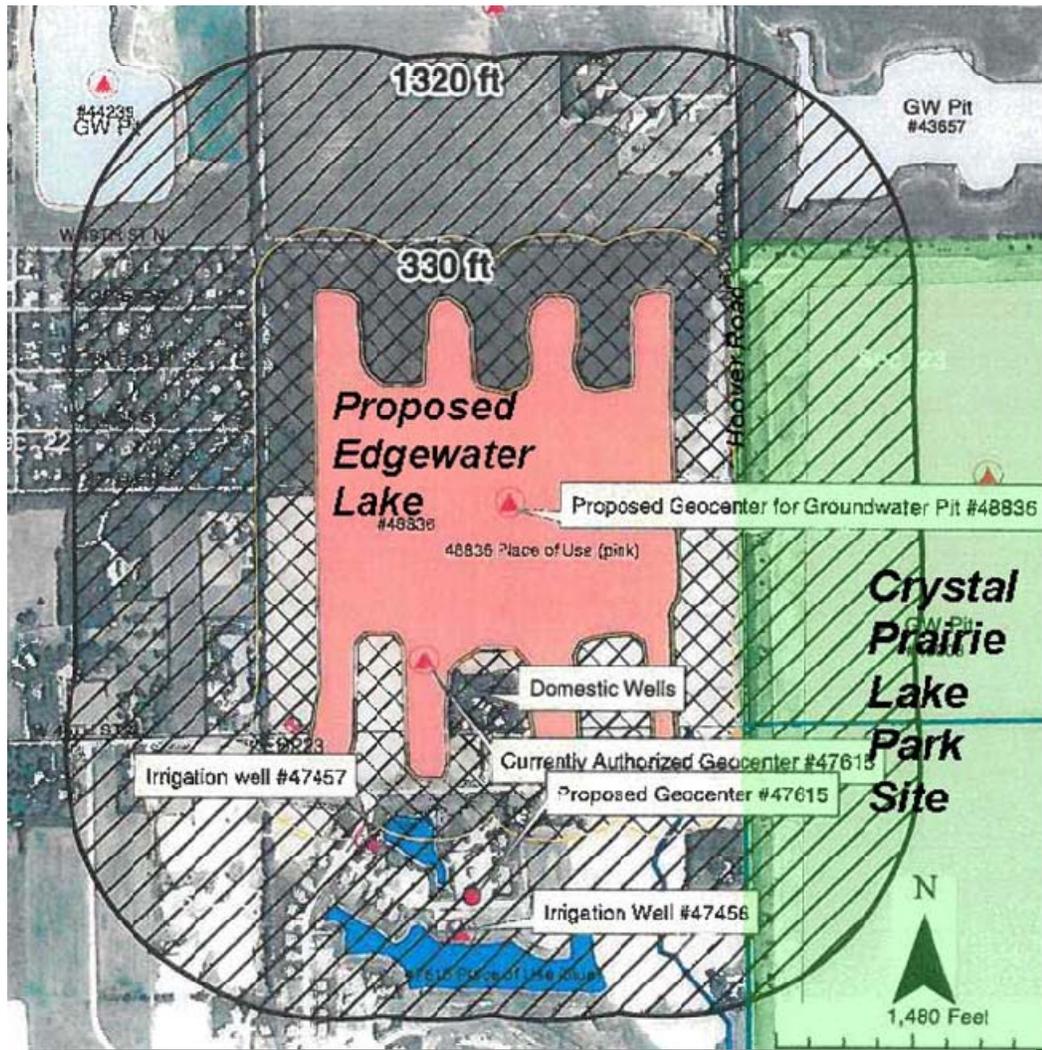
Financial Considerations: None.

Legal Considerations: The “Non-Domestic Point of Diversion Owner Groundwater Pit Spacing Consent Form” waiver has been reviewed and approved as to form by the Law Department.

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

Attachments: Site Plan, Consent Form.

Proposed Edgewater Site Plan



**NON-DOMESTIC POINT OF DIVERSION OWNER
GROUNDWATER PIT SPACING CONSENT FORM**

K.A.R. 5-22-2(e)(5)

I, CITY OF WICHITA, whose address is _____,
Water Right/Permit/Application Owner Address
_____, _____, _____, _____, own either approved
City State Postal Code Telephone
water permit/right # 46003 or have filed application # _____ for non-domestic
beneficial use.

I understand and acknowledge that R+R Realty has either filed a change in
Applicant Name
point of diversion application on existing water permit # _____, or new application
48836 for a water permit to withdraw or appropriate groundwater for non-domestic
beneficial use by means of a groundwater pit.

That the application described the location of the geographic center of a proposed groundwater
pit in the SW 1/4 NE 1/4 SE 1/4 of Section 22, Township 26 south,
Range 1 west, Sedgwick County, and will allow the withdrawal of 150
acre-feet per year for industrial use.

The applicant has informed me that the proposed groundwater pit edge is within the minimum
required spacing interval of 1320 of my point of diversion.

Having full knowledge of the above and without waiving any right to file an impairment
complaint with the Chief Engineer, Division of Water Resources, I grant my permission to locate
said groundwater pit less than the minimum required spacing interval from my point of
diversion.

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

(SEAL)

Jeff Longwell, Mayor
Non-Domestic Point of Diversion Owner

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magana, Director of Law

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Authorization of the Second, Five Year Tax Exemption (H2 Corporate Office, LLC) (District II)
INITIATED BY: Office of Urban Development
AGENDA: New Business

Recommendation: Approve the second five-year property tax abatement.

Background: On October 7, 2008, the Wichita City Council approved the issuance of Industrial Revenue Bonds (IRBs) in an amount not-to-exceed \$7,200,000, and a 100% five-plus-five-year property tax exemption for H2 Corporate Office, LLC (H2). H2 subleased the project to Hartman Oil Co, Inc. (Hartman Oil) for use as the corporate headquarters for the various companies owned by Willis E. Hartman. Bond proceeds were used to finance the construction of a corporate headquarters located near 13th Street North between Webb Road and Greenwich Road. H2 is now requesting approval of the second five-year tax exemption.

Analysis: H2 Corporate Office, LLC was formed to own and develop the new facility. The managing member of H2 is Willis E. Hartman. Willis Hartman is the owner of Hartman Oil which is an independent oil and natural gas company engaged in the development, acquisition, and operation of oil and gas properties in the Mid-Continent region. Hartman Oil is the primary tenant of the building. In addition to oil and gas operations, Hartman owns several other business entities including restaurants and banks.

H2 constructed a new 45,000 square-foot two-story office building to serve as the corporate headquarters of Hartman Oil Co. and house the many businesses associated with Willis E. Hartman. Hartman Oil employed 10 people in its Wichita headquarters at the time the bonds were issued and projected it would add 30 new jobs over a five-year period at an average wage of \$75,000 per year. H2 agreed to make a payment-in-lieu-of-taxes (PILOT) payment should it sublease portions of the building to unrelated businesses. The Hartman operations occupy approximately 20,738 square feet and non-Hartman companies occupy 16,697 square feet. Based on the current Sedgwick County Appraiser’s value, H2 will make a PILOT payment of \$64,617.98 for 2015. The PILOT payment could rise to \$83,547.03 in 2016 if all remaining vacant space is leased by non-Hartman companies.

<u>Commitment</u>	<u>Performance</u>
• Construction of 45,000 sf building	Completed 45,000 square foot facility
• Create 30 new jobs in five years	Created 9 new jobs
• Average annual wages of \$75,000	Average annual wages over \$135,000
• 100% tax abatement	PILOT payments based upon leased space

Financial Considerations: Under the City’s Economic Development Incentive Policy, based on job creation and capital investment, the company qualified for a 100% five-plus-five year tax exemption on real property purchased with bond proceeds.

A new cost/benefit analysis was performed by the Center for Economic Development and Business Research at Wichita State University based on the new metrics. The analysis calculated the following ratios of benefits to costs:

City	1.85 to 1
City Gen Fund	2.13 to 1
County	1.09 to 1
USD 259	1.00 to 1
State	4.23 to 1

While the company did not create the total number of jobs projected, the salaries for the nine jobs are significantly higher than anticipated. Additionally, the original cost/benefit analysis anticipated a 100% ten-year tax abatement. H2 has subleased space to unrelated parties and is therefore making annual PILOT payments. For 2015, H2 will make a PILOT payment of almost \$65,000. Additionally, the companies that are leasing space in the Hartman building have created an additional 14 new jobs since moving into that facility. Those additional jobs are not reflected in the cost/benefit analysis.

As demonstrated above, these benefits show a ratio of benefits to costs above the policy requirement of 1.3 to 1.

Legal Considerations: According to the Lease Agreement in the bond transcript, approval of the second five-year tax exemption is at the discretion of the City Council.

Recommendations/Actions: It is recommended that the City Council approve the second, five-year ad valorem tax exemption for H2 Corporate Office, LLC, subject to annual payments-in-lieu-of-taxes.

Attachments: None

City of Wichita
City Council Meeting
October 13, 2015

To: Mayor and City Council
Subject: Forestry Facility Project (All Districts)
Initiated By: Department of Park and Recreation
Agenda: New Business

Recommendation: Approve the project initiation, adopt the bonding resolution and approve any necessary budget adjustments.

Background: The 2016 Adopted Budget includes a significant expansion of Forestry Section operations. This operational expansion is based on a new franchise fee agreement between the City and Westar Energy which was approved by the City Council on December, 2014. Forestry staff currently occupy a small portion of the Central Maintenance Facility (CMF) located at 1801 S. McLean. Constructed in the 1970s, CMF houses staff and equipment for Stormwater, Fleet, Maintenance and Engineering. There is no additional room for Forestry expansion at the CMF.

Analysis: In late 2014 the City took possession of the vacated Kansas National Guard armory located at 1205 S. McLean. This site is close to both the CMF and the Park Maintenance Facility at 1245 S. McLean. Staff considered alternative uses for the armory and determined that the former armory could be a suitable and cost-effective site for Forestry staff and equipment. In conjunction with Public Works Building Maintenance staff, a review of the facility identified necessary improvements to the roof and HVAC systems, changes to the interior to provide needed office and restroom space, and enhancement to improve the security and functionality of the facility. Total costs of the conversion of the former armory to a Forestry facility total \$981,000, as itemized below.

Roof Replacement	\$165,000
Interior Floor Plan Remodel	\$501,000
Furniture and A/V	\$ 70,000
Fencing and Gates	\$115,000
Exterior Lighting	\$ 40,000
Design/Project Management	\$ 90,000
TOTAL:	\$981,000

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

Financial Consideration: The 2015 Revised Budget includes \$310,000 for the capital improvements. Additional amounts are expected to be available from savings within the Forestry program in 2015. These savings are related to salary and benefits, as new budgeted positions were not filled as rapidly as anticipated. In addition, funding budgeted for capital outlay for new forestry equipment is not expected to be fully expended in 2015. Staff propose to fund the cost of the improvements by transferring up to \$671,000 in Forestry under expenditures to this project.

Recommendation/Actions: It is recommended that the City Council 1) approve the budget adjustment, 2) adopt the bonding resolution, 3) authorize initiation of the project and 4) authorize all necessary signatures.

Attachment: Bonding Resolution

RESOLUTION NO. 15-340

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

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

WHEREAS, the City Council (the “Governing Body”) of the City has heretofore, pursuant to K.S.A. 13-1346, created the Wichita Board of Park Commissioners (the “Board”); 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:

Labor, material, equipment and expenditures necessary for the design and construction of 7 work stations, establish men and women restrooms, installing a break room, additional offices for the arborist section, HVAC system, windows, doors and data line updates, shop area benches and storage areas located at 1205 S McLean (the “Project”) for the use of the Board and/or City 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 \$981,000 in accordance with specifications prepared or approved by the City of Wichita.

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 13, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and
Director of Law

Budget Adjustment

City of Wichita

(Controller's Office)
BA - - - - -

Total Doc Amount \$1,342,000

of detail lines 12

Post Date ___/___/___

LN	Tran Code	Rvs	Dpt	App Yr	OCA	Object Level 3	Amount	Description (Reason for increase or decrease)
1	017		17	2015	172206	1100	\$304,000	Reduce salaries & benefits budget to accommodate increase of transfer to project
2	017		17	2015	172206	1400	\$23,256	Reduce salaries & benefits budget to accommodate increase of transfer to project
3	017		17	2015	172206	1401	\$37,088	Reduce salaries & benefits budget to accommodate increase of transfer to project
4	017		17	2015	172206	1403	\$6,718	Reduce salaries & benefits budget to accommodate increase of transfer to project
5	017		17	2015	172206	1404	\$395	Reduce salaries & benefits budget to accommodate increase of transfer to project
6	017		17	2015	172206	1405	\$87,327	Reduce salaries & benefits budget to accommodate increase of transfer to project
7	017		17	2015	172206	1406	\$1,216	Reduce salaries & benefits budget to accommodate increase of transfer to project
8	017		17	2015	172206	2599	\$140,000	Reduce contractals budget to accommodate increase of transfer to project
9	017		17	2015	172206	2700	\$40,000	Reduce contractals budget to accommodate increase of transfer to project
10	017		17	2015	172206	3809	\$19,000	Reduce commodities budget to accommodate increase of transfer to project
11	017		17	2015	172206	4610	\$12,000	Reduce capital outlay budget to accommodate increase of transfer to project
12	016		17	2015	172206	5125	\$671,000	Increase amount for transfer to project
13								
14								
15								

Initiating Department:		City Manager Authorization		Budget Analyst Initials	
	Date		Date		Date
Department Head:		Budget Officer Initials			
	Date		Date		

- | | |
|--|--|
| T/C 001 Establish revenue budget | T/C 015 Establish expenditure budget |
| T/C 002 Increase revenue budget | T/C 016 Increase expenditure budget |
| T/C 003 Decrease revenue budget | T/C 017 Decrease expenditure budget |
| T/C 004 Establish revenue transfers in | T/C 018 Establish expenditure transfer out |
| T/C 005 Increase revenue transfers in | T/C 019 Increase transfers out |
| T/C 006 Decrease revenue transfers in | T/C 020 Decrease transfers out |

Budget Adjustment

City of Wichita

(Controller's Office)

BA _ _ _ _ _

Total Doc Amount **\$1,962,000**

of detail lines **6**

Post Date ___/___/___

LN	Tran Code	Rvs	Dpt	App Yr	OCA	Object Level 3	Amount	Description (Reason for increase or decrease)
1	017		17	2015	172206	5125	\$981,000	Transfer the Forestry Work Section relocation from CMF to the Armory Project funds
2	016		17	2015	796014	2599	\$591,000	Remodeling of the Armory (1205 S. McLean) for the Forestry Section
3	016		17	2015	796014	3805	\$70,000	Furniture & equipment <\$5000 each
4	016		17	2015	796014	4204	\$165,000	Roof Replacement
5	016		17	2015	796014	4303	\$115,000	Fencing and Gates
6	016		17	2015	796014	4308	\$40,000	Lighting => \$25,000
7								
8								
9								
10								
11								
12								
13								
14								
15								

Initiating Department:	Date	City Manager Authorization	Date	Budget Analyst Initials	Date
Department Head:	Date	Budget Officer Initials	Date		

- | | |
|--|--|
| T/C 001 Establish revenue budget | T/C 015 Establish expenditure budget |
| T/C 002 Increase revenue budget | T/C 016 Increase expenditure budget |
| T/C 003 Decrease revenue budget | T/C 017 Decrease expenditure budget |
| T/C 004 Establish revenue transfers in | T/C 018 Establish expenditure transfer out |
| T/C 005 Increase revenue transfers in | T/C 019 Increase transfers out |
| T/C 006 Decrease revenue transfers in | T/C 020 Decrease transfers out |

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: Design Concept and Funding for Improvements to Pawnee, between Hydraulic and Grove (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Approve the design concept and revised budget, and adopt the amending resolution.

Background: In 2012, the project to improve Pawnee, from Hydraulic to Grove, was selected for federal funding in the Transportation Improvement Program (TIP), through the Wichita Area Metropolitan Planning Organization (WAMPO). On April 23, 2013, the City Council approved an agreement with MKEC, Inc., to complete design of the project.

Analysis: Pawnee is currently a four-lane road with designated left turn lanes only at Hydraulic. The design concept would widen Pawnee to a five-lane road with two through lanes in each direction and a center, two-way left turn lane. The improvements also provide left turn lanes on Hydraulic, drainage upgrades and new sidewalks. Improvements to the Southeast Boulevard intersection and the railroad crossings will also be a part of the project. Construction is anticipated to begin in the spring of 2016 and be completed in late 2016.

Projects receiving over \$100,000 of federal funding that are programmed in the WAMPO TIP will be assessed a TIP fee per the WAMPO Fiscal Agreement that the Wichita City Council approved on June 11, 2013. The TIP fee is equal to 1% of the amount of federal construction funding.

Financial Considerations: The existing budget of \$250,000, was approved by the City Council on June 4, 2013, and is funded by general obligation (GO) bonds.

The Adopted 2015-2024 Capital Improvement Program (CIP) includes \$2,932,000 in GO funding for this project in 2016. The TIP includes \$3,068,000 in federal funding for this project in 2016. This brings the total revised budget to \$6,250,000, which will allow for payment of the TIP fee, construction, construction engineering, and City staff administration and oversight costs.

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

Recommendation/Action: It is recommended that the City Council approve the design concept and revised budget, and adopt the amending resolution.

Attachments: Amending resolution and budget sheet.

Project Request

CIP Non-CIP CIP YEAR: 2016 CIP #: _____

NEIGHBORHOOD IMPROVEMENT

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

FUND: 400 Street Improvements SUBFUND: 405 Arterial Paving ENGINEERING REFERENCE #: 472-85101

COUNCIL DISTRICT: 03 Council District 3 DATE COUNCIL APPROVED: 10-13-15 REQUEST DATE: _____

PROJECT #: 211513 PROJECT TITLE: Pawnee, Hydraulic to Grove 472-85101

PROJECT DETAIL #: 01 PROJECT DETAIL DESCRIPTION: Pawnee, Hydraulic to Grove 472-85101

OCA #: 707048 OCA TITLE: Pawnee, Hydraulic to Grove 472-85101

PERSON COMPLETING FORM: Jennifer Peterson PHONE #: 268-4548

PROJECT MANAGER: Tim Davidson PHONE #: 268-4455

NEW BUDGET REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	\$250,000.00	\$2,932,000.00	\$3,182,000.00
8000 Federal	\$0.00	\$3,068,000.00	\$3,068,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$250,000.00	\$6,000,000.00	\$6,250,000.00

Expense Object Level 3	Original Budget	Adjustment	New Budget
2999 Contractuals	\$250,000.00	\$6,000,000.00	\$6,250,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
Total Expense:	\$250,000.00	\$6,000,000.00	\$6,250,000.00

NOTES:

SIGNATURES REQUIRED

DIVISION HEAD: _____ *Amy Jarr*

DEPARTMENT HEAD: _____ *Amy*

BUDGET OFFICER: _____

CITY MANAGER: _____

Print Form

DATE: 09/28/15

DATE: 9/29/15

DATE: _____

DATE: _____

RESOLUTION NO. ____ - _____

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 13-094 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. 13-094** of the City (the "Prior Resolution"), authorized the following described public improvements:

The design and acquisition of right-of-way as necessary for a major traffic facility

(the "Project") and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act; and

WHEREAS, the Governing Body now deems it necessary and desirable to expand the scope of work to include construction in the following described public improvements:

The design, acquisition of right-of-way, construction, construction engineering and City staff administration and oversight costs for Pawnee, between Hydraulic and Grove as necessary for a major traffic facility (472-85101)

(the "Amended 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. *Sections 1 and 2* of the Prior Resolution are hereby amended to read as follows:

Section 1 Amended Project Authorization. The City of Wichita finds it necessary to make certain related improvements (the "Amended Project") as follows: the design, acquisition of right-of-way, construction, construction engineering and City staff administration and oversight costs for Pawnee, between Hydraulic and Grove as necessary for a major traffic facility (472-85101). It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$6,250,000** in accordance with specifications prepared or approved by the City Engineer.

Section 2 Amended Project Financing. All or a portion of the costs of the Amended 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 **June 4, 2013**, to the extent of Bonds authorized under the original version of **Resolution 13-094**, 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 2. Repealer; Ratification. *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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 _____.

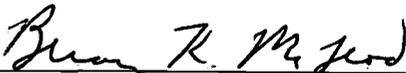
(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:



for Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. 15-337

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 13-094 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. 13-094** of the City (the “Prior Resolution”), authorized the following described public improvements:

The design and acquisition of right-of-way as necessary for a major traffic facility

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act; and

WHEREAS, the Governing Body now deems it necessary and desirable to expand the scope of work to include construction in the following described public improvements:

The design, acquisition of right-of-way, construction, construction engineering and City staff administration and oversight costs for Pawnee, between Hydraulic and Grove as necessary for a major traffic facility (472-85101)

(the “Amended 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. *Sections 1 and 2* of the Prior Resolution are hereby amended to read as follows:

Section 1 Amended Project Authorization. The City of Wichita finds it necessary to make certain related improvements (the “Amended Project”) as follows: the design, acquisition of right-of-way, construction, construction engineering and City staff administration and oversight costs for Pawnee, between Hydraulic and Grove as necessary for a major traffic facility (472-85101). It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$6,250,000** in accordance with specifications prepared or approved by the City Engineer.

Section 2 Amended Project Financing. All or a portion of the costs of the Amended 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 **June 4, 2013**, to the extent of Bonds authorized under the original version of **Resolution 13-094**, 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 2. Repealer; Ratification. *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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 13, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

Wichita, Kansas
October 12, 2015
10:00 a.m., Monday
Conference Room, 12th Floor

MINUTES - BOARD OF BIDS AND CONTRACTS*

The Board of Bids and Contracts met with Marty Strayer, Administrative Assistant, Public Works, Fanny Chan, Senior Accountant, Finance, representing the Director of Finance, John Page, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, representing Purchasing, Zack Daniel, Fellow, representing the City Manager's Office and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated October 5, 2015, were read and on motion approved.

Bids were opened September 18, 2015 and October 9, 2015, pursuant to advertisements published on:

21st Street Bridge at Derby Refinery (21st, west of I-135) (87N-0612-01/472-85120/715732/636309/249148/774078) See Special Provisions. (District VI)

King Construction Co. Inc. \$1,374,350.40

Water Distribution System to serve Siena Lakes Addition (south of 37th Street North, west of Hoover) (448-90636/735514/470187) Does not affect existing traffic. (District V)

Wilks Underground Inc. - \$45,501.00

Lateral 444 Four Mile Creek Whispering Lakes Addition 468-85049 (744400)

Mies Construction* - \$123,482.00

*Award 11-10-2015 subject to City Council approval of New Engineer's Estimate and Budget Authorization.

Water Distribution System to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East) (448-90682/735535/470208) Does not affect existing traffic. (District II)

Mies Construction - \$41,270.20

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

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

**PUBLIC WORKS AND UTILITIES DEPARTMENT/FLEET AND FACILITIES DIVISION:
Landfill Equipment Compactor, Dozer, and Loader.**

Defer one week

**PUBLIC WORKS AND UTILITIES DEPARTMENT/FLEET AND FACILITIES DIVISION: ADA
Upgrades Watson/Lynette Woodard Park.**

Reject Bid

**PUBLIC WORKS AND UTILITIES DEPARTMENT/FLEET AND FACILITIES DIVISION: 66,000
GVWR Knuckle Boom Loader.**

Roberts Truck Center LLC* - \$192,600.00 Base Bid
\$1,720.00 Option 2
Included Option 5

*One (1) Additional Unit and Same Unit Cost

**PUBLIC WORKS AND UTILITIES DEPARTMENT/PRODUCTION AND PUMPING DIVISION:
Perkin Elmer NexION 350 SMA ICP Mass Spectrometer.**

PerkinElmer Health Sciences* - \$177,920.20

* Purchasing Utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

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

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

On motion the Board of Bids adjourned.

Marty Strayer, Administrative Assistant
Department of Public Works

Janis Edwards, CMC
Deputy City Clerk

FORMAL BID REPORT

TO: Robert Layton, City Manager
 DATE: October 12, 2015

ENGINEERING BIDS – GARY JANZEN, CITY ENGINEER**October 9, 2015**

21 st Street Bridge at Derby Refinery (21 st , west of I-135) – Public Works & Utilities Dept./Engineering Division King Construction Company, Inc.	\$1,374,350.40
Water Distribution System to serve Siena Lakes Addition – Public Works & Utilities Dept./Engineering Div. Wilks Underground, Inc.	\$45,501.00
Lateral 444 Four Mile Creek to serve Whispering Lakes Estates Addition – Public Works & Utilities Department/Engineering Division Mies Construction (Award November 10, 2015 Subject to City Council Approval of New Engineer's Estimate and Budget Authorization)	\$123,482.00
Water Distribution System to serve Whispering Lakes Estates Addition – Public Works & Utilities Department/Engineering Division Mies Construction	\$41,270.20

PURCHASING BIDS – MELINDA A. WALKER, PURCHASING MANAGER**October 9, 2015**

Landfill Equipment - Compactor, Dozer & Wheel Loader – Public Works & Utilities Department/Fleet & Facilities Division (Defer to October 19, 2015)									
Watson Park ADA Upgrades, ADA Accessible Fishing Dock and Lynette Woodard Park Recreation Center ADA Lift – Public Works & Utilities Department/Fleet & Facilities Division (Bid Rejected)									
66,000 GVWR Crew Cab and Chassis with Knuckle Boom Loader – Public Works & Utilities Department/Fleet & Facilities Division Roberts Truck Center, LLC	<table border="0"> <tr> <td>Base Bid</td> <td style="text-align: right;">\$192,600.00*</td> </tr> <tr> <td>Option 2 (Add)</td> <td style="text-align: right;">\$1,720.00</td> </tr> <tr> <td>Option 5 (Per Each)</td> <td style="text-align: right;">Included</td> </tr> <tr> <td>Grapple Option (Add) (Per Each)</td> <td style="text-align: right;">\$9,580.00</td> </tr> </table>	Base Bid	\$192,600.00*	Option 2 (Add)	\$1,720.00	Option 5 (Per Each)	Included	Grapple Option (Add) (Per Each)	\$9,580.00
Base Bid	\$192,600.00*								
Option 2 (Add)	\$1,720.00								
Option 5 (Per Each)	Included								
Grapple Option (Add) (Per Each)	\$9,580.00								
*Award One (1) Additional Unit Base Bid with Options 2, 5 & Grapple Option at Same Unit Cost									
PerkinElmer NexION 350AMS ICP Mass Spectrometer – Public Works & Utilities Department/Production & Pumping Division PerkinElmer Health Sciences, Inc.	<table border="0"> <tr> <td>Cooperative Contracts and Agreements, Ordinance No. 38-122, Section 2.64.020(j), Per G.S.A. Contract #GS-24F-0028J</td> <td style="text-align: right; vertical-align: bottom;">\$177,920.20</td> </tr> </table>	Cooperative Contracts and Agreements, Ordinance No. 38-122, Section 2.64.020(j), Per G.S.A. Contract #GS-24F-0028J	\$177,920.20						
Cooperative Contracts and Agreements, Ordinance No. 38-122, Section 2.64.020(j), Per G.S.A. Contract #GS-24F-0028J	\$177,920.20								

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


 Melinda A. Walker
 Purchasing Manager

WATER BID TABULATION SUMMARY

BOARD OF BIDS - October 9, 2015

RQ541145

FB540185		Engineer's Construction Estimate	Dondlinger & Sons	Duling Construction	Mies Construction
Water Distribution System		\$64,495.00	\$69,358.00	\$48,200.00	\$48,057.50
Siena Lakes Addition	BID BOND				
448-90636	ADDENDA	0			
(735514)					
		Engineer's Construction Estimate	McCullough Excavation	Nowak Construction	Wilks Underground Inc.
Water Distribution System		\$64,495.00	\$48,148.00	\$55,341.00	\$45,501.00
Siena Lakes Addition	BID BOND				X
448-90636	ADDENDA	0			
(735514)					
		Engineer's Construction Estimate	Dutton Construction and Plumbing	Stannard Construction d/b/a WB Carter	
Water Distribution System		\$64,495.00	\$48,314.00		
Siena Lakes Addition	BID BOND		X		
448-90636	ADDENDA	0			
(735514)					
		Engineer's Construction Estimate			
Water Distribution System		\$64,495.00			
Siena Lakes Addition	BID BOND				
448-90636	ADDENDA	0			
(735514)					

CHECKED BY: LP
 REVIEWED BY: ps

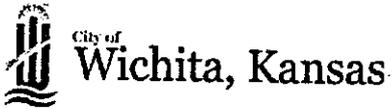
SANITARY SEWER BID TABULATION SUMMARY

BOARD OF BIDS - October 9, 2015

RQ541146

FB540186		Engineer's Construction Estimate	Dondlinger & Sons	Duling Construction	Mies Construction
Lateral 444 Four Mile Creek			\$224,428.00	\$158,038.00	\$123,482.00
Whispering Lakes Estates Addition	BID BOND				
468-85049	ADDENDA	1			
(744400)					
Lateral 444 Four Mile Creek		Engineer's Construction Estimate	McCullough Excavation	Nowak Construction	Utilities Plus
Lateral 444 Four Mile Creek			\$167,400.00	\$128,248.50	
Whispering Lakes Estates Addition	BID BOND				
468-85049	ADDENDA	1			
(744400)					
Lateral 444 Four Mile Creek		Engineer's Construction Estimate	Wildcat Construction	Stannard Construction d/b/a WB Carter	
Lateral 444 Four Mile Creek					
Whispering Lakes Estates Addition	BID BOND				
468-85049	ADDENDA	1			
(744400)					
Lateral 444 Four Mile Creek		Engineer's Construction Estimate			
Lateral 444 Four Mile Creek					
Whispering Lakes Estates Addition	BID BOND				
468-85049	ADDENDA	1			
(744400)					
Award 11-10-15 subject to City Council approval of new Engineers Estimate and Budget Authorization					

CHECKED BY: HP
 REVIEWED BY: PS



BID RESULTS

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

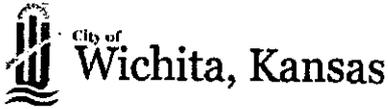
This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

Vendor Group Line
Solicitation: Landfill Equip Compactor, Dozer, & Loader
 FB540193
Close Date/Time: 10/9/2015 10:00 AM CST
Solicitation Type: Formal Bid
Award Method: Group
Department: Public Works Fleet & Facilities
Return to the Bid List
Responses: 7

Vendors	Complete	Bid Total	City Comments
FOLEY EQUIPMENT CO INC	Complete	\$1,818,552.10	Defer to 10/19/2015 Public Works & Utilities Department/Fleet & Facilities Division
D & D EQUIPMENT & SALES INC	In-Complete	\$0.00	
BERRY TRACTOR & EQUIPMENT CO	In-Complete	\$0.00	
VICTOR L PHILLIPS COMPANY	In-Complete	\$0.00	
SELLERS EQUIPMENT INC	Partial	\$288,362.00	
C & K EQUIPMENT COMPANY INC	Partial	\$377,500.00	
BEST EQUIPMENT	Partial	\$379,700.00	

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BID RESULTS

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

Vendor Group Line

Solicitation: ADA Upgrades Watson/Lynette Woodard Park **Close Date/Time:** 7/31/2015 10:00 AM CST
 FB540120

Solicitation Type: Formal Bid

[Return to the Bid List](#)

Award Method: Aggregate Cost

Department: Public Works Fleet & Facilities

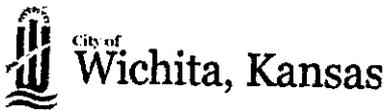
Responses: 1

Vendors	Complete	Bid Total	City Comments
DONDLINGER & SONS CONSTRUCTION CO INC	Complete	\$617,190.30	Reject Bid 10-13-15 Public Works & Utilities Dept./Fleet & Facilities Division

NO BIDS WITHN ENGINEERS ESTIMATE

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BID RESULTS

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

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

Vendor Group Line

Solicitation: FB540159 **66,000 GVWR Knuckle Boom Loader** **Close Date/Time:** 9/4/2015 10:00 AM CST

Solicitation Type: Formal Bid

[Return to the Bid List](#)

Award Method: Aggregate Cost

Department: Public Works Fleet & Facilities

Responses: 2

Go to:

Line 001 | BASE BID: New Unused Current Model 66,000 GVWR Cab & Chassis with Knuckle Boom Loader Truck Include Tree/Brush Loader with Grapple (Supplement A) and Dump Body (Supplement B) Cab & Chassis
 Manufacturer: _____ Model: _____ Year: _____ Tree/Brush Loader w/Grapple
 Manufacturer: _____ Model: _____ Year: _____

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
ROBERTS TRUCK CENTER LLC	1	Each	\$192,600.0000	\$192,600.00	Complete	2016 International 7400 2016 Petersen AL3
OMAHA TRUCK CENTER	1	Each	\$195,744.0000	\$195,744.00	Complete	Freightliner 108SD 2016/2017 Peterson AL3 2016

Line 002 | OPTION 1; Trade-In Allowance. Lump Sum Deduct from Total Amount. One (1) City ID # 001239 Truck, Knuckle Boom Loader, 2007, M2106 Serial # 1FVHCYDJ37DX27331.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
OMAHA TRUCK CENTER	1	Lump Sum	(\$32,000.0000)	(\$32,000.00)	Complete	
ROBERTS TRUCK CENTER LLC	1	Lump Sum	(\$18,000.0000)	(\$18,000.00)	Complete	

Line 003 | OPTION 2: Tool Boxes per Specifications

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
OMAHA TRUCK CENTER	1	Lump Sum	\$1,720.0000	\$1,720.00	Complete	
ROBERTS TRUCK CENTER LLC	1	Lump Sum	\$1,720.0000	\$1,720.00	Complete	

Line 004 | OPTION 3: Chalmers Rear Suspension System (NO LEAF SPRING TYPE SUSPENSION ALLOWED)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
OMAHA TRUCK CENTER	1	Each	\$0.0000	\$0.00	Complete	N/A
ROBERTS TRUCK CENTER LLC	1	Each	\$668.0000	\$668.00	Complete	

Line 005 | OPTION 4: Haul Max Rear Suspension System (NO LEAF SPRING TYPE SUSPENSION ALLOWED)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
---------	-----	-----	-------	---------------	----------	----------

ROBERTS TRUCK CENTER LLC	1	Each	\$500.0000	\$500.00	Complete
OMAHA TRUCK CENTER	1	Each	\$586.0000	\$586.00	Complete

Line 006 | OPTION 5: Tele-Boom 25' Horizontal Reach and 37' Working Height to Boom Tip

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
ROBERTS TRUCK CENTER LLC	1	Each	\$0.0000	\$0.00	Complete	Option 5 in bid addendum. Additional option: Rotobec 045 Grapple @ \$9,580.00
OMAHA TRUCK CENTER	1	Each	\$0.0000	\$0.00	Complete	Additional Option Rotobec 045 Grapple, 24" wide x 70 3/8 Installed in lieu of Big Bite @ \$9580.00

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October 12, 2015

**Purchases Utilizing Government Entities Contracts
Cooperative Contracts and Agreements
Ordinance No. 38-122 Section 2.64.020 (j)**

SUBJECT: Perkin Elmer NexION 350AMS ICP Mass Spectrometer

Department: Public Works & Utilities Dept./Production & Pumping Division

Vendor	Reference Authority	Total Cost
PerkinElmer Health Sciences Inc., per G.S.A. Contract #GS-24F-0028J	Ordinance No. 38-122 Section 2.64.020 (j)	\$177,920.20

**PRELIMINARY ESTIMATES
FOR CITY COUNCIL OCTOBER 13, 2015**

- a. 2015 Outsourced Pavement Preservation Program CIP Thermal Crack Repairs Phase 4 (various locations) (472-85209/707084/132726/211547) Traffic to be maintained during construction using flagpersons and barricades. (District IV,V) - \$859,314.17
- b. 2015 Sanitary Sewer Reconstruction Phase 11 (north of Harry, east of Hillside) (468-85063/620754/665005) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$265,000.00
- c. Water Distribution System to serve Newmarket Office 2nd Addition (north of 29th St N, west of Maize) (448-90524/735538/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$58,000.00
- d. Lateral 24, Main 7, Northwest Interceptor Sewer to serve Newmarket Office 2nd Addition (north of 29th St N, west of Maize) (468-85039/744402/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$48,000.00

PRELIMINARY ESTIMATE of the cost of:
2015 Outsourced Pavement Preservation Program CIP Thermal Crack Repairs
Phase 4

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

MEASURED QUANTITY BID ITEMS

1	2.0" Partial Depth Asphalt Repair (BM-2)(PG64-22)	400	tn
2	Full Depth Asphalt Repair (BM-2)(PG64-22)	300	tn
3	Thermal Crack Repair (Standard Duty)(2.5' wide)	48,350	lf
4	Thermal Crack Repair (Heavy Duty)(2.5' wide)	6,300	lf

Construction Subtotal

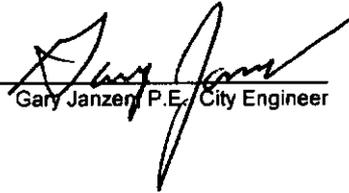
Engineering & Inspection (707084)
Administration (707084)
Publication (707084)
Contingency

Total Estimated Cost

\$859,314.17

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

211547 (707084/132726) 472-85209

Page _____

EXHIBIT

To be Bid:

October 2, 2015

PRELIMINARY ESTIMATE of the cost of:
 2015 Sanitary Sewer Reconstruction Phase 11
 (north of Harry, east of Hillside)

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	MH, Standard SS (4')	2	ea
2	MH Frame & Cover, Replaced	3	ea
3	MH Bench & Invert, Rem & Replaced	1	ea
4	Conc Pvmt Rem & Repl (incl curb/gutter)	31	lf
5	Conc Pvmt Rem & Repl (slab for shed)	10	lf
6	Concrete Approach Rem & Replaced	4	lf
7	Fill, Flowable	35	lf
8	Site Clearing	1	LS
9	Site Restoration	1	LS

MEASURED QUANTITY BID ITEMS

10	Pipe, SS 8"	1,331	lf
11	Pipe Removed (6" or 8")	1,331	lf
12	Service Reconnection, Sewer (4")	30	ea
13	Service Reconnection, Sewer (6")	1	ea
14	Service Line Relocation (from MH wall)	1	ea
15	BMP, Construction Entrance	1	ea
16	BMP, Silt Fence	20	lf
17	BMP, Erosion Control Mat	30	sy
18	BMP, Back of Curb Protection	20	lf

Construction Subtotal

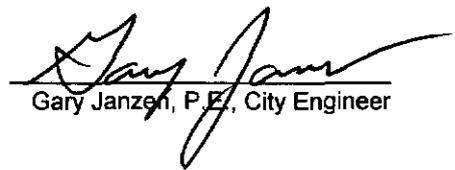
Engineering & Inspection
 Administration
 Publication

Total Estimated Cost

\$265,000.00

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

665005 (620754) 468-85063
 Page _____

EXHIBIT

To be Bid: October 2, 2015

PRELIMINARY ESTIMATE of the cost of:
Water Distribution System to serve Newmarket Office 2nd Addition
(north of 29th St N, 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 - Group 1. (735538)

1	Pipe, WL 8"	515	lf
2	Pipe, WL 8", DICL	40	lf
3	Fire Hydrant Assembly	1	ea
4	Valve Assembly, Blowoff	1	ea
5	Valve Assembly, Anchored 4"	1	ea
6	Valve Assembly, Anchored 8"	1	ea
7	Access Drive, Temporary (Gravel)	1,431	sy
8	Site Clearing	1	LS
9	Site Restoration	1	LS

Construction Subtotal

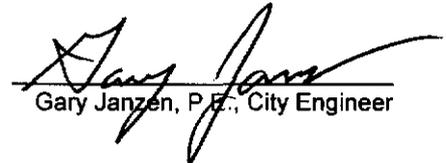
Design Fee
Engineering & Inspection
Administration
Publication
Water Dept
Contingency

Total Estimated Cost

\$58,000.00

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

To be Bid: October 2, 2015

PRELIMINARY ESTIMATE of the cost of:

Lateral 24, Main 7, Northwest Interceptor Sewer to serve Newmarket Office 2nd Addition
(north of 29th St N, 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 - Group 2 (744402)		
1	Pipe, SS 8"	454 lf
2	Air Testing, SS Pipe	454 lf
3	Pipe Stub 8"	1 ea
4	MH, Standard SS (4')	3 ea
5	MH, Standard SS (4'), Outside drop, Specialized Coating	1 ea
6	Site Clearing	1 LS
7	Site Restoration	1 LS
MEASURED QUANTITY BID ITEMS - Group 2 (744402)		
8	BMP, Silt Fence	535 lf
9	MH, Joint Wrap	16 lf

Construction Subtotal

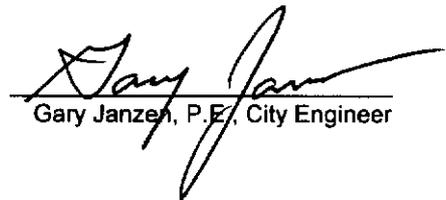
- Design Fee
- Engineering & Inspection
- Administration
- Publication
- Water Dept
- Contingency

Total Estimated Cost

\$48,000.00

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

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

**NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL OCTOBER 13, 2015**

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve 1040 S. Vassar
(District III) (468-85022/744388/480-080) – Total Estimated Cost \$25,500

To the City Council
Wichita, Kansas

Date of CC 10/13/2015
(OCA/PROJ) 744388/468-85022
(PPN) 480-080

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

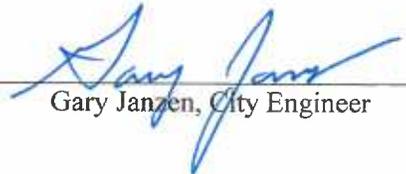
PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to 1040 S. Vassar
(District III).

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

Total Estimated Cost \$25,500

CITY OF WICHITA
STATE OF KANSAS) SS

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



Gary Janzen, City Engineer

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

City Clerk

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve 1040 S. Vassar (District III) (468-85022/744388/480-080) – Total Estimated Cost \$25,500

Page _____ Exhibit _____

**NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL OCTOBER 13, 2015**

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Stoney Pointe Addition (District II) (468-84736/744386/480-078) – Total Estimated Cost \$68,952

To the City Council
Wichita, Kansas

Date of CC 10/13/2015
(OCA/PROJ) 744386/468-84736
(PPN) 480-078

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

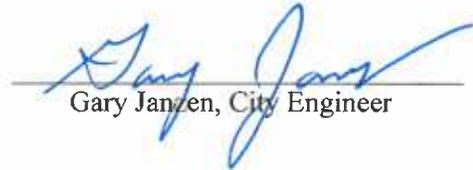
PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to Stoney Pointe Addition (District II).

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

Total Estimated Cost \$68,952

CITY OF WICHITA
STATE OF KANSAS) SS

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



Gary Janzen, City Engineer

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

City Clerk

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Stoney Pointe Addition (District II) (468-84736/744386/480-078) – Total Estimated Cost \$68,952

Page _____

Exhibit _____

**NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL OCTOBER 13, 2015**

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Stoney Pointe Addition (District II) (468-84737/744387/480-079) – Total Estimated Cost \$30,520

To the City Council
Wichita, Kansas

Date of CC 10/13/2015
(OCA/PROJ) 744387/468-84737
(PPN) 480-079

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

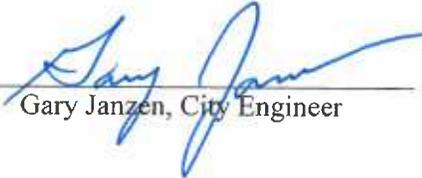
PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to Stoney Pointe Addition (District II).

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

Total Estimated Cost \$30,520

CITY OF WICHITA
STATE OF KANSAS) SS

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



Gary Janzen, City Engineer

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

City Clerk

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Stoney Pointe Addition (District II) (468-84737/744387/480-079) – Total Estimated Cost \$30,520

Page _____ Exhibit _____

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – 24th Annual Frostbite Regatta (District VI)
INITIATED BY: Division of Arts & Cultural Services
AGENDA: Consent

Recommendation: Approve the request for temporary street closure.

Background: In accordance with the Community Events procedure, event promoter William Ingle, Wichita Rowing Association, is coordinating the 24th Annual Frostbite Regatta with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

24th Annual Frostbite Regatta November 1, 2015 8:00 am – 5:00 pm

- Nims Street, Central Avenue to Roundabout

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 Events Coordinator.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – No Sweat Run (Districts I and II)
INITIATED BY: Division of Arts & Cultural Services
AGENDA: Consent

Recommendation: Approve the request for temporary street closure.

Background: In accordance with the Community Events procedure, event promoter Brian Adams, College Hill United Methodist Church, is coordinating the No Sweat Run with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

No Sweat Run October 24, 2015 8:30 am – 11:00 am

- North Erie Avenue, East 1st Street North to East 2nd Street North
- East 1st Street North, North Erie Avenue to South Clifton Avenue
- South Clifton Avenue, East 1st Street North to East Waterman Street
- East Waterman Street, South Clifton Avenue to Circle Drive
- Circle Drive, East Waterman Street to South Bluff Street
- South Bluff Street, East Waterman Street to East Lewis Street
- East Lewis Street, South Bluff Street to South Terrace Drive
- South Terrace Drive, East Lewis Street to East Waterman Street
- East Waterman Street, South Terrace Drive to South Bluff 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 Events Coordinator.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: Community Events – The Pirate and Princess Booty Chase 5K (District III)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closure.

Background: In accordance with the Community Events procedure, event promoter Patrick Todd, Oz Endurance, is coordinating The Pirate and Princess Booty Chase 5K with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

The Pirate and Princess Booty Chase 5K October 24, 2015 8:30 am – 11:00 am

- East Carp Street, South Old Lawrence Road to South Broadway Street
- South Old Lawrence Road, East Carp Street to West 30th Street South
- West 30th Street South, Old South Lawrence Road to South McLean Boulevard

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 Events Coordinator.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – 2015 Food Trucks 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 is coordinating the 2015 Food Trucks 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:

2015 Food Trucks at the Fountains October 25, 2015 10:00 am – 4:00 pm

- Water Street, Dewey Street to 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.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – Ghoulish Gala (District 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, the event promoter Kathy Sweeney, Director of Events for Botanica, is coordinating the Ghoulish Gala with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Ghoulish Gala October 23, 2015 3:00 pm – October 24, 2015 1:30 am

- Amidon Street, West Murdock Avenue to West Murdock 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 Events Coordinator.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – A Night 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 Jodi Palacios is coordinating A Night at the Fountains food truck event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

A Night at the Fountains October 23, 2015 3:00 pm – 10:00 pm

- Water Street, Dewey Street to 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.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – InterHab Power Up Food Truck Night (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 J.J. Matzek is coordinating the InterHab Power Up Food Truck Night event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

InterHab Power Up Food Truck Night October 15, 2015 4:00 pm – 9:00 pm

- Water Street, Dewey Street to 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.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council
SUBJECT: Community Events – Mustache Dash 5K (Districts I 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 John Muir, Wichita Running Company, is coordinating the Mustache Dash 5K event with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Mustache Dash 5K October 17, 2015 8:00 am – 12:00 pm

- North Mosley Street, East Douglas Avenue to East 1st Street North
- East 1st Street North, North Mosley Street to North McLean Boulevard
- North Greenway, West Central Avenue to North Waco Avenue
- North Waco Avenue, West 2nd Street North to West 1st 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.

Agenda Item No. II-5a

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: Agreement to Respread Assessments: Tyler's Landing 5th Addition
(District V)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the agreement.

Background: The landowners, K-2 Properties, L.L.C., PBR29, LLC, R & R Realty, LLC and RSR, LLC, have submitted an agreement to respread special assessments within Tyler's Landing 5th Addition.

Analysis: The land was originally included in improvement districts for two projects, sanitary sewer lateral and main improvements. The purpose of this agreement is to respread special assessments on a fractional basis for each lot. Without the respread agreement, the assessments for the two projects will be spread on a square foot basis.

Financial Considerations: There is no cost to the City.

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

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

Attachment: Respread agreement.

AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

and

R & R Realty, LLC, a Kansas limited liability company,
RSR, LLC, a Kansas limited liability company,
K-2 Properties, L.L.C , a Kansas limited liability company,
and
PBR29, LLC, a Kansas limited liability company

Parties of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Sanitary Sewer Improvements within the city limits of the City of Wichita, and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district, and desire that a reassessment be made, and

WHEREAS, Party of the First Part and Parties of the Second Part are both desirous of accomplishing such a reassessment

Now, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows.

1 Lots 2, 3, 4, and 5, Block A, Tyler's Landing Commercial Addition, Wichita, Sedgwick County, Kansas (Key No D-60447, D-60448, D-60449, and D-60450), now platted as Lots 1 through 22, Block A, Tyler's Landing 5th Addition, Wichita, Sedgwick County, Kansas, were part of the improvement district where said improvements have been made for the following City Projects

Submain Sewer Main #19, SWI Improvements
Project No. 468-83186
Lateral Sewer Improvements
Project No 468-84064

2. The Parties agree to reassess the costs for said improvements in the following manner:

Lots 1 through 13, Block A, Tyler's Landing 5th Addition shall each pay 3/49 of the total cost apportioned to the property described above; Lot 14, Block A, Tyler's Landing 5th Addition shall pay 2/49 of the total cost apportioned to the property described above, and Lots 15 through 22, Block A, Tyler's Landing 5th Addition shall each pay 1/49 of the total cost apportioned to the property described above.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties of the Second Part hereby waive the notice and hearing requirements of K S A 12-6a12 (b) with respect to the reassessment herein described.

4. The Parties of the Second Part further waive their rights to appeal the special assessments for the above mentioned projects (including the described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

5. The Parties of the Second Part further agree that it will indemnify the Party of the First Part against any and all costs, expenses, claims and adjustments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out as a result of the reassessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the _____ day of _____, 2015.

The City of Wichita, Kansas

Attest.

By _____
Jeff Longwell, Mayor
Party of the First Part

Karen Sublett, City Clerk

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this _____ day of _____, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jeff Longwell, as Mayor of The City of Wichita, Kansas, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me 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

APPROVED AS TO FORM

Jennifer Magaña, City Attorney and Director of Law

Parties of the Second Part:

R & R Realty, LLC

By: [Signature]
Jay W. Russell, Manager

By: Ritchie Associates, Inc., Manager

By: [Signature]
Kevin M. Mullen, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

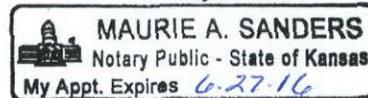
BE IT REMEMBERED, that on this 23 day of SEPTEMBER, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of R & R Realty, LLC, a Kansas Limited Liability Company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

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

Maurie A. Sanders

Notary Public

(My Appointment Expires: JUNE 27, 2014)



STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 28th day of September, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kevin M. Mullen, President of Ritchie Associates, Inc., Manager of R & R Realty, LLC, a Kansas Limited Liability Company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

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

Heidi Jeffries
Notary Public

(My Appointment Expires: 4-14-2019)



RSR, LLC

By: _____

Jay W. Russell, Manager

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

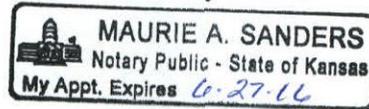
BE IT REMEMBERED, that on this 23 day of SEPTEMBER, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, as Manager of RSR, LLC, a Kansas Limited Liability Company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

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

Maurie A. Sanders

Notary Public

(My Appointment Expires: JUNE 27, 2016)



K-2 Properties, LLC

By: _____

Kirk J. Richards, Sole Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

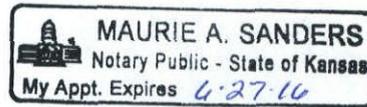
BE IT REMEMBERED, that on this 28 day of SEPTEMBER, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Kirk J. Richards, as Sole Member of K-2 Properties, LLC, a Kansas Limited Liability Company, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said limited liability company.

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

Maurie A. Sanders

Notary Public

(My Appointment Expires: JUNE 27, 2016)



**City of Wichita
City Council Meeting
October 13, 2015**

TO: Mayor and City Council

SUBJECT: Change Order No. 2 - 2015 Sanitary Sewer Reconstruction Phase 2 (Districts I, III and VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Change Order No. 2.

Background: On February 24, 2015, the City Council approved a contract for \$157,095 with Danco Enterprises, Inc., for construction of the 2015 Sanitary Sewer Reconstruction Phase 2 project. The following change orders have been processed to date:

Number	Date	Provided	Cost
Original	February 24, 2015	Original construction contract	\$157,095
No. 1	June 1, 2015	When rehabilitation of a manhole began, it was found that the existing T-lock liner had pulled away from the manhole's box structure and needed repair. In order to complete additional investigation and repairs to the T-lock liner, the contractor set up a bypass system to divert sewage flow. Repairs were made based on the findings of the final investigation.	\$29,285
Total change orders to date			\$29,285
Contract total to date			\$186,380

Analysis: Change Order No. 1 approved work to bypass the existing sanitary sewer in order to perform inspection and repairs of manhole structures while the bypass system was in place. The contractor's bypass and repair costs were tracked by staff, and final quantities and budget charges are necessary.

Due to the deterioration of the structure openings, three manholes will require a five-foot diameter manhole stack in order for the stack to be set on solid concrete.

Financial Consideration: The cost of the proposed change order is \$23,238, which brings the total change order amount to \$52,523, and the contract amount to \$209,618. Funding is available within the existing 2015 Reconstruction or Rehabilitation of Aged Sanitary Sewers (S-4) budget, which was approved by the City Council on December 9, 2014, and is funded by future revenue bonds or sewer utility cash reserves.

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

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

Attachment: Change Order No. 2.

4201



PUBLIC WORKS-ENGINEERING

July 27, 2015
CHANGE ORDER

To: Danco Enterprises, Inc.
Change Order No.: 2
Purchase Order No.: 540199
CHARGE TO OCA No.: 620737

Project: '15 SS Recon. Ph. 2
Project No.: 468-85019
OCA No.: 620737
PPN: 665007

Please perform the following extra work at a cost not to exceed **\$23,237.60**
Work for this Change Order cannot be completed until approved by all. Contractor should expect approximately 6 weeks for approval.

Additional Work: Adjust final costs for Change Order #1 and upsize manhole diameter from 4' to 5'.

Reason for Additional Work: Change Order #1 approved work to bypass the existing sanitary sewer in order to perform inspection and repairs of existing manhole structures while the bypass system was in place. Contractor's bypass and repair costs were tracked by staff, final quantities and budget charges are necessary.

Due to the deterioration of the structure openings, all three manholes will require 5' diameter manhole stacks in order for the manhole stack to set on solid concrete.

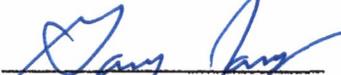
Line #	Item	Negotiated/ Bid	Qty	Unit Price	Extension
New	Bypass 36" SS Line	Negotiated	4.0 days	\$2,355.00	\$9,420.00
New	Repair/Line MH 5646-380S	Negotiated	1.0 LS	\$4,861.96	\$4,861.96
New	Repair/Line MH 5645-043	Negotiated	1.0 LS	\$4,350.18	\$4,350.18
New	Repair/Line MH 5645-042	Negotiated	1.0 LS	\$3,791.86	\$3,791.86
New	Upsize MH from 4' to 5'	Negotiated	3.0 ea	\$271.20	\$813.60

CIP Budget Amount:	\$332,000.00	Original Contract Amt.:	\$157,095.00
Consultant: Staff		Current CO Amt.:	\$23,237.60
Total Exp. & Encum. To Date:	\$205,602.41	Amt. of Previous CO's:	\$29,285.00
CO Amount:	\$23,237.60	Total of All CO's:	\$52,522.60
Unencum. Bal. After CO:	\$103,159.99	Adjusted Contract Amt.:	\$209,617.60

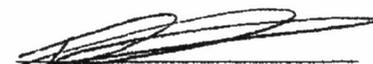
Recommended By:


Steve Deghardt, P.E.
Construction Division Manager
Date: 09/02/15

Approved:


Gary Janzen, P.E.
City Engineer
Date: 09/03/15

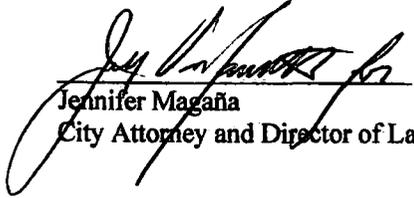
Approved:


Contractor
Date: 8/28/15

Approved:


Alan King
Director of Public Works & Utilities
Date: 9-8-15

Approved as to Form:



Jennifer Magaña
City Attorney and Director of Law

9-4-15

Date

By Order of the City Council:

Jeff Longwell
Mayor

Date

Attest: _____
City Clerk

**CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
SEPTEMBER 2015**

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	9/30/2016	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	9/30/2016	Gila LLC dba Municipal Services Bureau	Municipal Court	10/1/2012 - 9/30/2013	1 - 1 year option
Controlled Substance & Alcohol Testing Program Third-Party Administrator	9/30/2016	Kelly Compliance, Inc.	Human Resources	10/1/2014 - 9/30/2015	2 - 1 year options
Fire Detection Alarm Systems Inspection - Airport	9/30/2015	Kansas Fire Equipment Co., Inc.	Wichita Airport & Jabara Airport	4/1/2012 - 3/31/2013	Last option
Janitorial Services for Animal Control Facility - Group 5	9/30/2016	AAA Commercial Janitorial	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year 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	9/30/2016	Stephens Industries Inc dba Air Capital Building Maintenance Company	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year 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)	9/30/2016	Able Janitorial, Inc.	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year option
Janitorial Services for Outside Park Restrooms - Group 3	9/30/2016	Wilson Building Maintenance Inc.	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year 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	9/30/2016	Mid-American Signal	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year option
Lamps - LED Traffic Signal Lamps - Group 2	9/30/2016	Pinkley Sales Company	Public Works & Utilities	10/1/2014 - 9/30/2015	1 - 1 year option
Mail Delivery Service	9/30/2016	Metro Courier, Inc.	Finance	10/1/2014 - 9/30/2015	1 - 1 year option
Mat, Mop, Towel & Fender Cover Rental	9/30/2016	Aramark Uniform & Career Apparel GRP Inc DBA Aramark Uniform Services	Various	10/01/2013 - 9/30/2014	Last option
Pre-Sentence Investigation Reports	9/30/2015	Correctional Counseling of Kansas	Municipal Court	9/20/2011 - 9/19/2012	1 - 1 year option
Trash Carts and Collection Services - Housing & Community Services	9/30/2016	Waste Management of Kansas, Inc.	Housing & Community Services	10/1/2014 - 9/30/2015	1 - 1 year option
Wichita Intervention Program Instructor	9/30/2016	Heartstone Substance Abuse	Municipal Court	9/20/2011 - 9/19/2012	Last option
Witness Testing and Individual Testing	9/30/2016	Professional Engineering Consultants DBA Allied Laboratories Dept.	Public Works & Utilities	10/17/2013 - 9/30/2014	Last option

**PROFESSIONAL CONTRACTS UNDER \$50,000
SEPTEMBER 2015**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Poe & Associates Inc.	PO540755	Engineering Consulting	17,000.00		
CH2M Hill Inc.	PO540786	Engineering Consulting	40,000.00		
Professional Engineering Consultants	PO540787	Engineering Consulting	40,000.00		
MKEC Engineering Inc.	PO540790	Engineering Consulting	2,200.00		
Ruggles & Bohm PA	PO540791	Engineering Consulting	38,700.00		
Parsons Brinckerhoff Inc.	PO540846	Engineering Consulting	40,399.54		
Transsystems Corporation	PO540847	Engineering Consulting	10,000.00		
Law/Kingdon Inc.	PO540848	Engineering Consulting	37,300.00		
Professional Engineering Consultants	PO540866	Engineering Consulting	4,800.00		

**ANNUAL MAINTENANCE CONTRACTS OVER \$50,000
DIRECT PURCHASE ORDERS FOR SEPTEMBER 2015**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Optiv Security Inc.	DP540765	Software Maintenance/Support	\$65,361.43		

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: 2015 Internet Crimes Against Children (ICAC) Grant and Agreement

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the 2015 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 (OJJ) 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 2015 Internet Crimes Against Children (ICAC) grant award is \$123,370 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 \$123,370 for a 12-month period ending June 30, 2016. No local grant match is required.

Legal Considerations: The Agreement has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the 2015 Internet Crimes Against Children (ICAC) Grant in the amount of \$123,370, approve the Agreement between the City of Wichita and Sedgwick County and authorize the necessary signatures.

Attachments: 2015 Agreement between the City of Wichita and Sedgwick County.

**AGREEMENT
BETWEEN THE CITY OF WICHITA, KANSAS AND SEDGWICK COUNTY,
KANSAS**

2015 Kansas Internet Crimes Against Children (ICAC) Task Force Award

This Agreement is made and entered into this ___ day of _____, 2015 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 \$123,370.00; and

WHEREAS, the COUNTY agrees to provide the CITY \$123,370.00 as a subgrantee 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 \$123,370.00 for use in the ICAC Taskforce as specified in Attachment A.

Section 2.

CITY agrees to use \$ 123,370.00 for the staff and vehicle costs related to the Internet Crimes Against Children Taskforce for the grant period of July 1, 2015 through June 30, 2016 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.

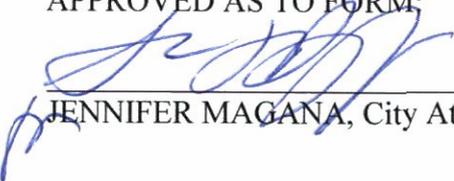
CITY OF WICHITA, KANSAS

JEFF LONGWELL, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:



JENNIFER MAGANA, City Attorney

SEDGWICK COUNTY, KANSAS

RICHARD RANZAU, Chairman
Commissioner, 4th District

ATTEST:

KELLY ARNOLD, County Clerk

APPROVED AS TO FORM:

KAREN POWELL,
Assistant County Counselor

**City of Wichita
City Council Meeting
October 13, 2015**

TO: Mayor and City Council

SUBJECT: Funding and Change Order No. 7 for Improvements to 37th Street North, Broadway to Hydraulic (District VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendations: Approve the revised budgets, adopt the amending resolutions, waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds, and approve Change Order No. 7.

Background: On January 7, 2014, the City Council approved a contract with Cornejo & Sons, LLC, for improvements to 37th Street North, between Broadway and Hydraulic. The following change orders have been processed for this project to date:

Change Order	Date Processed or Approved	Provided	Cost
Original	January 7, 2014	Original construction contract.	\$5,243,701
No. 1	September 23, 2014	Due to alignment modifications around existing utilities, one section of the reinforced concrete box needed to be removed, have new dowel bars drilled, and a larger cast-in-place section poured.	\$5,232
No. 2	October 13, 2014	Due to the elevation difference between the new and existing pavement and the turn radius needed for semi-trailers, the contractor installed a temporary surface and drainage pipe within the ditches and right-of-way.	\$8,913
No. 3	November 10, 2014	Adjustment of measured quantity bid items based on final field measurements for tree removal services. Additional message boards were used to help direct semi-trucks to appropriate intersections for turns, which kept through traffic moving and prevented damage to the new pavement.	\$9,400
No. 4	December 12, 2014	The driveway for Siemens needed to remain open to traffic during construction to keep access to business and semi-truck traffic. Due to the elevation difference between the new and existing pavement, the contractor installed a temporary drive station and security gate.	\$8,303
No. 5	January 5, 2015	Installed temporary surfacing, drainage pipe, and sod restoration.	\$6,854
No. 6	March 12, 2015	Due to poor drainage in the ditch on the north side of 37 th Street North, water backs up onto adjacent properties during storm events. A storm sewer crossing with end sections and rip rap was added to prevent flooding on private property.	\$10,307

		Total of all previously approved change orders	\$49,009
		Total contract cost to date	\$5,292,710

Analysis: The proposed change order settles all final measurements for measured quantity bid items, all delay and construction phasing costs associated with acquisition of the final railroad agreement, plus all delay and scheduling costs associated with coordinating water line shut downs among numerous manufacturing businesses to avoid major impacts to the manufacturers' production operations.

Financial Considerations: The cost of the proposed change order is \$236,254, which brings the total contract amount to \$5,528,964.

The existing budget of \$7,380,000 was approved by the City Council on June 24, 2014. Of the \$7,380,000, \$3,563,955 is general obligation (GO) funding, \$3,406,045 is federal grant funding and \$410,000 is a combination of utility funding from Water Mains Replacement (W-67) and Reconstruction or Rehabilitation of Aged Sanitary Sewers (S-4), for water and sewer improvements.

Staff proposes adding \$260,000 in GO bond funding, which is available for transfer from the K-96 and Hoover Interchange project. The offset of GO bond funding in the K-96 and Hoover Interchange project is available 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. The total revised project budget would be \$7,640,000.

Existing Approved Budget	
Funding Source	Amount
General Obligation Bonds	\$3,563,955
Federal Grants	\$3,406,045
Total Existing Financing Amount	\$6,970,000
W-67 and S-4 Funding for Water and Sewer Improvements	\$410,000
Total Existing Project Budget	\$7,380,000
Proposed Budget	
Funding Source	Amount
General Obligation Bonds (increase \$260,000)	\$3,823,955
Federal Grants	\$3,406,045
Total Proposed Revised Financing Amount	\$7,230,000
W-67 and S-4 Funding for Water and Sewer Improvements	\$410,000
Total Proposed Revised Budget	\$7,640,000

Legal Considerations: The amending resolutions and Change Order No. 7 have been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve the revised budgets, adopt the amending resolutions, waive City Council Policy No. 2 regarding the use of project savings to allow transfer of funds, approve Change Order No. 7, and authorize the necessary signatures.

Attachments: Budget sheets, amending resolutions, and Change Order No. 7.

Project Request

CIP Non-CIP CIP YEAR: 2015 CIP #: _____

NEIGHBORHOOD IMPROVEMENT

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

FUND: 400 Street Improvements SUBFUND: 400 Freeways ENGINEERING REFERENCE #: 472-84692

COUNCIL DISTRICT: 06 Council District 6 DATE COUNCIL APPROVED: Oct 13, 2015 REQUEST DATE: _____

PROJECT #: 208457 PROJECT TITLE: 37th N, Broadway- Hydraulic 472-84692

PROJECT DETAIL #: 01 PROJECT DETAIL DESCRIPTION: 37th N, Broadway- Hydraulic 472-84692

OCA #: 706992 OCA TITLE: 37th N, Broadway- Hydraulic 472-84692

PERSON COMPLETING FORM: Jennifer Peterson PHONE #: 268-4548

PROJECT MANAGER: Shawn Mellies PHONE #: 268-4632

NEW BUDGET REVISED BUDGET

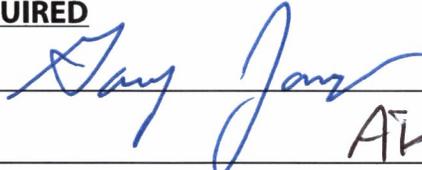
Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	\$3,563,955.00	\$260,000.00	\$3,823,955.00
8000 Federal	\$3,406,045.00	\$0.00	\$3,406,045.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$6,970,000.00	\$260,000.00	\$7,230,000.00

Expense Object Level 3	Original Budget	Adjustment	New Budget
2999 Contractuals	\$6,970,000.00	\$260,000.00	\$7,230,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
Total Expense:	\$6,970,000.00	\$260,000.00	\$7,230,000.00

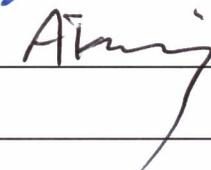
NOTES:

SIGNATURES REQUIRED

Print Form

DIVISION HEAD: 

DATE: 09/28/15

DEPARTMENT HEAD: 

DATE: 9/29/15

BUDGET OFFICER: _____

DATE: _____

CITY MANAGER: _____

DATE: _____

Project Request

CIP Non-CIP CIP YEAR: 2015 CIP #: _____

NEIGHBORHOOD IMPROVEMENT

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

FUND: 400 Street Improvements SUBFUND: 400 Freeways ENGINEERING REFERENCE #: 472-84780

COUNCIL DISTRICT: 06 Council District 6 DATE COUNCIL APPROVED: Oct 13, 2015 REQUEST DATE: _____

PROJECT # : 209464 PROJECT TITLE: K-96 & Hoover Interchange 472-84780

PROJECT DETAIL # : 01 PROJECT DETAIL DESCRIPTION: K-96 & Hoover Interchange 472-84780

OCA # : 706999 OCA TITLE: K-96 & Hoover Interchange 472-84780

PERSON COMPLETING FORM: Jennifer Peterson PHONE #: 268-4548

PROJECT MANAGER: Shawn Mellies PHONE #: 268-4632

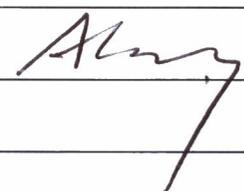
NEW BUDGET REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
9720 G.O. Bonds	\$6,750,000.00	(\$260,000.00)	\$6,490,000.00
9800 LST	\$150,000.00	\$0.00	\$150,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
Total	\$6,900,000.00	(\$260,000.00)	\$6,640,000.00

Expense Object Level 3	Original Budget	Adjustment	New Budget
2999 Contractuals	\$6,900,000.00	(\$260,000.00)	\$6,640,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
Total Expense:	\$6,900,000.00	(\$260,000.00)	\$6,640,000.00

NOTES:

SIGNATURES REQUIRED

DIVISION HEAD: 
 DEPARTMENT HEAD: 
 BUDGET OFFICER: _____
 CITY MANAGER: _____

Print Form

DATE: 09/28/15
 DATE: 9/29/15
 DATE: _____
 DATE: _____

RESOLUTION NO. ____ - _____

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 14-175 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. 14-175** of the City (the "Prior Resolution"), authorized the following described public improvements:

Design, acquisition of right-of-way, and construction of improvements to 37th Street North, between Broadway and Hydraulic (472-84692).

(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. *Sections 1 and 2* of the Prior Resolution are 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 **\$7,230,000** in accordance with specifications prepared or approved by 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 authorized by Ordinance No. 49-538, Ordinance No. 49-185 or Ordinance No. 47-976, respectively, made on or after the date which was 60 days before the respective dates of adoption of such Ordinances, and the Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before June 24, 2014, to the extent of Bonds authorized under the original version of Resolution No. 14-175, and to reimburse additional expenditures authorized by this Resolution, which were made on or after the date 60 days before the date of adoption of this Resolution, all pursuant to Treasury Regulation §1.150-2.**

Section 2. Repealer; Ratification. *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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:



for Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. ____ - _____

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 15-031 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. 15-031** of the City (the "Prior Resolution"), amending Sections 1 and 2 of Resolution No. 14-042 of the City, authorized the following described public improvements:

The design, acquisition of right-of-way, relocation of utilities, and construction of the intersection of K-96 and Hoover Road as necessary for a major traffic facility (472-84780)

(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 2* of the Prior Resolution is hereby amended to read as follows:

SECTION 2. SECTION 2 of Resolution No. 14-042 of the City of Wichita, Kansas, is hereby amended to read as follows:

"SECTION 2. SECTION 2 of Resolution No. 09-028 is hereby amended to read as follows:

'SECTION 2. All costs of the design, acquisition of right of way, relocation of utilities and construction of the interchange and related infrastructure improvements which are not paid with Local Sales Tax proceeds, and which are estimated in the amount of \$6,640,000, plus interest on financing and administrative and financing costs, are authorized to be financed with the proceeds of general obligation bonds of the City pursuant to K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156 (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 Resolution No. 09-

028 to the extent of Bonds authorized thereunder and 60 days before the date of adoption of Resolution No. 14-042 to the extent of increased authorization contained therein, and 60 days before the date of adoption of Resolution No. 15-031, to the extent of the increased authority contained therein, all pursuant to Treasury Regulation §1.150-2.”

Section 2. Repealer; Ratification. *Section 2* of the Prior Resolution is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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:

Brian K. Magaña
for Jennifer Magaña, City Attorney and Director of Law

4203



PUBLIC WORKS-ENGINEERING

September 1, 2015
CHANGE ORDER

To: Cornejo & Sons, LLC

Project: 37th, Broadway to Hydraulic

Change Order No.: 7

Project No.: 87N-0567-01 / 472-84692

Purchase Order No.: PO440014

OCA No.: 706992 / 620610 / 636268

PPN: 208457 / 662024 / 772076

CHANGE ORDER TOTAL: \$236,253.92

706992 - \$197,262.25

620610 - \$14,327.00

636268 - \$24,664.67

This change order settles all final measurements for measured quantity bid items, all delay and construction phasing costs associated with acquisition of the final railroad agreement, plus all delay and scheduling costs associated with coordinating water line shut downs among numerous manufacturing businesses to avoid major impacts to their production operations.

CHARGE TO OCA No.: 706992

Please perform the following extra work at a cost not to exceed \$49,725.75

Additional Work: Adjust measured paving bid items

Reason for Additional Work: Adjust measured quantity paving bid items based on final field measurements.

(706992)

Line #	KDOT #	Item (Participating)	Negotiated/		Unit Price	Extension
			Bid	Qty		
90	29	Concrete Driveway 9" (Reinforced)	Bid	1,263 sf	7.00	8,841.00
92	30	AC Pvmnt 6", temp for Widening	Bid	1,224 sy	34.00	41,616.00
93	30	AC Pvmnt 6", Temp for Patching	Bid	395 sy	12.00	4,740.00
95	1	Large Tree Removal	Bid	(1) ea	1,000.00	(1,000.00)
96	52	Sign, Elec Portable Message	Bid	264 day	25.00	6,600.00
98	9	BMP, Silt Fence	Bid	(7,523) lf	1.00	(7,523.00)
99	9	BMP, Back of Curb Protection	Bid	(9,480) lf	0.60	(5,688.00)
100	9	BMP, Erosion Control Mat	Bid	1,353 sy	0.75	1,014.75
152	4	Rip-Rap, Light Stone	Bid	25.00 sy	45.00	1,125.00

TOTAL: \$49,725.75

CHARGE TO OCA No.: 706992

Please perform the following extra work at a cost not to exceed \$58,873.50

Additional Work: Grading, drainage flumes, reset roof drains

Reason for Additional Work: With the elimination of the existing drainage ditches on both sides of 37th Street, many areas exist with poor drainage and require installation of drainage flumes, drainage swales, and resetting roof down spouts in order to provide positive drainage on the adjacent properties.

(706992)

Line #	KDOT #	Item (Non-part)	Negotiated/		Unit Price	Extension
			Bid	Qty		
NEW	4	Curb flume @ Sta 107+00, Rt	Negot'd	1 LS	3,355.00	3,355.00
NEW	4	Reset down spouts @ Sta 116+50 to Sta 118+50, Rt	Negot'd	1 LS	1,200.00	1,200.00
NEW	4	Drainage swale @ Sta 136+00 to Sta 138+09, Rt.	Negot'd	1 LS	2,030.00	2,030.00

NEW	4	Pipe, inlet @ Sta 142+27, Rt	Negot'd	1 LS	15,134.50	15,134.50
NEW	4	Grading @ Sta 152+50, Rt	Negot'd	1 LS	9,570.00	9,570.00
NEW	4	Reset down spouts, grading, flumes @ Sta 109+50 to Sta 112+50, Lt.	Negot'd	1 LS	11,444.00	11,444.00
NEW	4	Curb flume @ 135+87, Lt.	Negot'd	1 LS	4,255.00	4,255.00
NEW	4	Storm sewer connection @ Sta 139+92, Lt.	Negot'd	1 LS	4,075.00	4,075.00
NEW	4	Inlet flume @ 148+85, Lt.	Negot'd	1 LS	3,650.00	3,650.00
NEW	4	Curb flume @ 151+27, Lt.	Negot'd	1 LS	4,160.00	4,160.00
TOTAL:					\$58,873.50	

CHARGE TO OCA No.: 706992

Please perform the following extra work at a cost not to exceed \$3,148.00

Additional Work: Pavement replacement

Reason for Additional Work: The existing pavement at the project limits on Old Lawrence Road, north of 37th Street was in poor condition. Additional pavement needed removed and replaced in order to match solid pavement.

(706992)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
8	4	Conc &/or Asph Pvm Rem	Bid	46 sy	4.00	184.00
12	29	Conc Pvm (VG) 9" (Reinf)	Bid	46 sy	62.00	2,852.00
24	4	Conc Curb, Mono Edge	Bid	28 lf	4.00	112.00

TOTAL: \$3,148.00

CHARGE TO OCA No.: 706992

Please perform the following extra work at a cost not to exceed \$3,720.00

Additional Work: Install temporary traffic signal preemption

Reason for Additional Work: Due to delays reaching an agreement with the railroad company, the contractor had to install temporary signal preemption to provide signal protection between trains and traffic.

(706992)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
NEW	65	Temp traffic signal preemption	Negot'd	1 LS	3,720.00	3,720.00

TOTAL: \$3,720.00

CHARGE TO OCA No.: 706992

Please perform the following extra work at a cost not to exceed \$81,795.00

Additional Work: Delays

Reason for Additional Work: Due to delays reaching an agreement with the railroad company, the contractor had additional phasing, mobilizations, and traffic control necessary to coordinate track replacement with the railroad.

(706992)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
NEW	4	Delay/phasing charges	Negot'd	1 LS	81,795.00	81,795.00

TOTAL: \$81,795.00

CHARGE TO OCA No.: 620610Please perform the following extra work at a cost not to exceed \$279.00**Additional Work:** Adjust measured sanitary sewer bid items**Reason for Additional Work:** Adjust measured quantity sanitary sewer bid items based on final field measurements.

(620610)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
104	4	Gravel Shoulder, Rem & Repl	Bid	(10) lf	24.00	(240.00)
107	4	Air Testing, SS Pipe	Bid	(409) lf	3.00	(1,227.00)
110	4	Fill, Flowable	Bid	(29) lf	110.00	(3,190.00)
111	4	Fill, Sand (Flushed & Vibrated)	Bid	(105) lf	30.00	(3,150.00)
116	4	Pipe Removed	Bid	(2) lf	2.00	(4.00)
117	4	Pipe, SS 8"	Bid	(2) lf	100.00	(200.00)
119	4	MH Adj w/New Ring & Cover	Bid	7 ea	600.00	4,200.00
120	4	MH, Joint Wrap	Bid	(65) lf	4.00	(260.00)
121	4	MH, Standard SS (4')	Bid	1 ea	4,350.00	4,350.00

TOTAL: \$279.00**CHARGE TO OCA No.: 620610**Please perform the following extra work at a cost not to exceed \$14,048.00**Additional Work:** Delays**Reason for Additional Work:** Contractor had downtime, remobilization, and other associated costs due to delays with underground utilities and obtaining the railroad agreement.

(620610)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
NEW	4	Delay charges	Negot'd	1 LS	14,048.00	14,048.00

TOTAL: \$14,048.00**CHARGE TO OCA No.: 636268**Please perform the following extra work at a cost not to exceed \$(27,095.00)**Additional Work:** Adjust measured water line bid items**Reason for Additional Work:** Adjust measured quantity water line bid items based on final field measurements.

(636268)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
123	4	Pipe, DI CL 12"	Bid	(60) lf	135.00	(8,100.00)
124	4	Pipe, DI CL 6"	Bid	(21) lf	85.00	(1,785.00)
125	4	Pipe, DI CL 8"	Bid	(29) lf	125.00	(3,625.00)
126	4	AC Pavement Removed	Bid	38 lf	10.00	380.00
127	4	Valve and Valve Box Removed	Bid	2 ea	950.00	1,900.00
128	4	Valve and Valve Box Relocate	Bid	(1) ea	1,500.00	(1,500.00)
129	4	Pipe, RJ DI CL 12"	Bid	(35) lf	195.00	(6,825.00)
133	4	AC Pmnt Repl (Temporary)	Bid	(21) lf	36.00	(756.00)
134	4	Pipe, Cut and Cap	Bid	(10) ea	880.00	(8,800.00)
135	4	Pipe, WL 2"	Bid	(9) lf	40.00	(360.00)
136	4	Pipe, WL 8"	Bid	10 lf	110.00	1,100.00
137	4	Pipe, WL 12"	Bid	92 lf	143.00	13,156.00
139	4	Fire Hydrant	Bid	(3) ea	2,800.00	(8,400.00)
140	4	Fire Hydrant Adjustment	Bid	(2) ea	975.00	(1,950.00)
141	4	Fire Hydrant Removal	Bid	3 ea	550.00	1,650.00
146	4	Valve Box Adjusted	Bid	(7) ea	120.00	(840.00)
147	4	Valve Box Removed	Bid	2 ea	100.00	200.00
148	4	Valve Assembly, 8"	Bid	(1) ea	2,000.00	(2,000.00)
151	4	Water Meter Removed	Bid	(2) ea	270.00	(540.00)

TOTAL: \$(27,095.00)

CHARGE TO OCA No.: {636268}

Please perform the following extra work at a cost not to exceed \$9,165.00

Additional Work: Sandfill, flush, and vibrate

Reason for Additional Work: All of the water line excavation was located under proposed pavement and driveways. Contractor sand filled, flushed, and vibrated the trenches to avoid future settlement under pavement.

(636268)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
NEW	4	Fill, Sand (Flushed & Vibrated)	Negot'd	611 lf	15.00	9,165.00
TOTAL:						\$9,165.00

CHARGE TO OCA No.: {636268}

Please perform the following extra work at a cost not to exceed \$42,594.67

Additional Work: Exploratory work, remobilization, re-stocking fees

Reason for Additional Work: During initial water line relocation work, the existing water main was not at plan location. Record information was inaccurate on the location of the existing water main. Contractor performed exploratory work at the request of the Engineer to determine the true location of the water main. This exploratory excavation revealed some water main relocation work could be eliminated and thereby not disrupt water service to many businesses relying on water for production purposes. The elimination of that work resulted in restocking fees to return un-used material. The remaining shutdowns needed on the project required significant coordination with the businesses schedules, material production, and plant operation thus requiring the contractor to perform night work, weekend work, as well as multiple demobilizations until such water service disruption could be scheduled.

(636268)		Negotiated/				
Line #	KDOT #	Item (Non-part)	Bid	Qty	Unit Price	Extension
NEW	4	Remobilizations	Negot'd	1 LS	12,000.00	12,000.00
NEW	4	Re-stocking fee	Negot'd	1 LS	2,619.23	2,619.23
NEW	4	Exploratory work/scheduling	Negot'd	1 LS	26,655.44	26,655.44
NEW	4	Line 1 adjustment	Negot'd	1 LS	1,320.00	1,320.00
TOTAL:						\$42,594.67

CIP Budget Amount:		
\$6,970,000.00 + \$200,060.00 (706992)		Original Contract Amt.:..... \$5,243,700.90
\$241,100.00 (620610)		
\$409,000.00 (636268)		
Consultant: PEC		Current CO Amt.: \$236,253.92
(706992)		Amt. of Previous CO's..... \$49,009.05
Total Exp. & Encum. To Date: \$6,971,089.73		Total of All CO's:..... \$285,262.97
CO Amount: \$197,262.25		
Unencum. Bal. After CO: \$1,708.02		Adjusted Contract Amt.:..... \$5,528,963.87
(620610)		
Total Exp. & Encum. To Date: \$176,744.77		
CO Amount: \$14,327.00		
Unencum. Bal. After CO: \$50,028.23		
(636268)		
Total Exp. & Encum. To Date: \$375,588.80		
CO Amount: \$24,664.67		
Unencum. Bal. After CO: \$8,746.53		

Recommended By:

Steve Degenhardt 09/02/15
Steve Degenhardt, P.E. Date
Construction Division Manager

Approved:

[Signature] 9/2/15
Contractor Date

Approved as to Form:

Jennifer Magaña 9-4-15
Jennifer Magaña Date
City Attorney and Director of Law

Approved:

Gary Janzen 09/03/15
Gary Janzen, P.E. Date
City Engineer

Approved

Alan King 9-8-15
Alan King Date
Director of Public Works & Utilities

By Order of the City Council:

Jeff Longwell Date
Mayor

Attest: _____
City Clerk

RESOLUTION NO. 15-338

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 14-175 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. 14-175** of the City (the “Prior Resolution”), authorized the following described public improvements:

Design, acquisition of right-of-way, and construction of improvements to 37th Street North, between Broadway and Hydraulic (472-84692).

(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. *Sections 1 and 2* of the Prior Resolution are 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 **\$7,230,000** in accordance with specifications prepared or approved by 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 authorized by Ordinance No. 49-538, Ordinance No. 49-185 or Ordinance No. 47-976, respectively, made on or after the date which was 60 days before the respective dates of adoption of such Ordinances, and the Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before June 24, 2014, to the extent of Bonds authorized under the original version of Resolution No. 14-175, and to reimburse additional expenditures authorized by this Resolution, which were made on or after the date 60 days before the date of adoption of this Resolution, all pursuant to Treasury Regulation §1.150-2.**

Section 2. Repealer; Ratification. *Sections 1 and 2* of the Prior Resolution are hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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 13, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. 15-339

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 15-031 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. 15-031** of the City (the “Prior Resolution”), amending Sections 1 and 2 of Resolution No. 14-042 of the City, authorized the following described public improvements:

The design, acquisition of right-of-way, relocation of utilities, and construction of the intersection of K-96 and Hoover Road as necessary for a major traffic facility (472-84780)

(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 2* of the Prior Resolution is hereby amended to read as follows:

SECTION 2. SECTION 2 of Resolution No. 14-042 of the City of Wichita, Kansas, is hereby amended to read as follows:

“SECTION 2. SECTION 2 of Resolution No. 09-028 is hereby amended to read as follows:

‘SECTION 2. All costs of the design, acquisition of right of way, relocation of utilities and construction of the interchange and related infrastructure improvements which are not paid with Local Sales Tax proceeds, and which are estimated in the amount of \$6,640,000, plus interest on financing and administrative and financing costs, are authorized to be financed with the proceeds of general obligation bonds of the City pursuant to K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156 (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 Resolution No. 09-

028 to the extent of Bonds authorized thereunder and 60 days before the date of adoption of Resolution No. 14-042 to the extent of increased authorization contained therein, and 60 days before the date of adoption of Resolution No. 15-031, to the extent of the increased authority contained therein, all pursuant to Treasury Regulation §1.150-2.”

Section 2. Repealer; Ratification. *Section 2* of the Prior Resolution is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

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 13, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

Second Reading Ordinances for October 13, 2015 (first read on October 6, 2015)

A. ORDINANCE AMENDMENT REPEALING SECTION 2.12 .1026 OF THE CODE OF THE CITY OF WICHITA AND CREATING CHAPTER 3.70 REGRADING CEMETERIES.

ORDINANCE NO.50-088

AN ORDINANCE CREATING CHAPTER 3.70 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PERMIT USE FEES FOR CEMETERIES UNDER THE MANAGEMENT AND CONTROL OF THE CITY OF WICHITA AND REPEALING THE ORIGINAL OF SECTION 2.12.1026 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

B. ZON2015-00026 CITY ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL TO TF-3 TWP FA,O;U RESIDENTIAL ON LOT 19- 39 IN THE SIENA LAKES SUBDIVISION GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 37TH STREET NORTH, ONE-HALF MILE WEST OF HOOVER ROAD. (DISTRICT V)

ORDINANCE NO. 50-090

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.

C. ABATEMENT OF DANGEROUS AND UNSAFE STURCTURES. (DISTRICTS I, III, IV AND V)

ORDINANCE NO. 50-091

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE **(BUILDING CONDEMNATION-DEMOLITION)** UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

ORDINANCE NO. 50-092

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE BOARDING-UP SECURING OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE **(BUILDING EMERGENCY BOARD-UP)** UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

D. SUB2014-00036 – PLAT OF CAMBELL’S GREENHOUSE ADDITION LOCATED EAST OF BROADWAY, NORTH OF MACARTHUR ROAD. (DISTRICT III)

ORDINANCE NO. 50-093

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.

E. SUB2015-00016—PLAT OF MONARCH LANDING COMMERCIAL ADDITION LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND 159TH STREET EAST. (DISTRICT II)

ORDINANCE NO. 50-094

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.

F. ZON2015-00031- CITY ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL WITH A PROTECTIVE OVERLAY ON PROPERTY LOCATED WEST OF RIDGE ROAD ON THE NORTHWEST CORNER OF MAPLE AND BRUNSWICK STREETS. (DISTRICT V)

ORDINANCE NO. 50-095

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.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

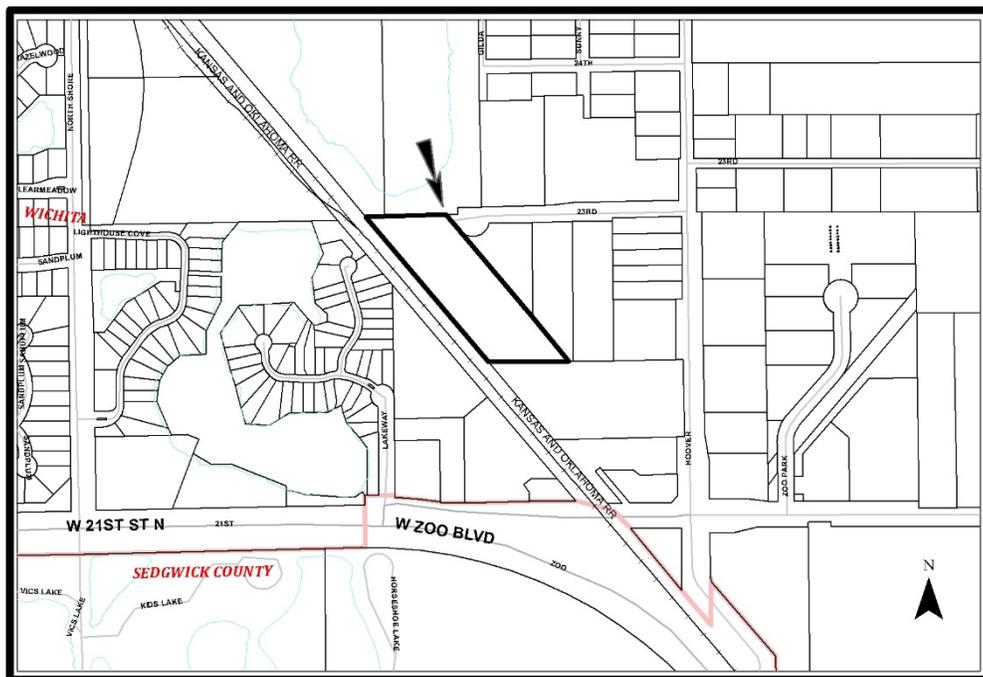
SUBJECT: SUB2015-00004 -- Plat of Superior Self Storage Addition Located North of 21st Street North, West of Hoover Road (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)



Background: The site consists of one lot on 5.04 acres zoned Single-Family Residential (SF-5) and Limited Industrial (LI).

Analysis: The site has been approved by the City’s Environmental Health Division for the use of on-site sanitary sewer and water facilities. The applicant has submitted a No Protest Agreement for Future Sewer Extension, a No Protest Agreement for Future Water Extension and a No Protest Agreement for Future Street Pavement as requested by the City of Wichita Public Works and Utilities Department.

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 No Protest Agreement for Future Sewer Extension, No Protest Agreement for Future Water Extension and No Protest Agreement for Future Street Pavement 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: No Protest Agreement for Future Sewer Extension
No Protest Agreement for Future Water Extension
No Protest Agreement for Future Street Pavement

NO PROTEST AGREEMENT FOR FUTURE SEWER EXTENSION

This Agreement made and entered into this 21ST day of SEPTEMBER, 2015 by and between the City of Wichita, Kansas, party of the first part (hereinafter "City") and Superior Self Storage of Wichita, LLC, Owner, party of the second part (hereinafter "Owner(s)")

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner(s) and property owned by others; and

WHEREAS, Owner(s) desire to have certain improvements to their property; Owner(s) [is/are] the owner(s) of real property legally described as:

Lot 1, Block 1, Superior Self Storage Addition
and

WHEREAS, the City wishes to insure that the said real property owned by Owner(s) will be included in the improvement district responsible for that portion of the costs of said future improvements that are to be assessed pursuant to the provision of K.S.A. 12-6a01 et seq.

NOW THEREFORE, the parties hereto agree as follows:

1. City shall grant [Owner's/Owners'] request for subject plat to said real property, without making necessary the submittal of petitions for sanitary sewer improvements to serve said property.

2. Owner(s), on [his/her/its/their] own behalf and on behalf of [his/her/its/their] heirs, assigns and successors in interest, irrevocably waive(s) [his/her/its/their] right, pursuant to K.S.A. 12-6a01, to protest the commencement of the construction and subsequent assessment for costs of a sanitary sewer extension undertaken by the City, but nothing contained herein shall be deemed to be a waiver by Owner(s) of [his/her/its/their] right to challenge, pursuant to K.S.A. 12-6a11 the reasonableness of the portion of the cost of said construction assessed against [Owner's/Owners'] said real property.

A copy of this Agreement shall be recorded with the Register of Deeds and the promises herein made by Owner(s) shall constitute covenants running with the land described herein.

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I/We, Francis Hitschmann, owner(s) of Lot 1, Block 1, Superior Self Storage Addition, do hereby certify that the No Protest Agreement for future extension of sanitary sewer improvements has been submitted to the City Council of the City of Wichita, Kansas.

NO PROTEST AGREEMENT FOR FUTURE WATER EXTENSION

This Agreement made and entered into this 21ST day of SEPTEMBER, 2015 by and between the City of Wichita, Kansas, party of the first part (hereinafter "City") and Superior Self Storage of Wichita, LLC, Owner, party of the second part (hereinafter "Owner(s)")

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner(s) and property owned by others; and

WHEREAS, Owner(s) desire to have certain improvements to their property; Owner(s) [is/are] the owner(s) of real property legally described as:

Lot 1, Block 1, Superior Self Storage Addition
and

WHEREAS, the City wishes to insure that the said real property owned by Owner(s) will be included in the improvement district responsible for that portion of the costs of said future improvements that are to be assessed pursuant to the provision of K.S.A. 12-6a01 et seq.

NOW THEREFORE, the parties hereto agree as follows:

1. City shall grant [Owner's/Owners'] request for subject plat to said real property, without making necessary the submittal of petitions for waterline improvements to serve said property.
2. Owner(s), on [his/her/its/their] own behalf and on behalf of [his/her/its/their] heirs, assigns and successors in interest, irrevocably waive(s) [his/her/its/their] right, pursuant to K.S.A. 12-6a01, to protest the commencement of the construction and subsequent assessment for costs of a waterline extension undertaken by the City, but nothing contained herein shall be deemed to be a waiver by Owner(s) of [his/her/its/their] right to challenge, pursuant to K.S.A. 12-6a11 the reasonableness of the portion of the cost of said construction assessed against [Owner's/Owners'] said real property.

A copy of this Agreement shall be recorded with the Register of Deeds and the promises herein made by Owner(s) shall constitute covenants running with the land described herein.

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I/We, Francis Hitschmann, owner(s) of Lot 1, Block 1, Superior Self Storage Addition, do hereby certify that the No Protest Agreement for future extension of water improvements has been submitted to the City Council of the City of Wichita, Kansas.

NO PROTEST AGREEMENT FOR FUTURE STREET PAVEMENT

This Agreement made and entered into this 21ST day of SEPTEMBER, 2015 by and between the City of Wichita, Kansas, party of the first part (hereinafter "City") and Superior Self Storage of Wichita, LLC, Owner, party of the second part (hereinafter "Owner(s)")

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner(s) and property owned by others; and

WHEREAS, Owner(s) desire to have certain improvements to their property; Owner(s) [is/are] the owner(s) of real property legally described as:

Lot 1, Block 1, Superior Self Storage Addition
and

WHEREAS, the City wishes to insure that the said real property owned by Owner(s) will be included in the improvement district responsible for that portion of the costs of said future improvements that are to be assessed pursuant to the provision of K.S.A. 12-6a01 et seq.

NOW THEREFORE, the parties hereto agree as follows:

1. City shall grant [Owner's/Owners'] request for subject plat to said real property, without making necessary the submittal of petitions for street improvements to serve said property.
2. Owner(s), on [his/her/its/their] own behalf and on behalf of [his/her/its/their] heirs, assigns and successors in interest, irrevocably waive(s) [his/her/its/their] right, pursuant to K.S.A. 12-6a01, to protest the commencement of the construction and subsequent assessment for costs of street pavement undertaken by the City, but nothing contained herein shall be deemed to be a waiver by Owner(s) of [his/her/its/their] right to challenge, pursuant to K.S.A. 12-6a11 the reasonableness of the portion of the cost of said construction assessed against [Owner's/Owners'] said real property.

A copy of this Agreement shall be recorded with the Register of Deeds and the promises herein made by Owner(s) shall constitute covenants running with the land described herein.

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

I/We, Francis Hitschmann, owner(s) of Lot 1, Block 1, Superior Self Storage Addition, do hereby certify that the No Protest Agreement for future street improvements has been submitted to the City Council of the City of Wichita, Kansas.

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

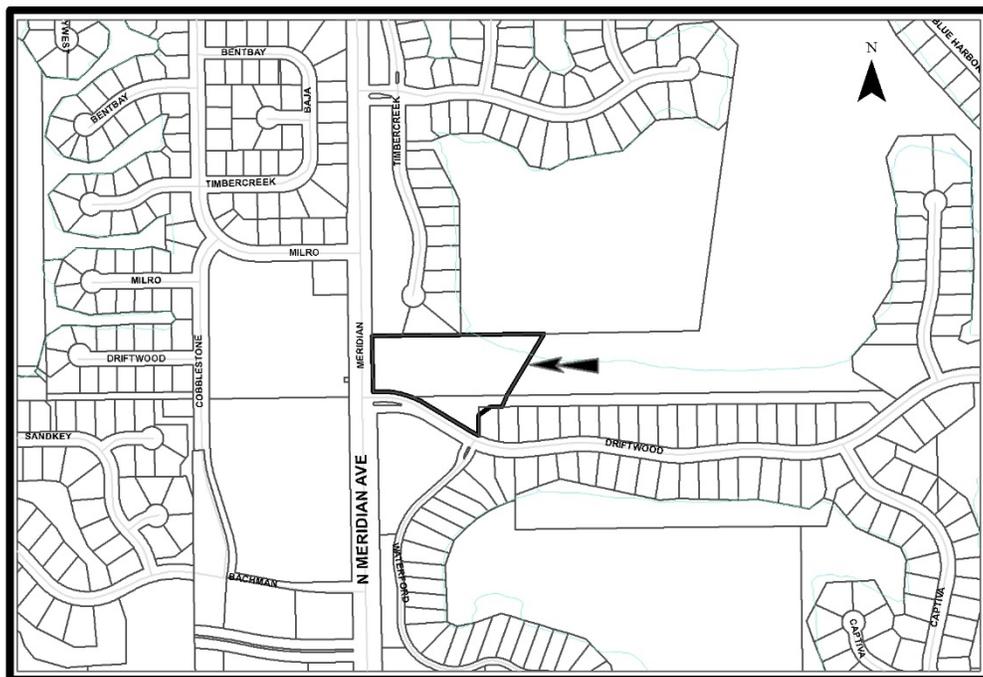
SUBJECT: SUB2015-00006 -- Plat of Harbor Isle 4th Addition Located North of 45th Street North, on the East Side of Meridian (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)



Background: The site consists of two lots on 4.64 acres zoned Single-Family Residential (SF-5) and Limited Commercial (LC).

Analysis: Water and sewer services are available to serve the site. The applicant has submitted Restrictive Covenants to provide for the ownership and maintenance responsibilities of the reserves being platted. The applicant has submitted a Notice of Pipelines identifying the pipeline easement crossing the plat. The applicant has submitted a Restrictive Covenant limiting the property to SF-5 uses.

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 and Notice of Pipelines 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
Notice of Pipelines

COPY

**RESTRICTIVE COVENANT
FOR ZONING RESTRICTION**

THIS DECLARATION made this 16th day of September, 2015, by Bachman Enterprises, Inc., a Kansas Corporation, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

HARBOR ISLE 4TH ADDITION
Lots 1 and 2, Block A

and

WHEREAS, part of the afore-described real property is presently zoned "LC" Limited Commercial zoning district and is proposed as residential lots in said Harbor Isle 4th Addition.

and

WHEREAS, the Declarant has voluntarily chosen to impose restrictions upon the subject property in order to guarantee that the use and maintenance of the property will be harmonious with the neighboring lots in the Harbor Isle Additions.

NOW, THEREFORE, the Declarant, does hereby restrict the above described real property to the following uses.

1. All and only uses allowed in the "SF-5" Single Family Zoning District.

This restriction shall not be altered, amended or terminated without a public hearing before the Wichita-Sedgwick County Planning Commission and the appropriate governing body. Notice of such hearings shall be given as would be required by law for a zoning change on the property. This restriction shall become null and void upon the approval of a zone change to "SF-5" Single Family by the City Council of the City of Wichita, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of

k

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.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title for the above described tracts located in Sedgwick County, Kansas.

Signed this 16th day of September, 2015.

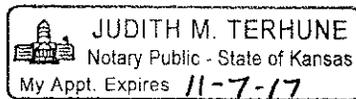
Bachman Enterprises, Inc.

By: Brad C. Bachman
Brad C. Bachman, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 16th day of September, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brad C. Bachman, President of Bachman Enterprises, Inc., a Kansas corporation, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

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



Judith M Terhune
Notary Public

(My Appointment Expires: 11-7-17)

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

RESTRICTIVE COVENANT

THIS DECLARATION made this 21st day of September, 2015, by Bachman Enterprises, Inc., a Kansas corporation, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

HARBOR ISLE 4TH ADDITION

Lots 1 and 2, Block A

WHEREAS, Declarant is desirous in connection therewith that various provisions for the maintenance and responsibility for the maintenance be placed of record for Reserve "A" and Reserve "B", Harbor Isle 4th Addition, Wichita, Sedgwick County, Kansas.

NOW, THEREFORE, Declarant hereby declares and covenants:

1. That Reserve "A" is hereby reserved for entry monuments, open space, walls, landscaping, berms, drainage purposes, pipelines and related appurtenances as confined to easement, and utilities as confined to easement.

Reserve "B" is reserved for open space, lakes, drainage purposes, and recreation facilities.

Reserves "A" and "B", shall be owned and maintained by a property owners association, its successors and assigns.

2. That a Property Owners Association shall be formed and incorporated as a non-profit corporation under Kansas Statutes, at the Declarant's sole cost. Reserves "A" and "B", as designated on the plat of Harbor Isle 4th Addition, shall be deeded to the Property Owners Association upon its incorporation or within 30 days thereafter.

3. That the declaration of covenants and other provisions of the Property Owners Association being formed shall provide specific pertinent language requiring that the Property Owners Association shall include the first or any other subsequent phase or phases for the maintenance of any and all common areas contiguous to Reserves "A" and "B", to Harbor Isle 4th Addition under the same scope of responsibility as the initial phase of development.

4. That the owners hereby grant an irrevocable easement to whichever appropriate governing body or authority has jurisdiction, to enter upon the Reserves, as defined, for the purposes of maintaining such Reserves. This easement is conditioned upon the following event or events happening:

A. That the Declarant or the Property Owners Association, as may be appropriate, has failed to maintain the reserves in a reasonable and prudent manner. and,

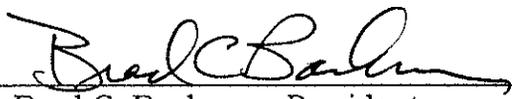
B. That the appropriate governing body has given written notice to the Declarant or the Property Owners Association and neither entity has responded in initiating corrective action within thirty (30) days of such notice. If the governing body has taken action to maintain the reserves under this covenant, the Declarant or Property Owners Association shall pay promptly the costs expended. If the costs are not paid within thirty (30) days of the rendering of an account, the costs shall be considered an assessment against all lots in Harbor Isle 4th Addition, and shall be considered a lien thereon and be treated in the same manner as a special assessment.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in Lots in HARBOR ISLE 4TH ADDITION, Wichita, Sedgwick County, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written.

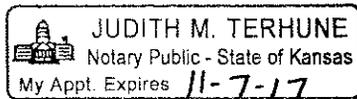
Bachman Enterprises, Inc.

By: 
Brad C. Bachman, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 21st day of September, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brad C. Bachman, President of Bachman Enterprises, Inc., a Kansas corporation, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

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



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

RESTRICTIVE COVENANT

THIS DECLARATION is made this 21st day of September, 2015, by Bachman Enterprises, Inc., a Kansas corporation, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

HARBOR ISLE 4TH ADDITION
Lots 1 and 2, Block A

WHEREAS, Declarant is desirous in connection therewith that various provisions for the maintenance and responsibility for the maintenance be placed of record for Reserve "C", Harbor Isle 4th Addition, Wichita, Sedgwick County, Kansas.

NOW, THEREFORE, Declarant hereby declares and covenants:

1. That Reserve "C" is reserved for open space, landscaping, a walking path and recreation facilities.
2. Reserve "C" shall be owned and maintained by the owner of Lot 67, Block 1, Harbor Isle Addition to Wichita, Kansas.
3. That the owners hereby grant an irrevocable easement to whichever appropriate governing body or authority has jurisdiction, to enter upon the Reserves, as defined, for the purposes of maintaining such Reserves. This easement is conditioned upon the following event or events happening:

A. That the Declarant or the Lot Owner, as may be appropriate, has failed to maintain the reserves in a reasonable and prudent manner.

and,

B. That the appropriate governing body has given written notice to the Declarant or the Lot Owner and neither entity has responded in initiating corrective action within thirty (30) days of such notice. If the governing body has taken action to

maintain the reserve under this covenant, the Declarant or Lot Owner shall pay promptly the costs expended. If the costs are not paid within thirty (30) days of the rendering of an account, the costs shall be considered an assessment against Lot 67, Block 1, Harbor Isle Addition to Wichita, Kansas, and shall be considered a lien thereon and be treated in the same manner as a special assessment.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors to Lot 67, Block 1, Harbor Isle Addition to Wichita, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written.

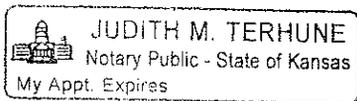
Bachman Enterprises, Inc.

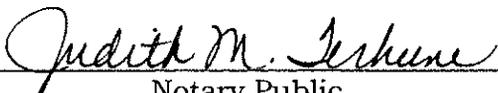
By: 
Brad C. Bachman, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 21st day of September, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brad C. Bachman, President of Bachman Enterprises, Inc., a Kansas corporation, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

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




Notary Public

(My Appointment Expires: 11-7-17)

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

NOTICE OF PIPELINES

THIS NOTICE OF PIPELINES ("Notice") is made and entered this 16th day of September, 2015, by Bachman Enterprises, Inc., a Kansas corporation, (the "Developer");

WHEREAS, as Developer owns Lots 1 and 2, Block A, Harbor Isle 4th Addition, Wichita, Sedgwick County, Kansas (the "Lots");

WHEREAS, the following instruments are recorded in the office of the Register of Deeds for Sedgwick County:

1. Right of Way Agreement executed by Nora B. Doane, single, Nora B. Doane as Guardian of the Estate of Elma R. Pearson, an Incompetent person, John E. Pearson, single and Francis M. Pearson, single man on the 13th day of December, 1962, in favor of Kansas Gas Supply corporation, filed for record in Book Misc. 512 at Page 153; Partial Release of Right-of-Way filed for record on Film 1432, Page 1804, and Partial Release of Right-of-Way filed for record on Film 1919, Page 567.
2. Grants of Right of Way executed by VHM, Inc. and Miles Sand, Inc. in favor of The Kansas Power and Light Company, a Kansas corporation, on the 7th day of June, 1988, and filed for record on Film 1092, Page 779 and Film 1092, Page 782.

WHEREAS, a part of each of the Lots is included within the Pipelines Area as shown on the plat of the Lots and Developer desires to give notice to future owners of the Lots of the presence of pipelines within the Pipelines Area.

NOW, THEREFORE, notice is hereby given to each purchaser of any of the Lots of the presence of pipelines within the Pipelines Area. It is not permissible to construct buildings within the Pipelines Area. Without the prior consent of the Pipeline Companies, no change shall be made to the grade of the surface of the Lots within the Pipelines Area. The owner(s) of the pipelines within the Pipelines Area shall have the right to install other lines, and to maintain, modify, repair or replace their pipelines and appurtenances in accordance with the right(s) of way of record.

This Notice is executed as of the day and year first above written.

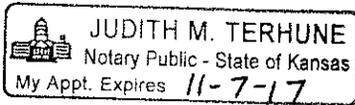
Bachman Enterprises, Inc.

By: Brad C. Bachman
Brad C. Bachman, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 16th day of September, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brad C. Bachman, President of Bachman Enterprises, Inc., a Kansas corporation, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

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



Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-17)

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

Agenda Item No. II-14

City of Wichita
City Council Meeting
October 13, 2015

TO: Mayor and City Council

SUBJECT: VAC2015-00016 - Request to Vacate Platted Street Right-of-Ways, the Platted Temporary Roadway Portion of the Temporary Roadway and Drainage Easement, Platted Setbacks, a Platted Reserve and the Plator's Text on Property Generally Located West of 119th Street West and South of 13th Street North, at the Intersection of Harvest and Azure Lanes (District V)

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 (11-0).



Background: The applicants are requesting the vacation of: that portion of the Harvest Lane right-of-way abutting the east approximately 100 feet of Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition, and; that portion of the Azure Lane right-of-way abutting the east approximately 65 feet of Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. The subject residential street right-of-ways were platted to provide a through street connecting the two subdivisions, but improvements (paving) of the right-of-ways stopped short at the point of connection; this lack of connection has existed for approximately to 19-years. Azure Lane currently ends as a paved circle. Azure Lane was platted with a temporary 70-foot radius cul-de-sac street and drainage easement dedicated by separate instrument. Paved Harvest Lane dead-ends just east of the paved Harvest Lane Court. The subject street right-of-ways abut four properties and the owners of those properties have petitioned for the vacation of the subject street right-of-ways. There are franchised utilities, water lines, water valves, water nodes and fire hydrants in the area of the proposed vacated right-of-ways.

There are platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The applicants have requested the vacation of these setbacks, which reflect the minimum street side yard setbacks for these two SF-5 Single-Family zoned lots.

The Hickory Creek Homeowners Association (HOA) has also petitioned for the vacation of Reserve L and to vacate the plattor's text to amend the uses allowed in the Reserve L. The plattor's text states that Reserve L is restricted to entry monuments, landscaping, streets and utilities and that the HOA shall own and maintain this reserve. The Hickory Creek Estates Addition was recorded with the Register of Deeds February 6, 1996. The Whistling Walk Estates 2nd Addition was recorded with the Register of Deeds November 15, 1977.

Analysis: The Metropolitan Area Planning Commission (MAPC) voted (11-0) 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, as to form, the Vacation Order, the utility easements dedicated by separate instruments, the drainage and utility easements dedicated by separate instruments, and the covenants. The original Vacation Order, the utility easements dedicated by separate instruments, the drainage and utility easements dedicated by separate instruments, and the covenants 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 (simple majority of four votes required) and authorize the necessary signatures.

Attachments:

- Vacation Order
- Utility easements dedicated by separate instruments
- Drainage and utility easements dedicated by separate instruments
- Covenants

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF PORTIONS OF)
PLATTED STREET RIGHT-OF-WAYS, PLATTED)
TEMPORARY ROADWAY PORTION OF A TEMPORARY)
ROADWAY AND DRAINAGE EASEMENT, PLATTED)
SETBACKS, A PLATTED RESERVE AND THE)
PLATTOR'S TEXT)**

**GENERALLY LOCATED WEST OF 119TH STREET WEST,)
SOUTH OF 13TH STREET NORTH, AT THE)
INTERSECTION OF HARVEST AND AZURE LANES)**

VAC2015-00016

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of October, 2015, comes on for hearing the petition for vacation filed by Janet M. Ternes Revocable Trust, Bradley W. and Pamela S. Livengood, Dennis and Andrea Rottinghaus, David L. and Peggy J. Becker, Hickory Creek Homeowners Association (owners/applicants), praying for the vacation of the following described platted street right-of-ways, platted temporary roadway portion of the temporary roadway and drainage easement, platted setbacks, a platted reserve and the plattor's text, to-wit:

All of Reserve "L", Hickory Creek Estates, Wichita, Sedgwick County, Kansas, together with that part of Harvest Lane as dedicated in said Hickory Creek Estates lying east of and abutting the following described line: Commencing at the northwest corner of Lot 1, Block 7, in said Hickory Creek Estates; thence easterly along the north line of said Lot 1, being a curve to the left, through a central angle of 02°46'41" and having a radius of 330.00 feet, an arc distance of 16.00 feet, (having a chord length of 16.00 feet bearing S70°16'44"E), for a point of beginning; thence N18°19'56"E, 66.00 feet to a point on the south line of Lot 5, Block 5, in said Hickory Creek Estates, and for a point of termination, TOGETHER with the west 65.00 feet of Azure Lane as dedicated in Whistling Walk Estates Second Addition to Wichita, Sedgwick County, Kansas.

&

All of the reserve uses as reserved for Reserve "L", Hickory Creek Estates, Wichita, Sedgwick County, Kansas.

&

The Temporary Roadway portion of the Temporary Roadway and Drainage Easement recorded on Film 274, Page 620 described as follows: A 75-foot radius cul-de-sac whose radius point is located at the center of Azure Lane and 75 feet east of the west line of Whistling Walk Estates 2nd Addition, an Addition to Sedgwick County, Kansas, excluding all existing road right-of-way, but including segments of a circle in Lots 2 and 3, in said Addition.

&

All of the platted 15.00 foot building setback lying south of and parallel with the north line of Lot 1, Block 7, Hickory Creek Estates, Wichita, Sedgwick County, Kansas, TOGETHER with that part of the platted 15.00 foot building setback lying north of and parallel with the north line of Lot 5, Block 5, Hickory Creek Estates lying east of and abutting the following described line: Commencing at the southeast corner of said Lot 5; thence N89°09'15"W along the south line of said Lot 5, 15.14 feet to a point of curvature of a tangent curve to the right in said south line; thence westerly along said curve, having a central angle of 06°20'40" and a radius of 259.00 feet, an arc distance of 28.68 feet to the end of said curve; thence S85°46'01"W along the south line of said Lot 5, 21.14 feet to the point of curvature of a non-tangent curve in said south line; thence westerly and northwesterly along said curve, through a central angle of 06°38'28" and having a radius of 264.00 feet, an arc distance of 30.60 feet, (having a chord length of 30.58 feet bearing N74°59'18"W) for a point of beginning; thence N18°19'56"E, 15.00 feet to a point on said 15.00 foot building setback line, and for a point of termination.

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 May 14, 2015, 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 platted street right-of-ways, platted temporary roadway portion of the temporary roadway and drainage easement, platted setbacks, a platted reserve and the plattor's text, and the public will suffer no loss or inconvenience thereby.
3. Dedications by separate instruments of utility easements, drainage and utility easements and covenants will be recorded with this Vacation Order at the Sedgwick County Register of Deeds. The recorded covenants will then be forwarded to the Sedgwick County Appraiser's Office.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the described platted street right-of-ways, platted temporary roadway portion of the temporary roadway and drainage easement, platted setbacks, a platted reserve and the plattor's text, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 2015, ordered that the above-described platted street right-of-ways, platted temporary roadway portion

of the temporary roadway and drainage easement, platted setbacks, a platted reserve and the plattor's text are 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

UTILITY EASEMENT

THIS EASEMENT made this 11th day of AUGUST, 2015, by and between the Janet M. Ternes Revocable Trust, dated August 27, 2008, party of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party, for the benefit of the public, a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer, and all other public utilities, over, along, and under the following-described real estate situated in Sedgwick County, Kansas, to-wit:

The east 30.00 feet of that part of Harvest Lane as dedicated in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (said east 30.00 feet lying in that part of said Harvest Lane now vacated), lying north of and abutting the north line of Reserve "L" as platted in said Hickory Creek Estates, (said Reserve "L" now vacated), TOGETHER with that part of said Reserve "L" as platted in Hickory Creek Estates, (said Reserve "L" now vacated), described as follows: Beginning at the midpoint of the east line of said vacated Reserve "L"; thence N89°09'15"W along the centerline of said vacated Reserve "L", 15.15 feet to the point of curvature of a tangent curve to the right in the centerline of said vacated Reserve "L"; thence westerly along said curve, through a central angle of 02°51'56" and having a radius of 297.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.85 feet bearing N87°43'17"W), to the intersection with the southerly extension of the west line of a 30.00 foot utility easement as dedicated in said Hickory Creek Estates; thence N00°49'57"E along said extended west easement line, 5.01 feet to the intersection with the north line of said vacated Reserve "L"; thence easterly along the north line of said vacated Reserve "L", being a curve to the left, having a central angle of 02°54'53" and a radius of 292.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.85 feet bearing S87°41'49"E), to the point of tangency of said curve; thence S89°09'15"E along the north line of said vacated Reserve "L", 15.15 feet to the northeast corner of said vacated Reserve "L", thence S00°49'57"W along the east line of said vacated Reserve "L", 5.00 feet to the point of beginning.

And said second party, for the benefit of the public, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer, all other public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first above written.

Janet M. Ternes Revocable Trust,
dated August 27, 2008

By: *Janet M. Ternes Trustee*
Janet M. Ternes, Trustee

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of August, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Janet M. Ternes, as Trustee of the Janet M. Ternes Revocable Trust, dated August 27, 2008, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Katie E. Ternes
Notary Public

(My Appointment Expires: 8/17/2015)

APPROVED AS TO FORM:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law

UTILITY EASEMENT

THIS EASEMENT made this 14th day of August, 2015, by and between Bradley W. Livengood and Pamela S. Livengood, husband and wife, parties of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party, for the benefit of the public, a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer, and all other public utilities, over, along, and under the following-described real estate situated in Sedgwick County, Kansas, to-wit:

The east 30.00 feet of that part of Harvest Lane as dedicated in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (said east 30.00 feet lying in that part of said Harvest Lane now vacated), lying south of and abutting the south line of Reserve "L" as platted in said Hickory Creek Estates, (said Reserve "L" now vacated), TOGETHER with that part of Reserve "L" as platted in Hickory Creek Estates, (said Reserve "L" now vacated), described as follows: Beginning at the midpoint of the east line of said vacated Reserve "L"; thence S00°49'57"W along the east line of said vacated Reserve "L", 5.00 feet to the southeast corner of said vacated Reserve "L"; thence N89°09'15"W along the south line of said vacated Reserve "L", 15.15 feet to the point of curvature of a tangent curve to the right in the south line of said vacated Reserve "L"; thence westerly along said curve, having a central angle of 02°49'04" and a radius of 302.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.85 feet bearing N87°44'43"W), to the intersection with the southerly extension of the west line of a 30.00 foot utility easement as dedicated in said Hickory Creek Estates; thence N00°49'57"E along said extended west easement line, 5.01 feet to the intersection with the centerline of said vacated Reserve "L"; thence easterly along the centerline of said vacated Reserve "L", being a curve to the left, through a central angle of 02°51'56" and having a radius of 297.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.85 feet bearing N87°43'17"W), to the point of tangency of said curve; thence S89°09'15"E along the centerline of said vacated Reserve "L", 15.15 feet to the point of beginning.

DRAINAGE AND UTILITY EASEMENT

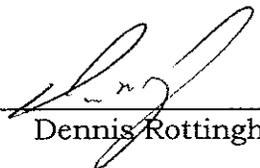
THIS EASEMENT made this 8th day of August, 2015, by and between Dennis Rottinghaus and Andrea Rottinghaus, husband and wife, parties of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party, for the benefit of the public, a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage system and all other public utilities over, along, and under the following-described real estate situated in Sedgwick County, Kansas; to wit:

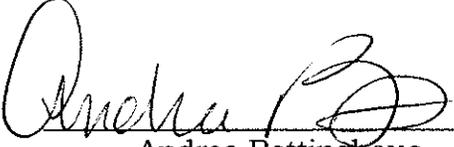
The west 40.00 feet of the north half of Azure Lane as dedicated in Whistling Walk Estates Second Addition to Wichita, Sedgwick County, Kansas, (the west 65.00 feet of said Azure Lane now vacated).

And said second party, for the benefit of the public, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing drainage systems and all other public utilities.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first above written.



Dennis Rottinghaus



Andrea Rottinghaus

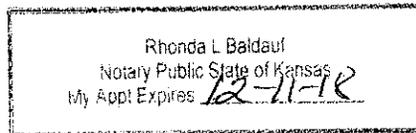
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 8 day of Aug, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Dennis Rottinghaus and Andrea Rottinghaus, husband and wife, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

Rhonda L. Baldauf
Notary Public

(My Appointment Expires: 12-11-18)



APPROVED AS TO FORM:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law

DRAINAGE AND UTILITY EASEMENT

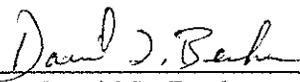
THIS EASEMENT made this 11th day of August, 2015, by and between David L. Becker and Peggy J. Becker, husband and wife, parties of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party, for the benefit of the public, a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage system and all other public utilities over, along, and under the following-described real estate situated in Sedgwick County, Kansas; to wit:

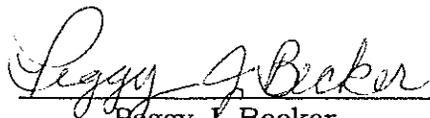
The west 40.00 feet of the south half of Azure Lane as dedicated in Whistling Walk Estates Second Addition to Wichita, Sedgwick County, Kansas, (the west 65.00 feet of said Azure Lane now vacated).

And said second party, for the benefit of the public, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing drainage systems and all other public utilities.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first above written.



David L. Becker



Peggy J. Becker

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of August, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came David L. Becker and Peggy J. Becker, husband and wife, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

Kerry Fellows
Notary Public

(My Appointment Expires: 12/14/16)

APPROVED AS TO FORM:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law



RESTRICTIVE COVENANT

THIS DECLARATION, made this 11th day of August, 2015, by David L. Becker and Peggy J. Becker, husband and wife, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants are the owners of the following described real property:

PARCEL 'A'

Lot 3, Whistling Walk Estates Second Addition
to Wichita, Sedgwick County, Kansas

and,

WHEREAS, Declarants are in the process of vacating a portion of Azure Lane which lies adjacent to the north line of said Lot 3, in said Whistling Walk Estates Second Addition to Wichita described as Parcel 'B' below, and the Planning Commission of the City of Wichita has required this covenant as a condition of this vacation case.

PARCEL 'B'

The south half of the west 65.00 feet of Azure Lane as dedicated in Whistling Walk Estates Second Addition to Wichita, Sedgwick County, Kansas, (the west 65.00 feet of said Azure Lane now vacated).

NOW, THEREFORE, Declarants hereby declare that, for and in consideration of the recitals, Declarants hereby covenant and agree as follows:

Parcel 'A' and Parcel 'B' described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

This covenant shall remain in force until said Parcel 'A' and Parcel 'B' of this ownership is re-platted or this Restrictive Covenant is released through a public hearing process.

This covenant shall run with said Parcels and shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title for the above described tract located in Wichita, Sedgwick County, Kansas.

David L. Becker
David L. Becker

Peggy J. Becker
Peggy J. Becker

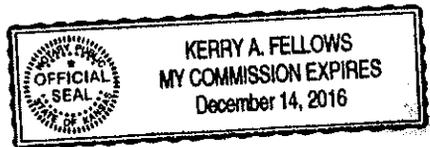
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of August, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came David L. Becker and Peggy J. Becker, husband and wife, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

Kerry Fellows
Notary Public

(My Appointment Expires: 12/14/16)



APPROVED AS TO FORM:
Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law

RESTRICTIVE COVENANT

THIS DECLARATION, made this 8th day of August, 2015, by Dennis Rottinghaus and Andrea Rottinghaus, husband and wife, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants are the owners of the following described real property:

PARCEL 'A'

Lot 2, Whistling Walk Estates Second Addition, Sedgwick County, Kansas EXCEPT that part described as beginning at a point on the easterly line of Lot 2, Whistling Walk Estates Second Addition, 83.04 feet southerly of the northeast corner of said Lot 2; thence northerly along the easterly line of said Lot 2, 83.04 feet to the northeasterly corner thereof; thence westerly-northwesterly along the north line of said Lot 2, a distance of 662.26 feet to the northwest corner thereof; thence easterly-southeasterly 667.45 feet to the point of beginning.

and,

WHEREAS, Declarants are in the process of vacating a portion of Azure Lane which lies adjacent to the south line of said Parcel 'A', in said Whistling Walk Estates Second Addition described as Parcel 'B' below, and the Planning Commission of the City of Wichita has required this covenant as a condition of this vacation case.

PARCEL 'B'

The north half of the west 65.00 feet of Azure Lane as dedicated in Whistling Walk Estates Second Addition to Wichita, Sedgwick County, Kansas, (the west 65.00 feet of said Azure Lane now vacated).

NOW, THEREFORE, Declarants hereby declare that, for and in consideration of the recitals, Declarants hereby covenant and agree as follows:

Parcel 'A' and Parcel 'B' described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

x

RESTRICTIVE COVENANT

THIS DECLARATION, made this 15th day of August, 2015, by Bradley W. Livengood and Pamela S. Livengood, husband and wife, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants are the owners of the following described real property:

PARCEL 'A'

Lot 1, Block 7, Hickory Creek Estates,
Wichita, Sedgwick County, Kansas,

and,

WHEREAS, Declarants are in the process of vacating a portion of Harvest Lane which lies adjacent to the north line of said Lot 1, Block 7, in said Hickory Creek Estates described as Parcel 'B' below, and also vacating that part of Reserve "L" in said Hickory Creek Estates described as Parcel 'C' below and the Planning Commission of the City of Wichita has required this covenant as a condition of this vacation case.

PARCEL 'B'

That part of Harvest Lane as dedicated in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (the following described portion of said Harvest Lane now vacated), lying within and being coincident with the following described tract of land: Commencing at the northwest corner of Lot 1, Block 7, in said Hickory Creek Estates, said northwest corner also being on the south line of said Harvest Lane; thence easterly along the north line of said Lot 1, (and along the south line of said Harvest Lane), being a curve to the left, through a central angle of 02°46'41" and having a radius of 330.00 feet, an arc distance of 16.00 feet, (having a chord length of 16.00 feet bearing S70°16'44"E), to the southwest corner of said vacated Harvest Lane, and for a point of beginning; thence N18°19'56"E, 33.00 feet to a point on the centerline of said vacated Harvest Lane; thence easterly along said centerline, being a curve to the left, through a central angle of 12°35'19" and having a radius of 297.00 feet, an arc distance of 65.25 feet, (having a chord length of 65.12 feet bearing S77°57'44"E), to the midpoint of the west line of Reserve "L" as platted in said Hickory Creek Estates, (said Reserve "L" now vacated); thence S05°44'36"W along the west line of said vacated Reserve "L", 5.00 feet to the southwest corner of said vacated Reserve

†

"L"; thence easterly along the south line of said vacated Reserve "L", being a curve to the left, having a central angle of 04°53'52" and a radius of 302.00 feet, an arc distance of 25.82 feet, (having a chord length of 25.81 feet bearing S86°42'19"E), to the point of tangency of said curve; thence S89°09'15"E along the south line of said vacated Reserve "L", 15.15 feet to the southeast corner of said vacated Reserve "L", said southeast corner also being on the east line of said vacated Harvest Lane; thence S00°49'57"W along the east line of said vacated Harvest Lane, 33.00 feet to the southeast corner of said vacated Harvest Lane, said southeast corner also being the northeast corner of said Lot 1; thence N89°09'15"W along the south line of said vacated Harvest Lane, (and along the north line of said Lot 1), 15.16 feet to the point of curvature of a tangent curve to the right in the south line of said vacated Harvest Lane; thence westerly along said curve, having a central angle of 06°20'40" and a radius of 335.00 feet, an arc distance of 37.10 feet, (having a chord length of 37.08 feet bearing N85°58'55"W), to the end of said curve; thence N69°43'39"W along the south line of said vacated Harvest Lane, 26.59 feet to the point of curvature of a non-tangent curve to the right in the south line of said vacated Harvest Lane; thence westerly along said curve, through a central angle of 06°38'28" and having a radius of 330.00 feet, an arc distance of 38.25 feet, (having a chord length of 38.23 feet bearing N74°59'18"W), to the point of beginning.

PARCEL 'C'

That part of Reserve "L" as platted in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (said Reserve "L" now vacated), described as follows: Beginning at the midpoint of the east line of said vacated Reserve "L"; thence S00°49'57"W along the east line of said vacated Reserve "L", 5.00 feet to the southeast corner of said vacated Reserve "L"; thence N89°09'15"W along the south line of said vacated Reserve "L", 15.15 feet to the point of curvature of a tangent curve to the right in the south line of said vacated Reserve "L"; thence westerly along said curve, having a central angle of 04°53'52" and a radius of 302.00 feet, an arc distance of 25.82 feet, (having a chord length of 25.81 feet bearing N86°42'19"W), to the southwest corner of said vacated Reserve "L"; thence N05°44'36"E along the west line of said vacated Reserve "L", 5.00 feet to the midpoint of the west line of said vacated Reserve "L"; thence easterly along the centerline of said vacated Reserve "L", being a curve to the left, through a central angle of 04°53'52" and having a radius of 297.00 feet, an arc distance of 25.39 feet, (having a chord length of 25.38 feet bearing S86°42'19"E), to the point of tangency of said curve; thence S89°09'15"E along the centerline of said vacated Reserve "L", 15.15 feet to the point of beginning.

NOW, THEREFORE, Declarants hereby declare that, for and in consideration of the recitals, Declarants hereby covenant and agree as follows:

Parcel 'A', Parcel 'B', and Parcel 'C', described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

RESTRICTIVE COVENANT

THIS DECLARATION, made this 11th day of August, 2015, by the Janet M. Ternes Revocable Trust, dated August 27, 2008, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described real property:

PARCEL 'A'

Lot 5, Block 5, Hickory Creek Estates,
Wichita, Sedgwick County, Kansas,

and,

WHEREAS, Declarant is in the process of vacating a portion of Harvest Lane which lies adjacent to the south line of said Lot 5, Block 5, in said Hickory Creek Estates described as Parcel 'B' below, and also vacating that part of Reserve "L" in said Hickory Creek Estates described as Parcel 'C' below, and the Planning Commission of the City of Wichita has required this covenant as a condition of this vacation case.

PARCEL 'B'

That part of Harvest Lane as dedicated in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (the following described portion of said Harvest Lane now vacated), lying within and being coincident with the following described tract of land: Commencing at the northwest corner of Lot 1, Block 7, in said Hickory Creek Estates, said northwest corner also being on the south line of said Harvest Lane; thence easterly along the north line of said Lot 1, (and along the south line of said Harvest Lane), being a curve to the left, through a central angle of 02°46'41" and having a radius of 330.00 feet, an arc distance of 16.00 feet, (having a chord length of 16.00 feet bearing S70°16'44"E), to the southwest corner of said vacated Harvest Lane; thence N18°19'56"E, 33.00 feet to a point on the centerline of said vacated Harvest Lane, and for a point of beginning; thence continuing N18°19'56"E, 33.00 feet to a point on the north line of said vacated Harvest Lane, said north line also being the south line of Lot 5, Block 5, in said Hickory Creek Estates; thence easterly along the north line of said vacated Harvest Lane, (and along the south line of said Lot 5), being a curve to the left, through a central angle of 06°38'28" and having a radius of 264.00 feet, an arc distance of 30.60 feet, (having a chord length of 30.58 feet bearing S74°59'18"E), to the end of said curve; thence N85°46'01"E along the north line of said

x

vacated Harvest Lane, 21.14 feet to the point of curvature of a non-tangent curve to the left in the north line of said vacated Harvest Lane; thence easterly along said curve, having a central angle of 06°20'40" and a radius of 259.00 feet, an arc distance of 28.68 feet, (having a chord length of 28.67 feet bearing S85°58'55"E), to the point of tangency of said curve; thence S89°09'15"E along the north line of said vacated Harvest Lane, 15.14 feet to the northeast corner of said vacated Harvest Lane, said northeast corner also being the southeast corner of said Lot 5; thence S00°49'57"W along the east line of said vacated Harvest Lane, 33.00 feet to the northeast corner of Reserve "L" as platted in said Hickory Creek Estates, (said Reserve "L" now vacated); thence N89°09'15"W along the north line of said vacated Reserve "L", 15.15 feet to the point of curvature of a tangent curve to the right in the north line of said vacated Reserve "L"; thence westerly along said curve, through a central angle of 04°53'52" and having a radius of 292.00 feet, an arc distance of 24.96 feet, (having a chord length of 24.95 feet bearing N86°42'19"W), to the northwest corner of said vacated Reserve "L"; thence S05°44'36"W along the west line of said vacated Reserve "L", 5.00 feet to the midpoint of said west line, said midpoint being on the centerline of said vacated Harvest Lane; thence westerly along the centerline of said vacated Harvest Lane, being a curve to the right, through a central angle of 12°35'19" and having a radius of 297.00 feet, an arc distance of 65.25 feet, (having a chord length of 65.12 feet bearing N77°57'44"W), to the point of beginning.

PARCEL 'C'

That part of Reserve "L" as platted in Hickory Creek Estates, Wichita, Sedgwick County, Kansas, (said Reserve "L" now vacated), described as follows: Beginning at the midpoint of the east line of said vacated Reserve "L"; thence N89°09'15"W along the centerline of said vacated Reserve "L", 15.15 feet to the point of curvature of a tangent curve to the right in the centerline of said vacated Reserve "L"; thence westerly along said curve, through a central angle of 04°53'52" and having a radius of 297.00 feet, an arc distance of 25.39 feet, (having a chord length of 25.38 feet bearing N86°42'19"W), to the midpoint of the west line of said vacated Reserve "L"; thence N05°44'36"E along the west line of said vacated Reserve "L", 5.00 feet to the northwest corner of said vacated Reserve "L"; thence easterly along the north line of said vacated Reserve "L", being a curve to the left, having a central angle of 04°53'52" and a radius of 292.00 feet, an arc distance of 24.96 feet, (having a chord length of 24.95 feet bearing S86°42'19"E), to the point of tangency of said curve; thence S89°09'15"E along the north line of said vacated Reserve "L", 15.15 feet to the northeast corner of said vacated Reserve "L", thence S00°49'57"W along the east line of said vacated Reserve "L", 5.00 feet to the point of beginning.

NOW, THEREFORE, Declarant hereby declares that, for and in consideration of the recitals, Declarant hereby covenants and agrees as follows:

Parcel 'A', Parcel 'B', and Parcel 'C', described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

This covenant shall remain in force until said Parcel 'A', Parcel 'B,' and Parcel 'C' of this ownership are re-platted or this Restrictive Covenant is released through a public hearing process.

This covenant shall run with said Parcels and shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title for the above described tracts located in Wichita, Sedgwick County, Kansas.

Janet M. Ternes Revocable Trust,
dated August 27, 2008

By: *Janet M. Ternes* Trustee
Janet M. Ternes, Trustee

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of August, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Janet M. Ternes, as Trustee of the Janet M. Ternes Revocable Trust, dated August 27, 2008, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Katie E. Ternes
Notary Public

(My Appointment Expires: 8/17/2015)

APPROVED AS TO FORM:

Jennifer Magaña
Jennifer Magaña, City Attorney and Director of Law

**City of Wichita
City Council Meeting
October 13, 2015**

TO: Wichita Airport Authority

SUBJECT: Parking Facilities Program
Change Order No. 13
Wichita Dwight D. Eisenhower National Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the change order.

Background: This program constructed a parking garage, rental car customer service and vehicle parking facilities, and surface parking adjacent to the garage for the public and employees. This program was approved by the Wichita Airport Authority (WAA) with a budget of \$40 million on June 21, 2011. A contract with Crossland Construction in the amount of \$33,917,971 was approved through the Board of Bids process on April 2, 2013. All facilities were opened for customer use this past summer.

Analysis: Change Order No.13 reflects sign modifications, installation of utility pull boxes, and adjustment of projected unit quantities to final field-measured quantities pursuant to the contract prices. The list of approved change orders is:

	<u>Amount</u>	<u>Description</u>
Contract	\$33,917,971	Original Construction Contract
CO #1-12	\$ 2,230,609	Previously approved change orders
CO#13	<u>\$ 845,836</u>	Sign mods, overhead sign, utility pull boxes, adjust quantities
Total	\$36,994,416	New Contract Amount

The Wichita Airport Advisory Board change order review committee has examined and approved this request.

Financial Considerations: The total cost of this change order is \$845,836. This change order is within the approved program budget. This change order represents a 2.5 percent increase over the original contract amount.

Legal Considerations: The Law Department has reviewed and approved the change order as to form. The cumulative change order amount of nine percent is within the 25 percent of contract cost limit set by City Council policy.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve Change Order No. 13 and authorize the necessary signatures.

Attachment: Change Order No. 13.

CHANGE ORDER (CO)

		Change Order No.:	013
Project Name:	<u>Parking Project</u>	Date:	<u>8/23/2015</u>
City of Wichita	<u>451-418-2</u>	To (Contractor):	<u>Crossland Construction Co., Inc.</u>
FAA AIP Project	<u>N/A</u>		

THE CONTRACT IS CHANGED AS FOLLOWS:

Give description of work. Reference Change Proposal No., Change Directive No., Change Request No., and any other documents as applicable. Your attention is directed to Article 8 and Article 10 of the General Conditions of the Contract for guidelines in pricing and documentation to be provided.

COR #	Description	Amount
054-004	Sign modifications	\$6,557.58
126	Install Garage OH entry sign	\$11,748.80
127	Install utility pull boxes	\$4,138.41
N/A	Adjust to final unit quantities per the contract	\$823,390.80
Total:		\$845,835.59

Original Contract Award Sum:	\$33,917,970.53
Net Change by Previous Authorized Change Orders:	\$2,230,609.98
Total Contract Sum Prior to this Change Order:	\$36,148,580.51
Net increase in Contract Sum this Change Order:	\$845,835.59
New Contract Sum Including this Change Order:	\$36,994,416.10
Original Contract Time (Milestone #10) :	644 Days
Current Contract Time :	644 Days
This Change time add / deduct :	0 Days
Adjusted Contract Time :	644 Days

Except as modified in this agreement, all terms and conditions of the original Contract remain unchanged, in full force and effect, and are incorporated into this agreement to apply with equal force to the work described herein. This change order reflects complete and final payment for all costs for this Change including any and all schedule, field and home office overhead costs.

I hereby certify that I have reviewed and accept this Change Order in its entirety waive and release the Wichita Airport Authority (WAA) from any an all claims or cause of action arising therefore.

The undersigned Contractor has determined with regards to this Contract Change that the circumstances necessitating this Change in performance were not reasonably foreseeable at the time the bid was let, and that the Change does not expand the scope of work to be performed under the original Contract as signed, or that the Change Order, or that these conditions are not met, but the Change is in the best interest of the Wichita Airport Authority and adds value or utility that justifies WAA approval outside the existing policy.

CHANGE ORDER (CO)

[Signature]
ACCEPTED BY CONTRACTOR - Danny Langerot (Crossland Construction Co.)

9/24/15

DATE

[Signature]
ENGINEER/ARCHITECT APPROVAL - Jeffrey Hanson, P.E. (Carl Walker, Inc.)

9-23-15

DATE

DIRECTOR OF AIRPORTS APPROVAL - Victor White (Director of Airports)

DATE

**CITY ATTORNEY & DIRECTOR OF LAW,
APPROVAL AS TO FORM**

DATE

WAA APPROVAL - Jeff Longwell (President)

DATE

City of Wichita
City Council Meeting
October 13, 2015

TO: Wichita Airport Authority

SUBJECT: Wichita Airport Facilities, Inc.
First Supplemental Lease
Wichita Dwight D. Eisenhower National Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the first supplemental lease.

Background: In 1999, the Wichita Airport Authority (WAA) approved a bond lease with Executive Aircraft Corporation to lease approximately 500,000 sq. ft. of land to build a 28,000 sq. ft. hangar, which now is commonly known as Hangar 28. However, on March 22, 2000, the lease was assigned from Executive Aircraft Corporation to Wichita Airport Facilities, Inc. (WAF). The lease term expires on October 31, 2022 with an additional option term of 10 years.

Analysis: WAF is now desirous to amend the lease to relinquish 242,529 sq. ft. of land north of Hangar 28, and 29,654 sq. ft. of land south of Hangar 28, previously occupied by Harry Street between Airport Road and Taxiway H. The land north of the hangar is highly desirable for future hangar development by the WAA, and the land south of the hangar is needed by the WAA to provide common driveway access for future tenants to an area that is currently land-locked and inaccessible by vehicles. In addition to removing the two portions of land from the leasehold, WAF wishes to add two, five-year renewal options to the term.

Financial Considerations: The current land rental rate for this lease is \$.10 per sq. ft. per year. The WAA will see a reduction in land rent of \$24,253 per year for the portion of land north of the hangar, and a reduction in land rent of \$2,965 per year for the portion of land south of the hangar. Since the rental rate that WAF is paying is about half of the current fair market value rate, the WAA should receive potential revenues of more than twice this amount when the northern portion is leased to future tenants.

Legal Considerations: The first supplemental lease has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the WAA approve the first supplemental lease and authorize the necessary signatures.

Attachment: First Supplemental Lease.

AIRPORT ROAD

NORTH PARCEL

242,528.73 sq. ft. (5.57 AC.)



TWY H

PARKING

PARKING

HANGAR 28

APRON

PARKING

HARRY STREET

TOFA TYPE II

NORTH PARCEL HANGAR 28

WICHITA DWIGHT D. EISENHOWER
NATIONAL AIRPORT

THE WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

DATE	DR. BY	SCALE	SHEET
7/24/15		1" = 120'	2 of 2

FIRST SUPPLEMENTAL LEASE

By and Between

THE WICHITA AIRPORT AUTHORITY
Wichita, Kansas

and

WICHITA AIRPORT FACILITIES, INC.

THIS FIRST SUPPLEMENTAL LEASE, made and entered into this October 13, 2015 by and between THE WICHITA AIRPORT AUTHORITY, Wichita, Kansas, (“Landlord”), and WICHITA AIRPORT FACILITIES, INC. (“Tenant”).

WITNESSETH:

WHEREAS, the Wichita Airport Authority of the City of Wichita, Kansas (the “Landlord”) is a quasi-municipal entity authorized under the laws of the State of Kansas to own and operate one or more airports, with full, lawful power and authority to enter into the 1999 Lease and this Supplement by and through its governing body; and

WHEREAS, Landlord previously issued its Airport Facility Refunding Revenue Bonds, Series 1997 (Executive Aircraft Corporation) (the "1997 Bonds") pursuant to K.S.A. 3-153 et. seq., and K.S.A. 10-116a, all as amended (the "Act"), for the purpose of refunding and redeeming Airport Facilities Revenue Bonds, Series C, 1988 (Ryan Aviation Corporation), in the original principal amount of \$2,500,000 (the “1988 Bonds”); and

WHEREAS, at the Tenant's request, the Landlord agreed to issue Special Airport Facility Revenue Bonds, Series 1999 (Executive Aircraft Corporation) in the aggregate principal amount of \$2,800,000 (the "1999 Bonds") for the purpose of acquiring, constructing and equipping a hangar (the "1999 Project"), and all bonds have been paid as scheduled; and

WHEREAS, Landlord, in furtherance of the purposes and pursuant to the provisions of the laws of the State, including the Act, and in order to provide for the industrial and commercial development and welfare of the Wichita Airport Authority of the City of Wichita, Kansas, and its environs, and to provide employment opportunities for its citizens and to promote the economic stability of the State of Kansas has:

- (a) Provided for the acquisition, purchase, construction and installation of the 1999 Project;
- (b) Leased the 1999 Project to the Tenant for the rentals and upon the terms and conditions hereinafter set forth; and
- (c) Issued, for the foregoing purposes, the 1999 Bonds under and pursuant to and subject to the provisions of the Act and a First Supplemental Indenture, said First Supplemental Indenture being incorporated herein by reference and authorized by an ordinance of the governing body of the Landlord; and

WHEREAS, Tenant desires to reduce the size of the Premises to receive the benefit of a reduction in Ground Rent; and

WHEREAS, Landlord desires to utilize the property to be removed from the Premises for the purpose of further development on Airport Property.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth and in consideration for Landlord agreeing to enter into new lease agreements or lease modifications, for the land and improvements commonly known as Hanger 17 and Hanger 19, in accordance with that certain Letter of Intent dated September 23, 2015 as executed by Landlord and Tenant, Landlord and the Tenant do hereby covenant and agree as follows:

1. EXHIBIT A

The original Bond Lease, dated October 15, 1999 shall be **modified** to include the attached Exhibit A, of which page 1 is dated March 23, 2015 and page 2 is dated July 24, 2015. This Exhibit A describe parcels removed from the original footprint of the Premises.

2. OPTION TERMS

Tenant shall have two (2) additional term of five (5) years commencing at the expiration of the Additional Term, as may be exercised in accordance with the Bond Lease Agreement (the "Second Additional Term").

If LESSEE wishes to exercise Option Term(s), written notice shall be submitted to LESSOR no less than ninety (90) days prior to the expiration of the Initial Term (for 1st 10 year option), ninety (90) days prior to the expiration of the first Option Term (for 2nd 5 year option), and ninety (90) days prior to the expiration of the second Option Term (for 3rd 5 year option). If

LESSEE is in default of any obligation under this Agreement then any notice attempting to exercise the Option Term shall be void.

The first Option Term shall commence on November 1, 2022 and expire on October 31, 2032. The second Option Term shall commence on November 1, 2032 and expire on October 31, 2037. The third Option Term shall commence on November 1, 2037 and expire on October 31, 2042.

3. SCHEDULE I

Schedule I of the original Bond Lease, dated October 15, 1999 is deleted and **replaced** with the following:

PROPERTY SUBJECT TO LEASE

A. THE LAND.

(1) The following described real estate located in Sedgwick County, Kansas, to wit:

Beginning at a point 3298.45 feet west and 30 feet south of the S.E. corner of the Section 27, T27S, R1W of the 6th principal meridian, thence bearing S88°16'28"W a distance of 619.68 feet; thence bearing N1°43'42"W a distance of 80.00 feet; thence bearing N3°15'38"W a distance of 50.00 feet; thence bearing S88°16'28"W distance of 25.00 feet; thence bearing N15°08'19"E a distance of 213.92 feet; thence bearing N1°30'33"W a distance of 501.98 feet; thence bearing N88°16'28"E a distance of 585.00 feet; thence bearing S1°30'33"E a distance of 836.25 feet to the point of beginning containing 500,000 square feet more or less, **EXCEPT FOR** a parcel of land in Section 27, Township 27 South, Range 1 West of the 6th P.M. also being part of Lot 1 Block 2, Mid-Continent Airport Addition, Sedgwick County, Kansas, described as follows: commencing at the southeast corner of the SW1/4 of said Section 27, thence S88°16'28"W along the south line of said SW1/4, 399.91 feet to the east line of said Lot 1; thence S01°31'03"E along said east line, 30.00 feet to the southeast corner of said Lot 1; thence S88°16'28"W, along the south line of said Lot 1, 261.77 feet to a point 619.45 feet East of the southwest corner of said Lot 1, for a place of beginning; thence continuing S88°16'28"W, along said south line, 619.45 feet to the southwest corner of said Lot 1; thence N01°43'42"W, along the west line of said Lot 1, 40.00 feet; thence N88°16'28"E, parallel with said south line, 295.00 feet; thence N01°43'42"W, 15.00 feet; thence N88°16'28"E, parallel with said south line, 324.66 feet; thence S01°30'33"E, 55.00 feet to the place of beginning. Containing 29,654± Sq. Ft., or 0.68 acres more or less, **AND FURTHER EXCEPT FOR** a parcel of land in Section 27, Township 27 South, Range 1 West of the 6th P.M. also being part of Lot 1 Block 2, Mid-Continent Airport Addition, Sedgwick County, Kansas, described as follows: indicated on Exhibit A as the north parcel, containing 242,529 square feet or 5.57 acres more or less.

B. THE IMPROVEMENTS. All buildings and improvements, now located or installed on the Land and all machinery and equipment acquired in whole or in part from the proceeds of the 1999 Bonds, and more specifically described as follows:

1999 Project

The hanger facilities include a 28,000 square foot building and a second building containing 13,950 square feet of hanger space and approximately 7,200 square feet of support space, including avionics testing equipment.

The property described in paragraphs (A) (the “Land”) and (B) (the “Improvements”) of this Schedule I together with any alterations or additional improvements properly deemed a part of the 1999 Project pursuant to and in accordance with the provisions of Section 11.1 and 12.1 of the 1999 Lease, constitute the “1999 Project” as referred to in both the 1999 Lease and the Indenture.

4. SCHEDULE II

Schedule II of the original Bond Lease, dated October 15, 1999 is deleted and **replaced** with the following:

“Ground Rent” shall be computed for the Land described in Section (A) of Schedule I as set forth below:

Ground Rent during the Basic Term

Flat rate of \$.10 per square foot per annum at 227,817 square feet as follows:

<u>Years</u>	<u>Annual</u>	<u>Monthly</u>
Until 10/31/2022	\$22,781.70	\$1,898.48

Ground Rent during the 10-Year Additional Term

Flat rate of \$.15 per square foot per annum at 227,817 square feet for ten (10) years as follows:

<u>Years</u>	<u>Annual</u>	<u>Monthly</u>
11/01/2022 – 10/31/2032	\$34,172.55	\$2,847.71

Ground Rent during the first 5-Year Additional Term

Flat rate of \$.20 per square foot per annum at 227,817 square feet for five (5) years as follows:

<u>Years</u>	<u>Annual</u>	<u>Monthly</u>
11/01/2032 – 10/31/2037	\$45,563.40	\$3,796.95

Ground Rent during the second 5-Year Additional Term

Flat rate of \$.25 per square foot per annum at 227,817 square feet for five (5) years as follows:

<u>Years</u>	<u>Annual</u>	<u>Monthly</u>
11/01/2037 – 10/31/2042	\$56,954.25	\$4,746.19

5. OTHER TERMS

It is understood and agreed that all other terms and conditions of the existing Bond Lease Agreement and all Amendments between the parties hereto are incorporated herein and reaffirmed.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 4 the day and year first above written.

ATTEST:

THE WICHITA AIRPORT AUTHORITY

By _____
Karen Sublett, City Clerk

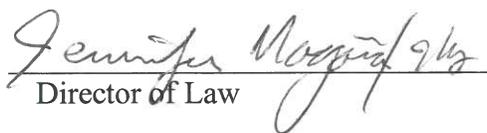
By _____
Jeff Longwell, President
"LANDLORD"

By  _____
Victor D. White, Director of Airports

ATTEST:

WICHITA AIRPORT FACILITIES, INC.

By  _____
R. Otto Maly, President
"TENANT"

APPROVED AS TO FORM:  _____ Date: 9-25-15
Director of Law

