

1 (Published in the Topeka Metro News January 16, 2008)
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4 **RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 8026**
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6 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr.,
7 amending the project budget and adopting as amended
8 Trafficway Improvement Project No. 70196-02 which provides
9 for construction of MacVicar Avenue from SW 6th Street to
10 Interstate 70, pursuant to K.S.A. 12-6a01, *et seq.*, as
11 amended, and rescinding City of Topeka Resolution of
12 Advisability and Authorization No. 7757.
13

14 WHEREAS, the City Council adopted and approved Resolution of Advisability and
15 Authorization No. 7757 which authorized Trafficway Improvement Project No. 70196-02
16 with an Estimated Probable Cost of five million five hundred four thousand nine hundred
17 dollars (\$5,504,900.00), effective March 8, 2006; and

18 WHEREAS, the cost of the project has increased to six million eight hundred
19 seventy-nine thousand two hundred twelve dollars (\$6,879,212.00); and

20 WHEREAS, pursuant to City of Topeka Code § A12-18, no project budget can be
21 exceeded unless the City Council approves an amended budget; and

22 WHEREAS, the project budget needs to be increased by one million three hundred
23 seventy four thousand three hundred twelve dollars (\$1,374,312.00); and

24 WHEREAS, the additional project costs shall be paid from the Federal Highway Act
25 Surface Transportation Funds with no change to the cost assessed to the improvement
26 district; and

27 WHEREAS, the Council of the City of Topeka, Kansas, did hold a public hearing on
28 the advisability of Improvement Project No. 70196-02, as amended, on January 8, 2008, in
29 the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by
30 K.S.A. 12-6a01 *et seq.*; and

31 WHEREAS, said public hearing was adjourned on January 8, 2008; and

32 WHEREAS, notice of said public hearing was duly published as required by K.S.A.

33 12-6a01 *et seq.*; and

34 WHEREAS, six (6) months have not elapsed since the final adjournment of said
35 public hearing.

36 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka,
37 Kansas, that it finds the following described public improvement to be necessary and in the
38 public interest and does hereby authorize, pursuant to K.S.A. 12-6a01, *et seq.*, as
39 amended, Trafficway Improvement Project No. 70196-02 with an amended project budget
40 as hereinafter described:

41 A. GENERAL NATURE OF IMPROVEMENT:

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43 This Project provides for the construction of MacVicar Avenue from SW 6th
44 Street to Interstate 70. The proposed improvement will include grading and
45 surfacing for a 5-lane roadway with concrete curb and gutter, sidewalks,
46 storm sewers, utility relocation and other appurtenances needed for a
47 complete project.

48
49 B. PROPOSED IMPROVEMENT DISTRICT:

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51 Begin at the intersection of the west right of way line of SW MacVicar Avenue
52 and the north right of way line of SW Sixth Avenue; thence westerly on said
53 north line of Sixth Avenue for a distance of 2635.14 feet to the east right of
54 way line of Oakley Avenue; thence northerly on said east right of way of
55 Oakley Avenue to the north right of way line of Third Street, when extended
56 from the west; thence westerly on said north line of Third Street for a
57 distance of 1330 feet to the west line of Arlington Heights Addition; thence
58 northerly on said west line extended for a distance of 1616 feet to the south
59 right of way line of Interstate Highway Route No. 70; thence easterly following
60 said right of way line to the east line of Section 26, Township 11 South,
61 Range 15 East of the Sixth P.M.; thence easterly 40 feet, more or less, to the
62 west right of way line of NW MacVicar Avenue, thence southerly following the
63 west right of way line of NW MacVicar Avenue to the south line of First
64 Street; thence south on the west line of SW MacVicar Avenue to the north
65 right of way line of SW Sixth Avenue and the point of beginning.

66
67 C. ESTIMATED OR PROBABLE COST:

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69 \$6,879,212.00

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71 D. PROPOSED METHOD OF ASSESSMENT:

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73 On a square foot of area basis for all lots or individual dwelling sites
74 which are included in the described improvement district.

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76 E. APPORTIONMENT OF COSTS:

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78	City of Topeka General Obligation Bonds	\$1,994,606.00
79	Assessment District	\$1,994,606.00
80	Federal Highway Act Surface Transportation Funds	\$2,590,000.00
81	State Economic Development Funds	<u>\$ 300,000.00</u>
82	Total	\$6,879,212.00

83
84 Upon completion of the project described herein, the City Clerk is hereby directed to
85 provide all publication and mailed notices in accordance with the provisions of K.S.A. 12-
86 6a01, *et seq.*, as amended.

87 F. PROTEST PROVISION:

88 The improvement shall not be commenced if within twenty (20) days after
89 publication of this resolution, written protests signed by both fifty-one percent
90 (51%) or more of the resident owners of record of property within the
91 improvement district and the owners of record of more than half (1/2) of the
92 total area of said district, are filed with the City Clerk.

93
94 BE IT FURTHER RESOLVED that City of Topeka Resolution No. 7757 is hereby
95 rescinded.

96 THIS RESOLUTION shall become effective upon one publication in the official city
97 newspaper.

98 ADOPTED and APPROVED by the City Council January 8, 2008.

99 CITY OF TOPEKA, KANSAS

100
101 ATTEST: _____
William W. Bunten, Mayor

102
103 _____
104 Brenda Younger, City Clerk