

1 (Published in the Topeka Metro News May 17, 2010)

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3 **RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 8253**

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5 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr.,  
6 amending the improvement district description and authorizing  
7 as amended Sanitary Sewer Improvement Project No. 40898-  
8 01 which provides for sanitary sewer service for the Arbor  
9 Valley Subdivision and The Vineyard, as more specifically  
10 described herein, and rescinding Resolution No. 7841.

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12 WHEREAS, on August 1, 2006, the City adopted and approved Resolution of  
13 Advisability and Authorization No. 7841 which authorized Sanitary Sewer Improvement  
14 Project No. 40898-01; and

15 WHEREAS, certain land contained within the improvement district established by  
16 Resolution No. 7841 was subdivided making it necessary to revise the description of the  
17 real property and the proposed assessment of project costs in the improvement district; and

18 WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et*  
19 *seq.*, as amended, containing the signatures of the owners of 100% of the area in the  
20 improvement district hereinafter described; and

21 WHEREAS, seven (7) days have elapsed since the filing of said petition.

22 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of  
23 Topeka, Kansas, that it finds Sanitary Sewer Improvement Project No. 40898-01,  
24 hereinafter described, to be advisable and does hereby authorize and order said  
25 improvement to be made in accordance with its findings as follows:

26 A. GENERAL NATURE OF IMPROVEMENT:

27  
28 To provide Sanitary Sewer Service to the area bound by S.W. Huntoon  
29 Street, S.W. Urish Road, S.W. 21<sup>st</sup> Street and Executive Drive. The Project  
30 provides for the extension of the main and construction of lateral lines which  
31 work shall include piping, manholes, engineering and all other contingencies  
32 needed to complete the project.

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B. PROPOSED IMPROVEMENT DISTRICT:

Parcel 1

ALL OF THE VINEYARD, A SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, AS RECORDED IN BOOK 45 AT PAGE 32 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS. EXCEPT A TRACT OF LAND IN LOT 18, BLOCK B, OF SAID THE VINEYARD MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 18; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 18, 113.63 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 18, 160.00 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID LOT 18, 113.63 FEET; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 18, 160.00 FEET TO THE POINT OF BEGINNING.

Parcel 2

A PART OF LOT 1, BLOCK A OF ARBOR VALLEY SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6<sup>TH</sup> P.M., IN SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A; THENCE COINCIDENT WITH THE EAST LINE OF SAID LOT 1, BLOCK A, SOUTH 00 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 862.16 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 57 SECONDS WEST, A DISTANCE OF 110.05 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 03 SECONDS WEST, A DISTANCE OF 63.14 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 131.87 FEET; THENCE NORTH 04 DEGREES 48 MINUTES 13 SECONDS EAST, A DISTANCE OF 173.92 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 325.00 FEET, AN ARC LENGTH OF 37.49 FEET, A DELTA ANGLE OF 06 DEGREES 36 MINUTES 31 SECONDS, A CHORD BEARING SOUTH 72 DEGREES 28 MINUTES 38 SECONDS WEST AND A CHORD LENGTH OF 37.47 FEET; THENCE SOUTH 69 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 175.32 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 680.00 FEET, AN ARC LENGTH OF 89.11 FEET, A DELTA ANGLE OF 07 DEGREES 30 MINUTES 30 SECONDS, A CHORD BEARING SOUTH 65 DEGREES 24 MINUTES 35 SECONDS WEST AND A CHORD LENGTH OF 89.05 FEET; THENCE NORTH 07 DEGREES 27 MINUTES 08 SECONDS WEST, A DISTANCE OF

79 84.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THENCE  
80 COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 325.00 FEET,  
81 AN ARC LENGTH OF 130.54 FEET, A DELTA ANGLE OF 23 DEGREES 00  
82 MINUTES 52 SECONDS, A CHORD BEARING NORTH 04 DEGREES 03  
83 MINUTES 18 SECONDS EAST AND A CHORD LENGTH OF 129.67 FEET;  
84 THENCE NORTH 15 DEGREES 33 MINUTES 44 SECONDS EAST, A  
85 DISTANCE OF 6.35 FEET TO THE BEGINNING OF A CURVE TO THE  
86 LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF  
87 185.00 FEET, AN ARC LENGTH OF 54.27 FEET, A DELTA ANGLE OF 16  
88 DEGREES 48 MINUTES 31 SECONDS, A CHORD BEARING NORTH 07  
89 DEGREES 09 MINUTES 28 SECONDS EAST AND A CHORD LENGTH OF  
90 54.08 FEET; THENCE NORTH 01 DEGREES 14 MINUTES 47 SECONDS  
91 WEST, A DISTANCE OF 439.62 FEET TO THE SOUTH RIGHT-OF-WAY  
92 LINE OF S.W. HUNTOON STREET; THENCE COINCIDENT WITH SAID  
93 SOUTH RIGHT-OF-WAY LINE NORTH 87 DEGREES 18 MINUTES 21  
94 SECONDS EAST, A DISTANCE OF 510.92 FEET TO THE POINT OF  
95 BEGINNING. THE ABOVE TRACT OF LAND CONTAINS 8.59 ACRES,  
96 MORE OR LESS.  
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98 **Parcel 3**

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100 A TRACT OF LAND LOCATED IN LOT 1, BLOCK A, ARBOR VALLEY  
101 SUBDIVISION RECORDED IN BOOK 40, PAGE 40 OFFICIAL RECORDS  
102 OF SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:  
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104 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE  
105 COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, ALSO BEING THE  
106 SOUTH RIGHT-OF-WAY LINE OF S.W. HUNTOON STREET ON AZ. 87  
107 DEGREES 18 MINUTES 21 SECONDS (DIRECTION BASED ON SAID  
108 RECORDED PLAT), A DISTANCE OF 492.97 FEET; THENCE  
109 COINCIDENT WITH THE CENTERLINE OF A PROPOSED ACCESS WAY  
110 ON AZ. 178 DEGREES 45 MINUTES 13 SECONDS, A DISTANCE OF  
111 372.30 FEET; THENCE ON AZ. 268 DEGREES 45 MINUTES 13  
112 SECONDS, A DISTANCE OF 132.06 FEET TO THE POINT OF CUSP ON A  
113 NON-TANGENT CURVE TO THE RIGHT; THENCE COINCIDENT WITH  
114 SAID NON-TANGENT CURVE HAVING A RADIUS OF 45.00 FEET, AN  
115 ARC LENGTH OF 94.60 FEET, A DELTA ANGLE OF 120 DEGREES 26  
116 MINUTES 55 SECONDS, A CHORD AZ. OF 217 DEGREES 23 MINUTES  
117 58 SECONDS, AND A CHORD LENGTH OF 78.12 FEET; THENCE ON AZ.  
118 178 DEGREES 45 MINUTES 13 SECONDS, A DISTANCE OF 85.59 FEET;  
119 THENCE ON AZ. 241 DEGREES 07 MINUTES 05 SECONDS, A DISTANCE  
120 OF 44.65 FEET; THENCE ON AZ. 260 DEGREES 18 MINUTES 24  
121 SECONDS, A DISTANCE OF 115.15 FEET , THENCE ON AZ. 178  
122 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF 144.61 FEET TO  
123 THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT  
124 WITH SAID CURVE TO THE LEFT HAVING A RADIUS OF 236.50 FEET,

125 AN ARC LENGTH OF 184.45 FEET, A DELTA ANGLE OF 44 DEGREES 41  
126 MINUTES 07 SECONDS TO THE POINT OF A COMPOUND CURVATURE;  
127 THENCE COINCIDENT WITH SAID COMPOUND CURVE HAVING A  
128 RADIUS OF 25.00 FEET, AN ARC LENGTH OF 41.32 FEET, A DELTA  
129 ANGLE OF 94 DEGREES 41 MINUTES 26 SECONDS TO THE POINT OF A  
130 REVERSE CURVATURE; THENCE COINCIDENT WITH SAID REVERSE  
131 CURVE HAVING A RADIUS OF 693.50 FEET, AN ARC LENGTH OF 243.87  
132 FEET, A DELTA ANGLE OF 20 DEGREES 08 MINUTES 53 SECONDS TO  
133 THE POINT OF A REVERSE CURVATURE; THENCE COINCIDENT WITH  
134 SAID REVERSE CURVE TO HAVING A RADIUS OF 25.00 FEET, AN ARC  
135 LENGTH OF 14.61 FEET, A DELTA ANGLE OF 33 DEGREES 29 MINUTES  
136 20 SECONDS; THENCE ON AZ. 117 DEGREES 10 MINUTES 26  
137 SECONDS, A DISTANCE OF 21.45 FEET TO THE BEGINNING OF A NON-  
138 TANGENT CURVE TO THE RIGHT; THENCE COINCIDENT WITH SAID  
139 NON-TANGENT CURVE HAVING A RADIUS OF 684.64 FEET; AN ARC  
140 LENGTH OF 94.09 FEET, A DELTA ANGLE OF 07 DEGREES 52 MINUTES  
141 27 SECONDS, A CHORD AZ. OF 65 DEGREES 36 MINUTES 32  
142 SECONDS, A CHORD LENGTH OF 94.01 FEET; THENCE ON AZ. 159  
143 DEGREES 10 MINUTES 22 SECONDS, A DISTANCE OF 61.76 FEET;  
144 THENCE ON AZ. 181 DEGREES 50 MINUTES 53 SECONDS, A DISTANCE  
145 OF 131.53 FEET; THENCE ON AZ. 271 DEGREES 07 MINUTES 23  
146 SECONDS, A DISTANCE OF 90.36 FEET; THENCE ON AZ. 189 DEGREES  
147 00 MINUTES 41 SECONDS, A DISTANCE OF 155.20 FEET TO THE  
148 BEGINNING OF A CURVE TO THE RIGHT; THENCE COINCIDENT WITH  
149 SAID CURVE TO THE RIGHT HAVING A RADIUS OF 513.50 FEET AN  
150 ARC LENGTH OF 114.48 FEET, A DELTA ANGLE OF 12 DEGREES 46  
151 MINUTES 25 SECONDS; THENCE ON AZ. 201 DEGREES 47 MINUTES 06  
152 SECONDS, A DISTANCE OF 146.43 FEET TO THE BEGINNING OF A  
153 CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE TO  
154 THE LEFT HAVING A RADIUS OF 311.50 FEET, AN ARC LENGTH OF  
155 133.06 FEET, A DELTA ANGLE OF 24 DEGREES 28 MINUTES 25  
156 SECONDS; THENCE ON AZ. 177 DEGREES 18 MINUTES 41 SECONDS,  
157 A DISTANCE OF 52.74 FEET TO THE BEGINNING OF A CURVE TO THE  
158 LEFT; THENCE COINCIDENT WITH SAID CURVE TO THE LEFT HAVING  
159 A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.29 FEET, A DELTA  
160 ANGLE OF 90 DEGREES 02 MINUTES 18 SECONDS; THENCE ON AZ.  
161 177 DEGREES 18 MINUTES 21 SECONDS, A DISTANCE OF 27.00 FEET  
162 TO A POINT OF CUSP OF A NON-TANGENT CURVE TO THE LEFT;  
163 THENCE COINCIDENT WITH SAID NON-TANGENT CURVE HAVING A  
164 RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A DELTA  
165 ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD AZ. OF  
166 222 DEGREES 18 MINUTES 41 SECONDS, AND A CHORD LENGTH OF  
167 35.36 FEET TO THE POINT OF CUSP; THENCE ON AZ. 267 DEGREES 18  
168 MINUTES 41 SECONDS, A DISTANCE OF 13.50 FEET; THENCE ON AZ.  
169 177 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF 81.50 FEET  
170 TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SUBDIVISION;

171 THENCE COINCIDENT WITH THE SOUTH LINE OF SAID SUBDIVISION  
172 ON AZ. 267 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF  
173 339.53 TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE  
174 COINCIDENT WITH THE WEST LINE OF SAID SUBDIVISION ON AZ. 358  
175 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF 210.07 FEET;  
176 THENCE ON AZ. 73 DEGREES 08 MINUTES 56 SECONDS, A DISTANCE  
177 OF 114.57 FEET TO THE POINT OF CUSP OF A NON-TANGENT CURVE  
178 TO THE RIGHT; THENCE COINCIDENT WITH SAID NON-TANGENT  
179 CURVE HAVING A RADIUS OF 198.50 FEET, AN ARC LENGTH OF 82.26  
180 FEET, A DELTA ANGLE OF 23 DEGREES 44 MINUTES 35 SECONDS, A  
181 CHORD AZ. OF 349 DEGREES 28 MINUTES 04 SECONDS, AND A  
182 CHORD LENGTH OF 81.67 FEET TO A POINT OF A COMPOUND  
183 CURVATURE; THENCE COINCIDENT WITH SAID COMPOUND CURVE  
184 HAVING A RADIUS OF 693.50 FEET, AN ARC LENGTH OF 385.55 FEET,  
185 A DELTA ANGLE OF 31 DEGREES 51 MINUTES 12 SECONDS TO A  
186 POINT OF REVERSE CURVATURE; THENCE COINCIDENT WITH SAID  
187 REVERSE CURVE HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH  
188 OF 35.43 FEET, A DELTA ANGLE OF 81 DEGREES 12 MINUTES 36  
189 SECONDS; THENCE ON AZ. 313 DEGREES 01 MINUTES 32 SECONDS,  
190 A DISTANCE OF 9.59 FEET TO THE BEGINNING OF A CURVE TO THE  
191 RIGHT; THENCE COINCIDENT WITH SAID CURVE TO THE RIGHT  
192 HAVING A RADIUS OF 263.50 FEET, AN ARC LENGTH OF 195.39 FEET,  
193 A DELTA ANGLE OF 42 DEGREES 29 MINUTES 06 SECONDS; THENCE  
194 ON AZ. 268 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF  
195 131.69 FEET TO THE WEST LINE OF SAID SUBDIVISION; THENCE  
196 COINCIDENT WITH SAID WEST LINE ON AZ. 358 DEGREES 45 MINUTES  
197 12 SECONDS, A DISTANCE OF 698.80 FEET TO THE POINT OF  
198 BEGINNING.

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200 C. ESTIMATED OR PROBABLE COST:

201  
202 \$563,500.00

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204 D. PROPOSED METHOD OF ASSESSMENT:

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206 On a unit basis (100 total units) for all parcels described as follows:

207  
208 Parcel No. 1; 9 units to be assessed equally among the 42 lots:

209 Block A, Lots 1-8

210 Block B, Lots 1-17 and a portion of Lot 18

211 Block C, Lots 1-16

212  
213 Parcel No. 2; 9 units

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215 Parcel No. 3; 82 units

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E. APPORTIONMENT OF COSTS:

75% combined water, wastewater,stormwater  
25% by the improvement district

City of Topeka Combined Water, Wastewater and Stormwater Operating Funds	\$422,625.00
Improvement District	<u>\$140,875.00</u>
Total	\$563,500.00

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

BE IT FURTHER RESOLVED that City of Topeka Resolution No. 7841 is hereby rescinded.

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

ADOPTED and APPROVED by the Governing Body May 11, 2010.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk