RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 8026

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Trafficway Improvement Project No. 70196-02 which provides for construction of MacVicar Avenue from SW 6th Street to Interstate 70, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 7757.

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

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

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

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

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

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

WHEREAS, notice of said public hearing was duly published as required by K.S.A. 12-6a01 et seq.; and

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

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

A. GENERAL NATURE OF IMPROVEMENT:

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

B. PROPOSED IMPROVEMENT DISTRICT:

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

C. ESTIMATED OR PROBABLE COST:
D. PROPOSED METHOD OF ASSESSMENT:

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

E. APPORTIONMENT OF COSTS:

City of Topeka General Obligation Bonds $1,994,606.00
Assessment District $1,994,606.00
Federal Highway Act Surface Transportation Funds $2,590,000.00
State Economic Development Funds $300,000.00
Total $6,879,212.00

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.

F. PROTEST PROVISION:

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

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

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

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

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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Brenda Younger, City Clerk