RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 8253

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

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

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

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

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

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

A. GENERAL NATURE OF IMPROVEMENT:

To provide Sanitary Sewer Service to the area bound by S.W. Huntoon Street, S.W. Urish Road, S.W. 21st Street and Executive Drive. The Project provides for the extension of the main and construction of lateral lines which work shall include piping, manholes, engineering and all other contingencies needed to complete the project.
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 6TH 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 SOUTH 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
84.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 325.00 FEET, AN ARC LENGTH OF 130.54 FEET, A DELTA ANGLE OF 23 DEGREES 00 MINUTES 52 SECONDS, A CHORD BEARING NORTH 04 DEGREES 03 MINUTES 18 SECONDS EAST AND A CHORD LENGTH OF 129.67 FEET; THENCE NORTH 15 DEGREES 33 MINUTES 44 SECONDS EAST, A DISTANCE OF 6.35 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 185.00 FEET, AN ARC LENGTH OF 54.27 FEET, A DELTA ANGLE OF 16 DEGREES 48 MINUTES 31 SECONDS, A CHORD BEARING NORTH 07 DEGREES 09 MINUTES 28 SECONDS EAST AND A CHORD LENGTH OF 54.08 FEET; THENCE NORTH 01 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 439.62 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF S.W. HUNTOON STREET; THENCE COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY LINE NORTH 87 DEGREES 18 MINUTES 21 SECONDS EAST, A DISTANCE OF 510.92 FEET TO THE POINT OF BEGINNING. THE ABOVE TRACT OF LAND CONTAINS 8.59 ACRES, MORE OR LESS.

Parcel 3

A TRACT OF LAND LOCATED IN LOT 1, BLOCK A, ARBOR VALLEY SUBDIVISION RECORDED IN BOOK 40, PAGE 40 OFFICIAL RECORDS OF SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF S.W. HUNTOON STREET ON AZ. 87 DEGREES 18 MINUTES 21 SECONDS (DIRECTION BASED ON SAID RECORDED PLAT), A DISTANCE OF 492.97 FEET; THENCE COINCIDENT WITH THE CENTERLINE OF A PROPOSED ACCESS WAY ON AZ. 178 DEGREES 45 MINUTES 13 SECONDS, A DISTANCE OF 372.30 FEET; THENCE ON AZ. 268 DEGREES 45 MINUTES 13 SECONDS, A DISTANCE OF 132.06 FEET; THENCE ON AZ. 178 DEGREES 45 MINUTES 13 SECONDS, A DISTANCE OF 144.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 236.50 FEET,
AN ARC LENGTH OF 184.45 FEET, A DELTA ANGLE OF 44 DEGREES 41 MINUTES 07 SECONDS TO THE POINT OF A COMPOUND CURVATURE; THENCE COINCIDENT WITH SAID COMPOUND CURVE HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 41.32 FEET, A DELTA ANGLE OF 94 DEGREES 41 MINUTES 26 SECONDS TO THE POINT OF A REVERSE CURVATURE; THENCE COINCIDENT WITH SAID REVERSE CURVE HAVING A RADIUS OF 693.50 FEET, AN ARC LENGTH OF 243.87 FEET, A DELTA ANGLE OF 20 DEGREES 08 MINUTES 53 SECONDS TO THE POINT OF A REVERSE CURVATURE; THENCE COINCIDENT WITH SAID REVERSE CURVE TO HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 14.61 FEET, A DELTA ANGLE OF 33 DEGREES 29 MINUTES 20 SECONDS; THENCE ON AZ. 117 DEGREES 10 MINUTES 26 SECONDS, A DISTANCE OF 21.45 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE COINCIDENT WITH SAID NON-TANGENT CURVE HAVING A RADIUS OF 684.64 FEET; AN ARC LENGTH OF 94.09 FEET, A DELTA ANGLE OF 07 DEGREES 52 MINUTES 27 SECONDS, A CHORD AZ. OF 65 DEGREES 36 MINUTES 32 SECONDS, A CHORD LENGTH OF 94.01 FEET; THENCE ON AZ. 159 DEGREES 10 MINUTES 22 SECONDS, A DISTANCE OF 61.76 FEET; THENCE ON AZ. 181 DEGREES 50 MINUTES 53 SECONDS, A DISTANCE OF 131.53 FEET; THENCE ON AZ. 271 DEGREES 07 MINUTES 23 SECONDS, A DISTANCE OF 90.36 FEET; THENCE ON AZ. 189 DEGREES 00 MINUTES 41 SECONDS, A DISTANCE OF 155.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE COINCIDENT WITH SAID CURVE TO THE RIGHT HAVING A RADIUS OF 513.50 FEET AN ARC LENGTH OF 114.48 FEET, A DELTA ANGLE OF 12 DEGREES 46 MINUTES 25 SECONDS; THENCE ON AZ. 201 DEGREES 47 MINUTES 06 SECONDS, A DISTANCE OF 146.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE TO THE LEFT HAVING A RADIUS OF 311.50 FEET, AN ARC LENGTH OF 133.06 FEET, A DELTA ANGLE OF 24 DEGREES 28 MINUTES 25 SECONDS; THENCE ON AZ. 177 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF 52.74 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.29 FEET, A DELTA ANGLE OF 90 DEGREES 02 MINUTES 18 SECONDS; THENCE ON AZ. 177 DEGREES 18 MINUTES 21 SECONDS, A DISTANCE OF 27.00 FEET TO A POINT OF CUSP OF A NON-TANGENT CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID NON-TANGENT CURVE HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A DELTA ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD AZ. OF 222 DEGREES 18 MINUTES 41 SECONDS, AND A CHORD LENGTH OF 35.36 FEET TO THE POINT OF CUSP; THENCE ON AZ. 267 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF 13.50 FEET; THENCE ON AZ. 177 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF 81.50 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SUBDIVISION;
THENCE COINCIDENT WITH THE SOUTH LINE OF SAID SUBDIVISION ON AZ. 267 DEGREES 18 MINUTES 41 SECONDS, A DISTANCE OF 339.53 TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE COINCIDENT WITH THE WEST LINE OF SAID SUBDIVISION ON AZ. 358 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF 210.07 FEET; THENCE ON AZ. 73 DEGREES 08 MINUTES 56 SECONDS, A DISTANCE OF 114.57 FEET TO THE POINT OF CUSP OF A NON-TANGENT CURVE TO THE RIGHT; THENCE COINCIDENT WITH SAID NON-TANGENT CURVE HAVING A RADIUS OF 198.50 FEET, AN ARC LENGTH OF 82.26 FEET, A DELTA ANGLE OF 23 DEGREES 44 MINUTES 35 SECONDS, A CHORD AZ. OF 349 DEGREES 28 MINUTES 04 SECONDS, AND A CHORD LENGTH OF 81.67 FEET TO A POINT OF A COMPOUND CURVATURE; THENCE COINCIDENT WITH SAID COMPOUND CURVE HAVING A RADIUS OF 693.50 FEET, AN ARC LENGTH OF 385.55 FEET, A DELTA ANGLE OF 31 DEGREES 51 MINUTES 12 SECONDS TO A POINT OF REVERSE CURVATURE; THENCE COINCIDENT WITH SAID REVERSE CURVE HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 35.43 FEET, A DELTA ANGLE OF 81 DEGREES 12 MINUTES 36 SECONDS; THENCE ON AZ. 313 DEGREES 01 MINUTES 32 SECONDS, A DISTANCE OF 9.59 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE COINCIDENT WITH SAID CURVE TO THE RIGHT HAVING A RADIUS OF 263.50 FEET, AN ARC LENGTH OF 195.39 FEET, A DELTA ANGLE OF 42 DEGREES 29 MINUTES 06 SECONDS; THENCE ON AZ. 268 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF 131.69 FEET TO THE WEST LINE OF SAID SUBDIVISION; THENCE COINCIDENT WITH SAID WEST LINE ON AZ. 358 DEGREES 45 MINUTES 12 SECONDS, A DISTANCE OF 698.80 FEET TO THE POINT OF BEGINNING.

C. ESTIMATED OR PROBABLE COST:

$563,500.00

D. PROPOSED METHOD OF ASSESSMENT:

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

Parcel No. 1; 9 units to be assessed equally among the 42 lots:
  Block A, Lots 1-8
  Block B, Lots 1-17 and a portion of Lot 18
  Block C, Lots 1-16

Parcel No. 2; 9 units

Parcel No. 3; 82 units
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 $140,875.00
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:

Brenda Younger, City Clerk