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3 **RESOLUTION NO. 7933**

4 A RESOLUTION introduced by Councilmembers Richard Harmon, Bill Haynes, John
5 Alcala and Sylvia Ortiz concerning an agreement with Kansas
6 Children’s Discovery Center, Inc. for the construction and operation
7 of a children’s learning center at Gage Park.

8 WHEREAS, in July 2006, the Topeka City Council unanimously passed a resolution
9 supporting the placement of the Kansas Children’s Discovery Center in Topeka’s Gage
10 Park.

11 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
12 TOPEKA, KANSAS, that the City Manager is hereby directed to enter into negotiations
13 with Kansas Children’s Discovery Center, Inc. (the “Discovery Center”) for an agreement
14 to lease a portion of Gage Park for the establishment of a children’s learning facility, upon
15 the following general terms:

- 16 1. The agreement shall be in the form of a ground lease with the City retaining
17 fee simple ownership of the site (the “Lease Agreement”). The Lease
18 Agreement shall be for a term of ninety-nine years or until such time as the
19 facility is no longer used for its stated purpose, shall provide for annual rent
20 of \$1.00 per year and shall provide a reversionary interest to the benefit of
21 City for the facility improvements thereon.
- 22 2. The site which shall be the subject of the Lease Agreement is located in
23 southwest corner of Gage Park, (the “Site”) as reflected in the attached
24 aerial view.
- 25 3. The Discovery Center shall design and construct, for our community, on the
26 Site, a learning facility providing interactive educational “exhibits” to promote

27 motor, cognitive development and social skills, enrichment programs for
28 children and their parents, siblings and grandparents, summer and day
29 camp sessions, after school programs, educational programming that
30 interfaces with school district curriculum providing math, science related
31 experiments, music, art, outdoor activities, field trip learning experiences,
32 parenting educational programming using facility resources and staff and the
33 hosting of community events for children (the "Facility").

34 4. The cost of the Facility shall be underwritten by public and private donations.
35 The City shall have no obligations for such costs, except, the City may elect
36 to participate to the extent the Facility provides direct benefits and services
37 to the City and the City Council shall have approved such participation. The
38 Facility will be open to the public at such time as funding, design and
39 construction is completed.

40 5. The Discovery Center shall design and construct the Facility in such a
41 manner as to be consistent with the Master Plan for Gage Park and shall
42 cooperate with the Parks and Recreation Department in the planning and
43 development of the Facility.

44 6. The definitive Lease Agreement shall be subject to final approval by the City
45 Council.

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47 ADOPTED and APPROVED by the City Council March 27, 2007.

48 CITY OF TOPEKA, KANSAS

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ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk