AN ORDINANCE introduced by Mayor James A. McClinton, authorizing an amendment to the project budget for Project No. 12062-00, which provides for the construction of a Kansas Avenue fly-off ramp: west alignment which will require the construction of a bridge and ramp adjoining the Kansas Avenue Bridge as well as the improvement of the trafficway from Kansas Avenue to Curtis Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and K.S.A. 12-685, et seq. and repealing City of Topeka Ordinance No. 18041.

WHEREAS, the Council of the City of Topeka (the "City") is empowered pursuant to K.S.A. 12-685, et seq., (the "Act") to designate as main trafficways certain existing streets, the primary function of which is the movement of through traffic between areas of concentrated activity within the city; and

WHEREAS, North Kansas Avenue presently carries significant vehicular traffic over the Kansas Avenue Bridge between areas of concentrated activity within the city; and

WHEREAS, vehicle access from the Kansas Avenue Bridge into portions of downtown North Topeka is severely limited by existing train traffic, as well as plans for expanded train traffic; and

WHEREAS, vehicle access to North Topeka needs to be significantly improved, and

WHEREAS, the construction of a fly-off bridge from Kansas Avenue including the improvement of the trafficway to Curtis Street would improve vehicle access to portions of downtown North Topeka; and

WHEREAS, the proposed fly-off bridge and associated trafficway would carry significant vehicular traffic between areas of concentrated activity within the city; and

WHEREAS, pursuant to the Act, the City is empowered to improve any main
trafficway and to pay for such costs by the city at large, by the issuance of general
obligation bonds of the city or any other fund or funds available for such purposes; and
WHEREAS, pursuant to Section A12-1 of the Code of the City of Topeka, the City is
empowered to borrow money and issue bonds to pay for the construction of any bridge
including the rebuilding, addition, or extension thereof.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TOPEKA, KANSAS:

Section 1. That the trafficway from the Kansas Avenue Bridge to Curtis Street
should be, and is hereby designated as a main trafficway in the City of Topeka, Kansas, all
in accordance with K.S.A. 12-685, et seq.

Section 2. That Project No. 12062-00 provides for the construction of a fly-off
bridge and ramp extending from the Kansas Avenue Bridge along with the construction of a
trafficway from the Kansas Avenue Bridge at point approximately 125 feet south of Curtis
Street north to Curtis Street. The total length of the project includes approximately 126 feet
of bridge and approximately 1,062 feet of trafficway. The proposed improvement will
include construction of a fly-off bridge, placement of fill and ramping, grading, and
surfacing for a roadway with concrete curb and gutter, sidewalks, storm sewers, and other
incidentals.

Section 3. The total cost of amended project budget for Project No. 12062-00 is
$4,378,620.00. $4,095,620.00 of the total cost of Project No. 12062-00 shall be paid for by
issuance of General Obligation Bonds of the City, as provided by law and from other legally
available funds, including but not limited to excess sales tax revenue dedicated to bridge
improvement projects as provided for in paragraph 8 of City of Topeka Contract No. 31439
(an Interlocal Agreement between the City of Topeka and Shawnee County). It is the intent of the Council that the excess sales tax and other sources of funds be utilized prior to the issuance of general obligation bonds for this project. The remaining $283,000.00 of the cost of Project No. 12062-00 shall be paid from City of Topeka Utility Funds.

Section 4. That City of Topeka Ordinance No. 18041 is hereby specifically repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council SEP 14 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 6/24/04 TO BE CODIFIED
NOT TO BE CODIFIED X

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