

1 RESOLUTION NO. 7579

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4 A RESOLUTION introduced by Mayor James A. McClinton establishing terms for the
5 conveyance of the shelter facility located at 2625 NW Rochester
6 Road from City of Topeka to Helping Hands Humane Society, Inc.
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8 WHEREAS, Helping Hands Humane Society, Inc. ("Agency") wishes to acquire
9 from the City of Topeka ("City") the shelter facility and real property upon which it is
10 located at 2625 NW Rochester Road, ("Shelter"); and

11 WHEREAS, the City Council is desirous of conveying the Shelter to Agency
12 provided that the terms of the agreement are acceptable to the City Council.

13 NOW, THEREFORE, BE IT RESOLVED, that City administration is directed to
14 negotiate an agreement for animal shelter services between City and Agency that
15 contains the following terms and conditions.

16 1. Conveys fee simple title to Agency of the shelter facilities and the real
17 estate upon which it is located at 2625 NW Rochester Road, more particular described
18 to-wit:

19 A tract of land in Northeast quarter (NE 1/4) of Section 18, Township 11
20 South, Range 16, East of the Sixth P.M. in Shawnee County, Kansas
21 beginning on the South line of said 1/4 section 100' West of the centerline
22 of Rochester Road; thence westerly along the south line of said 1/4
23 section to the centerline of old Soldier Creek 541.19 feet; thence
24 northeasterly along centerline of old Soldier Creek 275.76 feet to the south
25 line of the new Soldier Creek R/W; thence easterly along the new Soldier
26 Creek R/W a distance of 448.64 feet being 100' West of Rochester Road
27 centerline; thence south 275.0 parallel to the centerline of Rochester Road
28 to the point of beginning.
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30 2. Terminates City of Topeka Contract No. 6933, Lease Agreement by and
31 between the City and Agency, City of Topeka Contract No. 28245, Addendum I to City
32 of Topeka Contract No. 6933, City of Topeka Contract No. 30403, Addendum II to City
33 of Topeka Contract No. 6933 and City of Topeka Contract No. 31914, Addendum III to
34 City of Topeka Contract No. 6933.

35 3. Establishes a term of the agreement for animal shelter services not to
36 exceed ten (10) years.

37 4. Fixes the annual dollar amount of compensation for the shelter, care, and
38 feeding of all animals delivered to the Shelter for the first eight (8) years of the
39 agreement with no increase permitted. The amount of compensation may be increased
40 for each of the subsequent years in an amount equal to the consumer price index (CPI)
41 for the preceding calendar year.

42 5. Fixes the daily hold dog fee for the first eight (8) years of the agreement
43 with no increase permitted. The hold dog fee may be increased for each of the
44 subsequent years in an amount equal to the CPI increase for the preceding calendar
45 year.

46 6. Must contain a reversionary clause that will allow the City to take ownership
47 of the facility and premises if the site is not used as an animal shelter at any time during
48 the animal shelter service agreement, including any amendment or extension thereto.

49 7. Contain a provision requiring the animal shelter service agreement

50 tentatively reached between Agency and City administration must be submitted and
51 approved by City Council before the Mayor will be authorized to convey the Shelter to
52 Agency.

53 ADOPTED and APPROVED by City Council FEB 15 2005.

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CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 2/16/05 BY BBC