

April 3, 1979

Mr. Jack Stamp
W. B. Carter Constr. Co., Inc.
P. O. Box 2237
6015 North Broadway
Wichita, KS 67201

Dear Mr. Stamp:

Subject: Sanitary Sewer Manhole Covers - Towne West Square

The City of Wichita much prefers that bolted down manhole covers not be used on manholes in the Towne West Square site. Bolted down manhole covers greatly increase the difficulty for maintenance of the sanitary sewer.

It is my understanding that the sanitary sewers in Towne West Square will be located in public easements and maintained by the City of Wichita. I believe this fact eliminates all liability for Towne West Square in connection with the maintenance and operation of the sanitary sewer manholes.

Certainly bolted down covers on the manholes would make it more difficult for the covers to be removed by unauthorized parties, but if any person was determined to remove the covers they could do so even if the manhole covers were of the bolted down type.

Very truly yours,

Donald E. Schneider, P.E.
Sanitary Chief Engineer

DES/dla

March 12, 1979

Mr. J. W. Bauer
The Law Company, Inc.
313 S. Market
P.O. Box 1138
Wichita, Ks. 67201

Re: Storm Water Drain 18
Towne West Square

Dear Mr. Bauer:

Your schedule for the 84" storm water sewer and the storm water pumping station furnished seem optimistic. Storm Water Drain 18 is not under contract at this time. Once bids have been received a schedule for this work could be furnished. Any delay in the bidding process or material supply would make these deadlines difficult or impossible to meet.

Yours very truly,

Dean Sellers
Assistant City Engineer

DS:ck

*TA Towne West Folder
2nd*

THE CITY OF WICHITA
OFFICE OF ENGINEERING

DATE July 3, 1979

TO E. H. Denton, City Manager
FROM R. W. Linn, City Engineer

SUBJECT Towne West Street Improvements

On July 27, 1976, the City Commission approved funding for Towne West Street improvements. This funding was based on cost estimates prepared and submitted by the developer. The condition of approval was subject to "State funding participation in the amount of \$443,000.00 and further subject to the accuracy of the street improvement cost estimates as prepared by the developer with the stipulation that in the event cost estimates and/or state participation are not as estimated, that the scope of the intended improvements be resubmitted to the City Commission for further review."

The Engineering Division and Traffic Engineering Division have prepared final and preliminary plans and updated cost estimates for these improvements. Some right-of-way has been acquired. Some factors affecting cost changes are: inflation, downgrading the Kellogg improvement, downgrading the West Street improvement and increased right-of-way costs. The new cost estimates indicate a shortage in the funding of about \$427,433.00. Also, two tracts have not been acquired and possibly another \$40,000.00 may be needed for signals on Maple. Calculations to show how these figures were arrived at are attached.

This information should be presented to the Commission so that funding for these improvements can be established. Construction of the shopping center has commenced. Street paving projects should be initiated at this time.

I will be available to respond to questions.

R. W. Linn
City Engineer

W. Bruggeman
Director of Public Works

Robert Lakin, Director of Planning
Paul Graves, Traffic Engineer
Jim Schaefer, Attorney at Law
B. J. Kingdon, Law Co.

h: (4)

*5561 Est r/w for Tracy
11,000 part savings*

STREET IMPROVEMENTS

Towne West Est. (1976)
(Includes Signals)

U.S. - 54	1,092,483
Maple	570,826
West	301,134
Tracy	340,542
Taft	105,359
Constr. Cost	2,410,344
Right-of-Way	83,617
Total	<u>2,493,961</u>

Engineering Division Est. (1979)
(Signals Not Included)

277,588	
920,731	147,454 R/W
419,717	
431,912	
131,718	
2,181,666	
142,469	f det & Tracy
<u>2,324,135</u>	

Breakdown of costs on:

Tracy, Taft to Maple

Star	22,677
Theatre	22,238
Towne West	185,137
City	230,052
	6,113
	<u>236,165</u>

Taft, Tracy to Florence

K-Mart	24,266
Theatre	14,904
Towne West	28,661
	<u>67,831</u>

Tracy, Kellogg to Taft

Towne West	195,747
------------	---------

Taft, Florence to West

Towne West	58,975
City	4,912
Total	<u>63,887</u>

Totals on Tracy and Taft

City	11,025
Towne West	468,520
Others	84,085
	<u>563,630</u>

Previous Cost Allocation

City	583,617	
Spec. Asses. (others)	98,907	
Towne West	1,368,437	to 1,400,000
Rate	443,000	
	<u>2,493,961</u>	<u>2,525,524</u>

Present Funds Committed for Tracy and Taft and Right-of-Way

City	11,025 + 142,469	153,494
Others		84,085
Towne West		468,520
		<u>706,099</u>

COMMISSIONERS PROCEEDINGS

7673

July 17, 1979

pending sidewalk installation because Eastborough has agreed to assume the capital cost of the signalization. It is recommended that the sidewalk issue be deferred until after the Commission makes a determination on possible amendments to the sidewalk policy, at which time the sidewalks from Fabrique School to the school signal on Woodlawn can be referred to the area CPO to ascertain whether sufficient neighborhood interest exists to circulate a petition in the neighborhood for a sidewalk installation.

It is recommended that the Commission approve the agreement which will permit Eastborough to proceed with the installation and Wichita to provide maintenance.

City Manager reviewed this matter with the Commission.

Mayor Casado inquired if anyone present wished to be heard and no one appeared.

In answer to inquiry by the Commission, the City Manager stated that in the event of accidents what usually happens is officers from both cities respond due to the jurisdiction of both cities relative to Woodlawn, and it has worked satisfactorily.

Knight moved that the agreement be approved and the Mayor be authorized to sign. Motion carried 5-0.

Proposed amendment to the ordinance pertaining to civil rights and equal employment opportunity relative to industrial revenue bond issues, presented.

On July 10, 1979, the Commission placed on first reading an ordinance pertaining to civil rights and equal employment opportunity certification requirements in connection with the use of industrial revenue bonds.

The Civil Rights Equal Employment Opportunity Commission (CREEOC) reviewed the proposed amendment on July 11, 1979, and was prepared to present its recommendation to the City Commission at the time the matter is considered.

City Manager briefly outlined the change proposed relative to requirement for certification, and stated that the certificate must be current and if it is no longer current the firm would have to meet the local filing requirements.

Anne Montgomery, Executive Director of CREEOC, stated that the Board would like considered that a current Federal certificate of compliance could mean the last certificate which could be dated as far back as 5 years ago. She stated that it was her opinion that a two-year period would be an acceptable time frame of reference for a "current" certification. She further stated that the federal government is not consistent in their compliance reviews.

Discussion was had and John Dekker, City Attorney, suggested an alternative: to define a current certificate of compliance to mean that the industry has been approved and is presently operating under a certificate or is performing work under a contract for the Federal government or an agency thereof.

Ms. Montgomery stated that she felt the Board could agree with that definition if there is a current contract and the Federal government recertifies them during that period; however, she would like the Board to discuss that.

Casado moved that this matter be deferred two weeks for a report back from the CREEOC Board. Motion carried 5-0.

Proposed Towne West Street improvement, presented.

On July 27, 1976, the City Commission approved funding in the amount of \$583,617 for Towne West street improvements subject to State funding parti-

L. Denton

or Casado

Denton

n--
--carried

SED AMENDMENT
THE ORDINANCE
RTAINING TO
/IL RIGHTS AND
IAL EMPLOYMENT
ORTUNITY
ATIVE TO
USTRIAL
ENUE BOND
UES

enton

atgomery

on
ker

omery

arried

OWNE WEST
MPROVEMENT

July 17, 1979

7674

icipation in the amount of \$443,000 and further subject to the accuracy of the cost estimates for street improvements as prepared by the developer. The funding approval was conditional on any differences in the cost estimates being reported to the City Commission for further review.

The State has since determined not to proceed with the \$443,000 at grade improvements for the Kellogg/West intersection. The State now plans an approximate \$7 million grade separation improvement for the intersection.

Updated cost estimates indicate a shortage in funding for the project in the amount of \$427,433. Also, two tracts of land have not been acquired and possibly another \$40,000 may be needed for signals on Maple.

A report detailing the estimated cost figures is provided. In addition, a plan to decrease the funding shortage from \$427,433 to \$332,053 through recalculation of the division of costs for the streets in the area is provided.

Possible options to finance the \$332,053 shortage are:

- 1) Further redesign (it should be pointed out that the scope of the project has already been reduced as much as possible and still provide adequate traffic movement in the project area)
- 2) Developer pay total additional costs (because the primary benefit of street paving is to the Towne West developer, it can be argued that the developer should pick up the entire amount of the additional cost)
- 3) City pay total additional costs (because the City will gain from an increased tax base, the Commission may wish to recognize that the additional costs will be recovered from greater tax revenues from Towne West)
- 4) Split additional costs between City and developer

The paved streets in the area will primarily benefit the Towne West developer; however the City will gain from an increased tax base. If the Commission desires to recognize that both parties will gain from the street improvements and commercial development, it is recommended that Option 4 be approved to finance the funding shortage on a 60/40 split with the developer assuming \$200,000 of the increased cost and the City-at-large financing the remaining \$132,053. The ratio of the split is based on the original agreement to finance the Towne West street improvement project with a 60% private and 40% public division of cost.

Should the Commission desire to commit any additional funding to the project, it is recommended that the project funds be included in the 1979 Capital Improvement Program.

City Manager briefly reviewed the background of this matter with the Commission.

City Engineer outlined the proposed improvements to serve Towne West, which were approved in 1976, and reviewed the division of costs for Area "A" Drainage District and the street improvements. Also, revised changes to U.S. 54 in the area of this development were also reviewed. He stated that Maple Street improvement would be done this year and other streets and drainage will be coordinated with anticipated completion later in 1980. He indicated that the first store will be opening about August, 1980, with the formal opening of the Center in 1981.

B. J. Kingdon, Law-Kingdon Architect and Planners, representing Mel Simon and Associates, stated that their client feels that their assessment of the costs exceeds the benefit to the planned development, and they felt the public should share more of the cost on the basis of the improved tax base due to the new businesses. He indicated that the costs incurred by the developer will be

COMMISSIONERS PROCEEDINGS

7675

July 17, 1979

reflected in the lease rates.

Phil Frick, Dayton Hudson Corporation, contract purchaser of the Westport property, stated that they were anxious to see the project and the improvements proceed, and they do not object to the projected assessments outlined by Mr. Linn, recognizing that they are estimates.

Tom Borniger, representing K-Mart, stated that the costs agreed to in 1976 are still acceptable. He stated that geometric changes to the frontage road affects access to their store and they object to the present geometrics on that basis.

In answer to inquiry by the Commission, Mr. Linn stated that discussions are continuing regarding the changes spoken to by Mr. Borniger. He further stated that the funding for the Maple Street Interchange is still unresolved, but is estimated to cost in the neighborhood of \$6-7 million.

Traffic Engineer pointed out that with the urban interchange at West Street and U.S. 54, which will change the entire access to and from this site to that one location, it makes it mandatory that there be an interchange of some type at Maple Street for this site to function properly.

Discussion was had and the City Manager explained the history of the Maple Street Interchange, stating that no commitment has been made for the project, and whether that project will remain viable will depend upon the outcome of the environmental impact study which will be the next step in determining the feasibility of the project.

City Manager reviewed the alternatives outlined with the Commission.

Mr. Kingdon stated that the owner objects to the 60/40 split; however, he felt that a 50/50 split of that \$332,053 funding shortage would be acceptable but that he did not feel he would go one dime further.

Discussion was had and Commissioner Porter stated that he was interested in protecting the public from further commitment of funding for this project.

Knight moved that the Commission approve an allocation based on a 50/50 split of the overage to the proposed Towne West street improvement project with funding to be included in the 1979 Capital Improvement Program and that staff be authorized to proceed with the project.

Discussion was had as to options for limiting the amount, and the City Engineer suggested that it be subject to the accuracy of the Engineer's estimates for the street and drainage improvements, and it be returned to the Commission if bids exceed that.

Casado moved an amendment to the motion that the amount be subject to the accuracy of the Engineer's estimates. (Later withdrawn).

Commissioner Porter and Commissioner Peters expressed their feelings that this still left an open-ended agreement and that a limit should be established on the total amount the City would participate in the project.

Discussion was had and in answer to inquiry by the Commission, Mr. Kingdon stated that he did not believe it would be a problem if the City set a maximum amount.

Mayor Casado, with consent of the second, withdrew the amendment.

Casado moved an amendment to the motion that the 50/50 split apply to the funding shortage, and overages, if any, will be paid fully by the developer and no more by the City at large.

Mr. Kingdon stated that he felt the developer should have the right to take a hard look at why, if it does come over, as there may be things included which are not beneficial to the Developer or that he feels are unnecessary.

Amendment carried 5-0.

Motion as amended carried 5-0.

Following the conclusion of this hearing, the Commission returned to the preceding item concerning an ordinance relating to material harmful to minors and its final conclusion just prior to recessing for lunch.

The Commission recessed for lunch at 1:15 P.M. and reconvened at 2:08 P.M. with Mayor Casado in the Chair. Commissioners Brown, Knight, Porter present.
*Commissioner Peters absent.

3. H 79-1 - REQUEST FOR HISTORIC LANDMARK DESIGNATION FOR THE MEAD LANDMARK DISTRICT LOCATED IN AN AREA BETWEEN 1ST AND WATERMAN STREETS AND IN AN AREA BETWEEN TOPEKA AND WASHINGTON AVENUES.

Deferred four weeks from the meeting of June 19, 1979, at the request of the Historic Landmark Preservation Committee.

The Historic Landmark Preservation Committee reports that it is continuing its contact work in the area in an attempt to present a firm proposal to the City Commission for consideration, however, additional time is requested to continue working with the area property owners.

The Landmark Committee requests that the Commission defer the matter 90 days or until such time as the Committee is prepared to return to the Commission with a firm proposal which is agreeable to both the property owners and the Committee.

Because 30 days is the maximum time that a matter can be returned under the Commission rules, the City Manager recommends the matter be stricken from the agenda and returned at the time a firm proposal is available from the Historic Landmark Preservation Committee.

ACTION:

03 Proj

01 Slide

02

03 } Maple

04 } west

05 } Tracy

06 } 09 } Teft

08 } 10 } aerial

11 } 12 } Tracy

SECTION II

NOTE: The following item is scheduled for 10:00 a.m.

PROPOSED TOWNE WEST STREET IMPROVEMENT.

In July 27, 1976, the City Commission approved funding in the amount of \$583,617 for Towne West street improvements subject to State funding participation in the amount of \$443,000 and further subject to the accuracy of the cost estimates for street improvements as prepared by the developer. The funding approval was conditional on any differences in the cost estimates being reported to the City Commission for further review.

The State has since determined not to proceed with the \$443,000 at grade improvements for the Kellogg/West intersection. The State now plans an approximate million grade separation improvement for the intersection.

Updated cost estimates indicate a shortage in funding for the project in the amount of \$427,433. Also, two tracts of land have not been acquired and possibly other \$40,000 may be needed for signals on Maple.

A report detailing the estimated cost figures is provided. In addition, a plan to decrease the funding shortage from \$427,433 to \$332,053 through recalculation of the division of costs for the streets in the area is provided.

Available options to finance the \$332,053 shortage are:

Further redesign (it should be pointed out that the scope of the project has already been reduced as much as possible and still provide adequate traffic movement in the project area)

Developer pay total additional costs (because the primary benefit of street paving is to the Towne West developer, it can be argued that the developer should pick up the entire amount of the additional cost)

City pay total additional costs (because the City will gain from an increased tax base, the Commission may wish to recognize that the additional costs will be recovered from greater tax revenues from Towne West)

ITEM #4 Continued

4) Split additional costs between City and developer

The paved streets in the area will primarily benefit the Towne West developer; however the City will gain from an increased tax base. If the Commission desires to recognize that both parties will gain from the street improvements and commercial development, it is recommended that Option 4 be approved to finance the funding shortage on a 60/40 split with the developer assuming \$200,000 of the increased cost and the City-at-large financing the remaining \$132,053. The ratio of the split is based on the original agreement to finance the Towne West street improvement project with a 60% private and 40% public division of cost.

Should the Commission desire to commit any additional funding to the project, it is recommended that the project funds be included in the 1979 Capital Improvement Program. *50/50 166,027 each*

ACTION:

after
29,487
33,910
69,125
132,522 ✓

K Mart
24,266 ✓

Star
22,677 ✓

TW Sq
468,520 bef.
373,140 after

Approve allocation of an additional \$132,000 to the proposed Towne West street improvement project with funding to be included in the 1979 Capital Improvement Program and authorize staff to proceed with the projects.

PROPOSED AMENDMENTS TO THE ORDINANCE PERTAINING TO OBSCENITY AND CREATING A NEW ORDINANCE MAKING IT UNLAWFUL TO DISPLAY OR FURNISH MATERIALS HARMFUL TO MINORS.

The proposed amendments to Sections 5.68.150 and 5.68.155 of the City Code will, in effect, change the definition of obscenity to remove the "without redeeming social value" provision as the test for obscenity and will substitute the new definition as set out in Kansas State Statutes.

The proposed new ordinance will add to Chapter 5.68 of the Code a provision to make it unlawful for commercial establishments to knowingly display, sell, furnish, distribute to a minor or allow a minor to view material or performances which may be harmful to a minor.

Attorney Vern Miller will be present to speak in behalf of the new ordinance. *37142 21380 132522*

ACTION: Place the ordinances on first reading. *373,140*

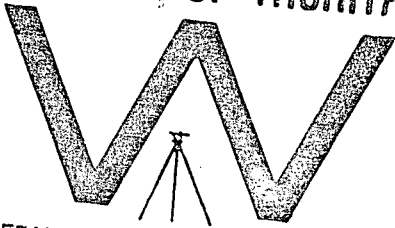
PROPOSED AGREEMENT BETWEEN THE CITY OF WICHITA AND THE CITY OF EASTBOROUGH FOR INSTALLATION AND MAINTENANCE OF A SCHOOL PEDESTRIAN SIGNAL ON WOODLAWN BETWEEN PEACHTREE AND MORNINGSIDE.

On June 20, 1979, the Traffic Commission unanimously approved the following resolution:

That the Wichita Traffic Commission approve the installation of a signalized school crossing on Woodlawn between Kellogg and Douglas at such point that is most appropriate, contingent upon a petition from the affected area residents, for a sidewalk from Fabrique School leading to the signal."

In pursuant to the Traffic Commission's motion, the City of Eastborough has agreed to purchase and install a school pedestrian signal system at a school crossing on Woodlawn between Peachtree and Morningside. Eastborough requested that the City of Wichita agree to maintain and operate the signals. The signals are located in Eastborough on the east side of Woodlawn and in Wichita on the west side of Woodlawn. Annual maintenance costs are estimated at \$1,000. Electricity and other maintenance expenses are nominal. It is noted that the City of Wichita will assume the risk of replacement cost in the event the signal is damaged and the City cannot recover through insurance from the person who damages it. This agreement is similar to the one in effect for the Woodlawn/Peachtree intersection where Eastborough paid for installation and Wichita assumed maintenance and operation costs.

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY HALL — SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4501

September 11, 1979

Kansas Department of Transportation
Design Department
9th Floor, State Office Building
Topeka, Kansas 66612

Attention: Glenn Anschutz

Dear Mr. Anschutz:

Transmitted herewith are two sets of preliminary plans for Towne West Entrance at West Kellogg for your review. The intent of this project is to provide interim improvements such as widening, turn lanes, provide ingress and egress into Towne West, and storm sewer and grading as needed. The improvements shown on our plans is an interim design until the ultimate improvements are completed under Project Number (BC) 54-87 U-038-3 (40).

I would appreciate your reply as soon as possible so we can proceed with the letting of the project. If you have any questions, please advise.

Yours very truly,

Steve Lackey
Design Chief Engineer

mw

WICHITA-SEDGWICK COUNTY

DATE

December 21, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO Donald C. Gisick, City Clerk
FROM Forrest L. Nagley, Junior Planner

SUBJECT Release of Letter of Credit associated with Towne West Square Addition, located between Maple and Kellogg (U.S. 54) and I-235 and Tracy. (No. 523).

We have been advised by City Engineering that the letter of credit submitted as a guarantee for certain improvements to Maple, West and Kellogg Streets can be released. City Engineering advises that these improvements are now either initiated projects or included as part of accepted petitions.

On December 13, 1977, the Board of City Commissioners "received and filed" a letter of credit in the amount of \$934,000 from Fourth National Bank and Trust Company for the account of Towne West Mall Company, and Indiana Limited Partnership, as guarantee that this work would be performed. Letter of credit Number 523 may now be released at the request of either the bank or an authorized agent of Towne West Mall Company.

Forrest L. Nagley
Forrest L. Nagley
Junior Planner

FLN:bh

cc: ✓ Mike Lindebak, Project Development Coordinator,
City Engineering
Fourth National Bank and Trust Company, P.O. Box
1090, 67201
Towne West Mall Company and Myrtle A. Rogers,
1712 N. Meridian, Indianapolis, Indiana 46202

