CITY COMMISSION
WEDNESDAY, JULY 22, 2026 AT 11:00 AM
CITY COMMISSION CHAMBER

ORDER OF BUSINESS

CALL MEETING TO ORDER
Mayor Becky Smith

MEMBERS PRESENT
Vice-Mayor Tammi Ogle
Commissioner Monica Duncan
Commissioner Erren Harter
Commissioner Kurt Steinkuhler

PROCLAMATIONS

PUBLIC FORUM
The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

NEW BUSINESS

1) **Resolution 3795 Adopting a Large Volume Water Service Policy**
Presented by: Brian Silcott, Public Works Director
Recommended Action: Approve Resolution 3795 Adopting a Large Volume Water Service Policy

2) **Resolution 3796 Adopting a Large Volume Wastewater Service Policy**
Presented by: Brian Silcott, Public Works Director
Recommended Action: Approve Resolution 3796 Adopting a Large Volume Wastewater Service Policy

3) **Ordinance 26-21 Amending the Zoning Regulations by Adding New Section 8.10 Establishing a Digital Infrastructure Overlay District**
Presented by: Justin Givens, Director of Building & Neighborhood Development
Recommended Action: Consider Ordinance 26-21 Amending the Zoning Regulations by Adding New Section 8.10 Establishing a Digital Infrastructure Overlay District

4) **Ordinance 26-22 Rezoning Certain Properties to Light Industrial (LI) and Industrial Flex (IF) and Amending the Official Zoning Map to Conform with Said Zoning**
Presented by: Justin Givens, Director of Building & Neighborhood Development
Recommended Action: Consider Ordinance 26-22 Rezoning Certain Properties to Light Industrial (LI) and Industrial Flex (IF) and Amending the Official Zoning Map to Conform with Said Zoning.

Because a valid protest petition has been filed under K.S.A. 12-757, approval of the proposed rezoning ordinance requires the affirmative vote of at least two-thirds of the members of the Governing Body. The Governing Body may:

1. Approve the Planning Commission's recommendation by a two-thirds majority vote;
2. Override or modify the Planning Commission's recommendations by a two-thirds majority vote;
3. Return the application to the Planning Commission, giving reasons for doing so.
4. Table the item for further consideration at a future City Commission meeting.

5) **Ordinance 26-23 Including Certain Properties within the City of Emporia, Kansas in the Digital Infrastructure Overlay District and Amending the Official Zoning Map to conform with Said Zoning**

Presented by: Justin Givens, Director of Building & Neighborhood Development

Recommended Action: Consider Ordinance 26-23 Including Certain Properties within the City of Emporia, Kansas in the Digital Infrastructure Overlay District and Amending the Official Zoning Map to conform with Said Zoning

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

1) Financials & Permits
2) June Budget

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

1) Commission Meeting Minutes for July 1, 2026
2) Application to Federal Home Loan Bank of Topeka's Affordable Housing Program
3) KDOT ITS Fiber Agreement-Prairie Street at I-35 Highway

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

1) Informational Items

GOVERNING BODY COMMENTS

Mayor Becky Smith
Vice-Mayor Tammi Ogle
Commissioner Monica Duncan
Commissioner Erren Harter
Commissioner Kurt Steinkuhler

RECESS

Recess to Evora Wheeler Conference Room for Study Session

STUDY SESSION AGENDA ITEMS

1) Discuss Budget

EXECUTIVE SESSION

1) Recess into executive session for 30 minutes, inviting pertinent city staff for the purpose of

consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately __:_____ a.m./p.m.

ADJOURNMENT

Title:	Resolution No. 3795 Adopting the City of Emporia Large Volume Water Service (LVWS) Policy
Agenda Date:	July 22, 2026
Presented By:	Brian Silcott, Director of Public Works & Utilities

Background: The City of Emporia owns and operates a municipal water utility that provides safe and reliable water service to residential, commercial, industrial, and institutional customers. The City of Emporia has seen growing interest in large commercial and industrial development and has highlighted the need for a formal Large Volume Water Service Policy to provide consistent evaluation standards, protect existing ratepayers, preserve system capacity, and equitably allocate infrastructure costs beyond the City's historical project-by-project approach. The proposed Large Volume Water Service Policy establishes a comprehensive framework for evaluating and administering large volume water service requests, developed through industry best practices, Kansas law, and legal review, and refined through City Commission study sessions on June 17 and July 1, 2026, prior to adoption.

The proposed Resolution No. 3795 formally adopts the policy and authorizes the City Manager to administer the policy and negotiate Large Volume Water Service Agreements consistent with its provisions, subject to City Commission approval where required.

Discussion: Staff recommends approval of Resolution No. 3795 adopting the Large Volume Water Service Policy. The proposed policy establishes a comprehensive administrative framework governing requests for new commercial and industrial customers with significant water demands. Rather than addressing individual projects on an ad hoc basis, the policy provides consistent evaluation criteria while maintaining flexibility for project-specific negotiations through individual LVWS Agreements.

Financial Considerations: The policy establishes a consistent framework for future Large Volume Water Service requests that protects the financial integrity of the utility, assigns project-specific costs to applicants, protects existing ratepayers, supports long-term capital planning, and provides for cost recovery through negotiated Water Service Agreements. Project-specific financial obligations, including engineering, infrastructure, capacity reservations, reimbursement, and minimum billing commitments, will be established through individual Water Service Agreements approved by the City Commission.

Legal Considerations: The policy has been developed consistent with Kansas statutes governing municipal utilities. Municipal authority to establish utility rates, classifications, and conditions of service. Existing City ordinances governing water utility operations. Authority of the City Commission to approve utility service agreements and infrastructure obligations. Resolution No. 3795 formally adopts the policy and authorizes administrative implementation by the City Manager consistent with Commission oversight.

Recommended Action: Approve Resolution No. 3795 adopting the Large Volume Water Service Policy.

Attachments:

Exhibit 1.A Resolution No. 3795: Adopting the Large Volume Water Service Policy.
Exhibit 1.B Large Volume Water Service Policy

RESOLUTION NO. 3795

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ADOPTING A LARGE VOLUME WATER SERVICE POLICY

WHEREAS, the City of Emporia owns and operates a municipal water utility and is responsible for providing safe, reliable drinking water while protecting the long-term operational integrity of the utility; and

WHEREAS, requests for large-volume water service may require substantial infrastructure investment and present unique operational, financial, and capacity considerations; and

WHEREAS, the Governing Body finds it to be in the public interest to establish a consistent framework for evaluating requests for large-volume water service, protecting existing customers from subsidizing the costs of service to large-volume users, and promoting the reliable and financially responsible operation of the City's water utility.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

Section 1. The Governing Body hereby adopts the Large Volume Water Service Policy, attached and incorporated herein by reference.

Section 2. The City Manager is authorized to administer the policy, negotiate Water Service Agreements consistent with the policy, and establish administrative procedures necessary to implement the policy, subject to Governing Body approval where required by the policy.

Section 3. This Resolution shall take effect upon its adoption.

APPROVED AND ADOPTED by the Governing Body of the City of Emporia, Kansas, this 22nd day of July 2026.

_____

Becky Smith, Mayor

Attest:

_____

Kerry Sull, City Clerk

Subject: **Large Volume Water Service Policy**	Issued by: **Resolution 3795**	Effective Date: **7-22-26**

Policy on Large Volume Water Service

1. Purpose

The purpose of this policy is to establish a consistent framework for evaluating requests for Large Volume Water Service, assigning infrastructure responsibilities, allocating project-related costs, protecting the long-term financial and operational integrity of the City's water utility, and protecting existing utility customers.

Project-specific engineering, financial, operational, and legal requirements shall be established in the applicable Water Service Agreement.

2. Legal Sufficiency and Rate Authority

This policy is structured to align with the City's home rule authority and applicable Kansas law governing municipal utilities. Water rates and charges are established by ordinance and codified in Chapter 28 of the Emporia City Code. This policy does not create independent rate-setting authority but instead provides a framework for applying cost-of-service-based rates and contract terms for large-volume users in a manner that is reasonable, non-discriminatory, and consistent with the City Code.

Nothing in this policy shall be construed to limit the City Commission's authority to establish or amend rates, classifications, or service conditions by ordinance as necessary to ensure the continued financial integrity and operational reliability of the water utility system.

3. Applicability

This policy applies to requests for new Large Volume Water Service, significant expansions of existing water service, and master-planned or campus-style developments, including phased developments, that meet the criteria established in this section.

A request shall be subject to this policy where the anticipated water demand equals or exceeds an average daily demand of 0.5 million gallons per day (MGD), a peak daily demand of 1.0 MGD, or such other thresholds as may be established by the City from time to time.

The City may also determine that a request is subject to this policy where the anticipated operational characteristics, infrastructure requirements, or system capacity impacts warrant individualized review.

4. Classification and Rate Structure

Customers determined to be subject to this policy shall be classified as Large Volume Water Service customers. Because such customers may present unique infrastructure, operational, financial, and system capacity considerations, they shall be served pursuant to individualized Water Service Agreements and water rates established by ordinance.Customers classified as Large

Volume Water Service shall be subject to individualized service agreements, cost-of-service-based rates and charges, and additional financial and contractual requirements as outlined in this policy and applicable City Code provisions.

Rates for Large Volume Water Service customers shall be designed to fully recover all direct and indirect costs reasonably attributable to providing service, including impacts to treatment capacity, transmission and distribution infrastructure, storage, and operations and maintenance attributable to the customer. Rate structures may include capacity reservation charges, volumetric usage rates, and demand or peak-use components as appropriate.

Improvements financed through the Large Volume Water Service policy application will be funded solely by the benefiting development and will not result in costs being allocated to, or rates being increased for existing customer classes.

5. Water Service Agreements

All Large Volume Water Service customers shall enter into a written Water Service Agreement approved by the City Commission.

Agreements shall include a contract term commensurate with the level of infrastructure investment, generally not less than ten (10) years, with longer terms as the City determines appropriate based on the financial risk presented by the project. Agreements shall establish a baseline service commitment for the project and shall include a minimum monthly billing obligation based on not less than seventy-five percent (75%) of that baseline service commitment, unless otherwise approved by the City Commission.

Agreements may also include phased service provisions and such other terms as the City determines necessary to protect the financial and operational integrity of the water utility. Nothing herein shall prevent future rate adjustments adopted by ordinance.

6. Infrastructure and Capital Cost Responsibility

Infrastructure improvements required to provide the requested service, including planning, engineering, design, permitting, land acquisition, construction, inspection, testing, commissioning, and other reasonably related costs, shall be funded by the customer, as determined by the City. Infrastructure intended for public utility service shall be subject to City ownership unless otherwise approved.

The customer shall also be responsible for constructing, owning, operating, maintaining, repairing, replacing, and ultimately removing any private facilities reasonably required as a condition of service, together with all costs associated with such facilities, unless otherwise provided in the applicable Water Service Agreement.

7. Financial Assurance and Entity Responsibility

The City may require one or more forms of financial assurance commensurate with the scale, duration, and risk of the proposed service. Such assurances may include financial security generally equivalent to 12–24 months of minimum billings, evaluation of the customer’s financial capacity and creditworthiness, and, where appropriate, parent company guarantees or similar assurances for limited liability or special purpose entities.

Financial assurance requirements may be adjusted based on demonstrated financial strength, payment history, or changes in risk. All such requirements shall be reasonably related to the City's anticipated financial exposure and shall not be imposed in an arbitrary or discriminatory manner.

The applicant shall reimburse the City for all reasonable costs incurred in evaluating, negotiating, reviewing, approving, and administering a proposed Large Volume Water Service request and any associated Water Service Agreement. Reimbursable costs may include, but are not limited to, engineering studies, hydraulic modeling, water supply evaluations, financial analyses, legal review, environmental review, consultant services, administrative expenses, inspections, and other professional or technical services reasonably required by the City.

Procedure for reimbursement shall be established in the water service agreement. The City may require advance payment, deposits, or reimbursement escrows to secure anticipated review, consulting, engineering, permitting, or other project-related costs.

8. Early Termination and Default

Water Service Agreements shall include provisions addressing recovery of unrecovered capital costs, payment obligations upon early termination, and remedies in the event of default, including the ability for the City to draw upon financial security as applicable.

Continued Large Volume Water Service shall be conditioned upon the customer's ongoing compliance with this policy, all applicable City ordinances, the approved Water Service Agreement, applicable Development Agreements, approved system capacity allocations, and all applicable federal, state, and local laws and regulations.

Failure to comply with these requirements may result in enforcement action by the City, including corrective action, suspension of service subject to applicable law and the Water Service Agreement, termination of the Water Service Agreement, or discontinuation of water service, as determined necessary to protect the public health, safety, and the operational and financial integrity of the City's water utility system.

9. System Capacity Review

Approval of service under this policy shall be subject to such engineering analysis, financial impact analysis, evaluation of water supply availability and sustainability, and such other technical, operational, or environmental review as the City determines reasonably necessary to evaluate the request.

Nothing in this policy shall be construed to create an entitlement to water service or to require the City to provide service beyond available system capacity or in a manner that would adversely affect the reliability, operation, financial integrity, or ability of the water utility system to provide safe and reliable service to existing customers.

The City may evaluate master-planned campus development as a single coordinated project for planning purposes. Approval of a master development plan does not constitute a commitment to providing water service for the ultimate build-out. Approval of one phase of a master-planned development shall not create a vested right or reasonable expectation that water service will be approved or reserved for any subsequent phase.

Water service capacity shall be evaluated and approved on a phased basis as development progresses. Capacity reservations shall be limited to approved phases and may expire if

established milestones are not achieved within the timeframe specified in the applicable Development Agreement.

Each subsequent phase shall be subject to updated engineering analysis, financial review, and City approval to verify that adequate system capacity remains available and that all applicable requirements of this policy continue to be satisfied.

10. Conservation and Efficiency

The City may require water efficiency, reuse, or peak demand management measures as a condition of Large Volume Water Service. All Large Volume Water Service customers shall remain subject to and comply with the City's Water Conservation Policy, codified in Section 28-28 of the City Code, as amended from time to time, including any water watch, water warning, water supply emergency, or conservation measures adopted pursuant thereto.

11. Reservation of Rights

Nothing in this policy shall be construed to:

a. Create a contractual right or entitlement to receive water service;

b. Require the City to approve any application for Large Volume Water Service;

c. Require the City to reserve or allocate system capacity, except as expressly provided in an approved Water Service Agreement;

d. Limit the City's authority to establish or amend utility rates, fees, classifications, or service conditions by ordinance or as otherwise authorized by law;

e. Limit the City's authority to deny, condition, suspend, or discontinue service as authorized by applicable law, City ordinance, or an approved Water Service Agreement; or

f. Waive or limit the City's governmental powers, police powers, home rule authority, or legislative discretion.

g. Limit the City's discretion to evaluate each request for Large Volume Water Service based upon the facts and circumstances of the proposed development, available system capacity, and the public interest.

12. Administration

The City Manager is authorized to administer this policy, negotiate Water Service Agreements consistent with this policy, and establish administrative procedures necessary to implement this policy. All Water Service Agreements shall require approval by the City Commission.

The City Manager, or designee, may require applications, engineering reports, financial information, studies, plans, analyses, or other information reasonably necessary to evaluate a proposed Large Volume Water Service request.

The City may retain engineers, attorneys, financial consultants, environmental consultants, or other professional advisors reasonably necessary to evaluate, negotiate, administer, or monitor proposed or approved Large Volume Water Service. The applicant shall reimburse the City for such costs as provided in Section 7 of this policy.

Nothing in this policy shall limit the City's authority to require additional information, studies, or analyses reasonably necessary to evaluate a proposed request or to administer an approved Water Service Agreement.

13. Interpretation

This policy is intended to provide a consistent framework for evaluating large volume water requests while preserving the City’s discretion to evaluate projects on a case-by-case basis based upon their unique operational, engineering, financial, and regulatory characteristics.

Where a conflict exists between this policy, a City ordinance, an applicable Development Agreement, or an executed Water Service Agreement, the applicable ordinance shall govern, and the executed agreement shall control to the extent it is consistent with applicable law and the City Code.

If any provision of this policy is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions.

City Commission Item #1

July 22, 2026

Resolution 3795 Adopting a Large Volume Water Service Policy

Purpose of the LVWS Policy

The proposed Large Volume Water Service Policy establishes a comprehensive framework for evaluating and administering large volume water service requests, developed through industry best practices, Kansas law, and refined through City Commission study sessions on June 17th and July 1, 2026, prior to formal consideration.

Background

The proposed Large Volume Water Service Policy establishes a comprehensive framework for evaluating and administering large volume water service requests, developed through industry best practices, Kansas law, and legal review, and refined through City Commission study sessions on June 17 and July 1, 2026, prior to adoption.

Discussion

Staff recommends consideration of the proposed policy and approval of Resolution No. 3795 adopting the Large Volume Water Service Policy.

The proposed policy establishes a comprehensive administrative framework governing requests for new commercial and industrial customers with significant water demands.

Rather than addressing individual projects on an ad hoc basis, the policy provides consistent evaluation criteria while maintaining flexibility for project-specific negotiations through individual LVWS Agreements.

Summary Statement of the Policy

The Large Volume Water Service Policy establishes a comprehensive governance framework for evaluating and serving large water users while protecting the financial stability, operational reliability, legal authority, and long-term sustainability of the City of Emporia's water utility.

Through individualized service agreements, full cost recovery, financial assurance requirements, phased capacity management, and clearly defined administrative authority, the policy ensures that new large-scale development bears the costs and risks associated with its service demands without shifting those burdens to existing utility customers.

1. Purpose

Establishes a comprehensive policy framework for evaluating large volume water service requests, assigning infrastructure and financial responsibilities, protecting existing customers, and preserving the long-term operational and financial integrity of the City's water utility.

Project-specific requirements are implemented through individual Water Service Agreements.

Why This Matters

This section establishes the City's policy foundation, ensuring that large projects are evaluated consistently while preventing financial burdens or operational impacts from being transferred to existing ratepayers.

2. Legal Sufficiency & Rate Authority

Confirms that the policy operates within the City's home rule authority and Kansas law while preserving the City Commission's exclusive authority to establish utility rates and service conditions by ordinance.

Water rates & charges are established by ordinance & codified in Chapter 28 of the Emporia City Code.

Why This Matters

This section reduces legal risk by clearly distinguishing policy from ordinance, preserving legislative authority, and reinforcing that utility rates remain legally defensible and subject to City Commission control.

3. Applicability

Defines which projects are subject to the policy by establishing demand thresholds while allowing the City to evaluate other projects who's operational or infrastructure impacts warrant individual review.

The LVWS policy applies to customers with an anticipated water demand equals or exceeds an *average daily demand of 0.5 million gallons per day* (MGD), a *peak daily demand of 1.0 MGD*, or such other *thresholds to best protect the needs of the City*.

Why This Matters

Clear applicability standards prevent inconsistent administration of the policy while preserving flexibility to evaluate individual projects that present significant system impacts regardless of demand alone.

4. Classification & Rate Structure

Creates the Large Volume Water Service customer classification and *requires individualized service agreements together with cost-of-service-based rates that recover all direct and indirect costs associated with serving these customers*.

The City Commission retains sole authority for establishing utility rates.

Why This Matters

This section protects existing utility customers by ensuring that growth pays for growth and that large developments do not subsidize their infrastructure through rates charged to existing customers.

5. Water Service Agreement

Requires every Large Volume Water Service customer to enter into a City Commission-approved agreement establishing service commitments, contract duration, minimum billing obligations, phased development provisions, and other project-specific terms.

A minimum contract term shall be no less than 10-years, or longer to appropriately protect the financial interests of the City, with a minimum monthly billing of at-least 75% of the baseline commitment, which can be waived by majority vote of the city commission.

Why This Matters

Binding contractual agreements, approved by the City Commission, provide long-term revenue stability while reducing financial exposure associated with major infrastructure investments.

6. Infrastructure & Capital Cost Responsibility

Requires customers to fund infrastructure necessary to serve their development, while also assigning responsibility for privately owned facilities and defining ownership of public utility infrastructure.

Why This Matters

This section makes certain that project-specific capital costs are financed by the benefiting development, protecting existing customers, utility finances and minimizing future maintenance and ownership disputes.

7. Financial Assurance & Entity Responsibility

Authorizes the City to require financial security, evaluate financial capacity, require parent guarantees when appropriate, and recover all costs associated with evaluating and administering proposed projects.

Why This Matters

Financial assurance requirements reduce the City's exposure to project failure, customer default, and unreimbursed engineering, legal, consulting, and administrative costs.

8. Early Termination & Default

Requires Water Service Agreements to address capital cost recovery, customer default, and enforcement actions while making continued service contingent upon compliance with City ordinances, agreements, and approved capacity allocations.

Why This Matters

Strong enforcement authority protects the City's investment by providing clear remedies for noncompliance, including suspension or termination of service when necessary.

9. System Capacity Review

Requires engineering, operational, financial, water supply, and environmental review before service approval while establishing phased evaluation of master-planned developments and limiting capacity reservations to approved development phases.

Why This Matters

This provision prevents over-allocation of system capacity, protects service reliability for existing customers, and allows future phases to be evaluated using current system conditions rather than outdated assumptions.

10. Conservation & Efficiency

Authorizes the City to require water conservation, reuse, efficiency measures, and compliance with the City's Water Conservation Policy as conditions of service.

Why This Matters

Water conservation requirements preserve available supply, improve system resiliency during shortages, and reduce long-term operational risk associated with increasing water demand.

11. Reservation of Rights

This provision provides a prudent safeguard by specifying that the policy does not create an entitlement to water service, reserve capacity, limit legislative authority, or restrict the City’s discretion in evaluating individual projects.

Why This Matters

This section substantially reduces legal exposure by preserving the City's governmental authority, legislative discretion, and ability to make project-specific decisions in the public interest.

12. Administration

Authorizes the City Manager to administer the policy, negotiate agreements, establish administrative procedures, require supporting documentation, retain professional consultants, and recover associated costs from applicants as identified in Section 7 of this policy.

All LVWS agreements must be approved by the City Commission.

Why This Matters

The administrative authority provision provides flexibility to obtain the technical expertise necessary for complex projects while ensuring applicants bear the costs of project evaluation rather than existing utility customers.

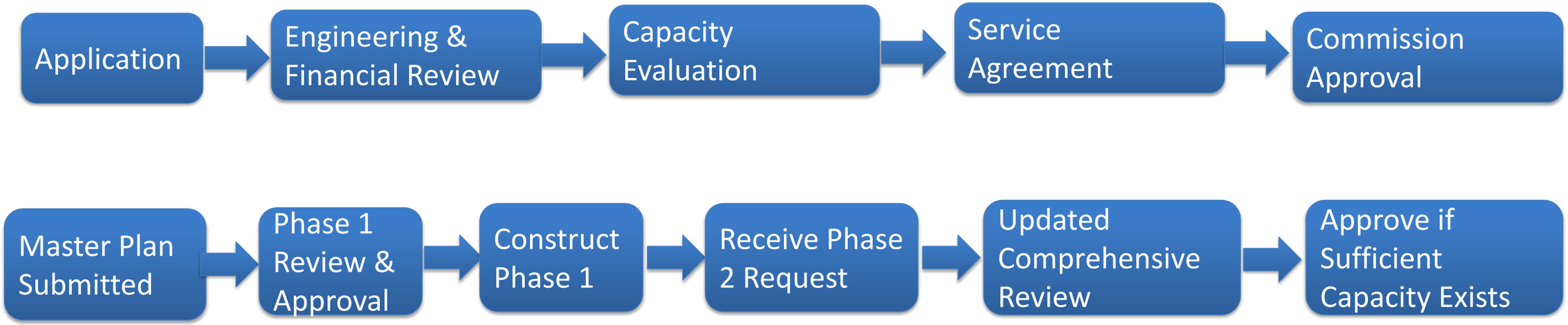
13. Interpretation

Establishes how the policy is to be interpreted, confirms the relationship between the policy, City ordinances, and executed agreements, and includes a severability provision.

Why This Matters

Interpretation and severability provisions improve legal defensibility by preserving the enforceability of the policy if individual provisions are challenged while maintaining consistency with City Code and applicable law.

LVWS Review Process & Phased Campus Development



Review Process Overview

- Approval of a master plan does not reserve ultimate build-out capacity.
- Each future phase requires updated engineering, financial, and capacity review before approval.

Policy Benefits of the Proposed LVWS

Protects Existing Utility Customers: Ensures that infrastructure and service costs associated with large-volume customers are borne by the benefiting development rather than existing residential, commercial, and industrial ratepayers.

Supports Responsible Economic Development: Establishes a clear, predictable framework for evaluating and negotiating large-volume water service requests, providing greater certainty for prospective employers and developers.

Protects the Financial Integrity of the Water Utility: Requires long-term service agreements, financial assurances, minimum revenue commitments, and cost recovery provisions that reduce the City's financial risk.

Preserves Water System Capacity and Reliability: Requires engineering, hydraulic, water supply, and financial evaluations before service is approved to ensure new demands do not adversely affect existing customers or future growth opportunities.

Provides Fair and Equitable Cost Allocation: Applies cost-of-service principles so that customers creating the need for additional infrastructure pay their proportionate share while allowing flexibility when improvements provide broader system benefits.

Improves Transparency, Consistency, and Governance: Establishes standardized evaluation criteria, contractual requirements, and Commission oversight, resulting in more consistent, objective, and defensible decisions for future large-volume service requests.

Requested Commission Action

The proposed LVWS Policy protects existing ratepayers, strengthens the financial sustainability of the City's water utility, preserves system capacity, and provides a consistent framework for supporting responsible economic development.

Approve Resolution No. 3795 adopting the Large Volume Water Service Policy.

Title:	Resolution No. 3796 Adopting a Large Volume Wastewater Service (LVWWS) Policy
Agenda Date:	July 22, 2026
Presented By:	Brian Silcott, Director of Public Works & Utilities

Background: The City of Emporia owns and operates a municipal wastewater utility that provides safe and reliable water service to residential, commercial, industrial, and institutional customers. The City of Emporia has seen growing interest in large commercial and industrial development and has highlighted the need for a formal Large Volume Wastewater Service Policy to provide consistent evaluation standards, protect existing ratepayers, preserve system capacity, and equitably allocate infrastructure costs beyond the City's historical project-by-project approach. The proposed Large Volume Water Service Policy establishes a comprehensive framework for evaluating and administering large volume water service requests, developed through industry best practices, Kansas law, and legal review, and refined through City Commission study sessions in detail on July 1, 2026, prior to adoption.

The proposed Resolution No. 3796 formally adopts the policy and authorizes the City Manager to administer the policy and negotiate Large Volume Wastewater Service Agreements consistent with its provisions, subject to City Commission approval where required.

Discussion: Staff recommends approval of Resolution No. 3796 adopting the Large Volume Wastewater Service Policy. The proposed policy establishes a comprehensive administrative framework governing requests for new commercial and industrial customers with significant wastewater demands. Rather than addressing individual projects on an ad hoc basis, the policy provides consistent evaluation criteria while maintaining flexibility for project-specific negotiations through individual LVWWS Agreements.

Financial Considerations: The policy establishes a consistent framework for future Large Volume Wastewater Service requests that protects the financial integrity of the utility, assigns project-specific costs to applicants, protects existing ratepayers, supports long-term capital planning, and provides for cost recovery through negotiated Large Volume Wastewater Service Agreements. Project-specific financial obligations, including engineering, infrastructure, capacity reservations, reimbursement, and minimum billing commitments, will be established through individual Water Service Agreements approved by the City Commission.

Legal Considerations: The policy has been developed consistent with Kansas statutes governing municipal utilities. Municipal authority to establish utility rates, classifications, and conditions of service. Existing City ordinances governing water utility operations. Authority of the City Commission to approve utility service agreements and infrastructure obligations. Resolution No. 3796 formally adopts the policy and authorizes administrative implementation by the City Manager consistent with Commission oversight.

Recommended Action: Approve Resolution No. 3796 adopting the Large Volume Water Service Policy.

Attachments: 2.A Resolution No. 3796: Adopting the Large Volume Water Service Policy.

2.B Large Volume Wastewater Service Policy

RESOLUTION NO. 3796

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ADOPTING A LARGE VOLUME WASTEWATER SERVICE POLICY

WHEREAS, the City of Emporia owns and operates a municipal wastewater utility to and is responsible for providing safe and reliable wastewater collection and treatment services to the community; and

WHEREAS, requests for large-volume wastewater service may require substantial infrastructure investment and present unique operational, financial, regulatory, and system capacity considerations; and

WHEREAS, the Governing Body finds it to be in the public interest to establish a consistent framework for evaluating requests for large-volume wastewater service, protecting existing customers from subsidizing the costs of service to large-volume users, and promoting the reliable and financially responsible operation of the City's wastewater utility.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

Section 1. The Governing Body hereby adopts the Large Volume Wastewater Service Policy, attached and incorporated herein by reference.

Section 2. The City Manager is authorized to administer the policy, negotiate Wastewater Service Agreements consistent with the policy, and establish administrative procedures necessary to implement the policy, subject to Governing Body approval where required by the policy.

Section 3. This Resolution shall take effect upon its adoption.

APPROVED AND ADOPTED by the Governing Body of the City of Emporia, Kansas, this 22nd day of July 2026.

_____

Becky Smith, Mayor

Attest:

_____

Kerry Sull, City Clerk

Subject:	Issued by:	Effective Date:
Large Volume Wastewater Service Policy	**Resolution 3796**	**7-22-26**

Policy on Large Volume Wastewater Service

1. Purpose

The purpose of this policy is to establish a consistent framework for evaluating requests for Large Volume Wastewater Service, assigning infrastructure responsibilities, allocating project-related costs, protecting the long-term financial and operational integrity of the City's wastewater utility, and supporting continued compliance with applicable environmental laws and permits.

Project-specific engineering, financial, operational, and legal requirements shall be established in the applicable Wastewater Service Agreement.

2. Legal Sufficiency and Rate Authority

This policy is structured to align with the City's home rule authority and applicable Kansas law governing municipal utilities. Wastewater rates, fees, and charges are established by ordinance and codified in Chapter 28 of the Emporia City Code. This policy does not create independent rate-setting authority, but instead provides a framework for applying cost-of-service-based rates and contract terms for large-volume wastewater users in a manner that is reasonable, non-discriminatory, and consistent with the City Code.

Nothing in this policy shall be construed to limit the City Commission's authority to establish or amend wastewater rates, fees, connection charges, treatment surcharges, pretreatment fees, classifications, or service conditions by ordinance as necessary to ensure the continued financial integrity, operational reliability, and regulatory compliance of the City's wastewater utility system.

3. Applicability

This policy applies to requests for new Large Volume Wastewater Service, significant expansions of existing wastewater service, and master-planned or campus-style developments, including phased developments.

This policy applies to projects that, because of their anticipated wastewater flow, discharge characteristics, infrastructure needs, operational requirements, or potential impacts on the City's wastewater utility system, may require significant public infrastructure investment, individualized contractual arrangements, or project-specific engineering, financial, operational, or regulatory review. The City shall determine whether a request is subject to this policy based on those considerations.

A customer classified as a Large Volume Water Service customer shall be presumed to be subject to this policy unless the City determines that the customer's anticipated wastewater flow or wastewater characteristics do not warrant application of this policy.

4. **Large Volume Wastewater Service Classification and Rate Structure**

   Customers determined to be subject to this policy shall be classified as Large Volume Wastewater Service customers. Because such customers may present unique infrastructure, operational, regulatory, and financial considerations, they shall be served pursuant to individualized Wastewater Service Agreements and wastewater rates established by ordinance.

   Rates for Large Volume Wastewater Service customers shall be designed to fully recover all direct and indirect costs reasonably attributable to providing service, including impacts to collection infrastructure, interceptor capacity, lift stations, wastewater treatment facilities, biosolids management, operations and maintenance, regulatory compliance, and other costs attributable to the customer. Rate structures may include volumetric wastewater charges, treatment surcharges, strength-based surcharges, industrial pretreatment fees, monitoring charges, minimum monthly billing obligations, and other charges authorized by ordinance or the applicable Wastewater Service Agreement.

   Improvements financed through the Large Volume Wastewater Service policy application shall be funded solely by the benefiting development and shall not result in costs being allocated to, or rates being increased for, existing customer classes.

5. **Wastewater Service Agreements**

   All Large Volume Wastewater Service customers shall enter into a written Wastewater Service Agreement approved by the City Commission.

   The agreement shall include a contract term commensurate with the level of infrastructure investment, generally not less than ten (10) years, with longer terms as the City determines appropriate based on the financial risk presented by the project.

   The agreement shall establish the anticipated wastewater flow and discharge characteristics of the project, including projected flow, wastewater characteristics, and other operational assumptions upon which the City will rely in planning and providing service. The agreement may include minimum monthly billing obligations or other financial commitments reasonably necessary to protect the City's investment in wastewater infrastructure and treatment capacity.

   The agreement may also include phased service provisions and such other engineering, financial, operational, monitoring, reporting, and regulatory requirements as the City determines reasonably necessary to provide service and protect the financial and operational integrity of the wastewater utility.

   Nothing in this policy or any Wastewater Service Agreement shall limit the City's authority to adopt or amend wastewater rates, fees, or charges by ordinance.

6. **Infrastructure and Capital Cost Responsibility**

   The customer shall be responsible for all costs associated with public infrastructure improvements reasonably necessary to provide the requested service, including planning, engineering, design, permitting, easement acquisition, land acquisition, construction, inspection, testing, commissioning, utility relocation, and other reasonably related costs. Public infrastructure intended for operation as

part of the City's wastewater utility shall be owned by the City unless otherwise approved by the City Commission.

The customer shall also be responsible for constructing, owning, operating, maintaining, repairing, replacing, and ultimately removing any private facilities reasonably required as a condition of service, including pretreatment facilities, flow equalization facilities, monitoring and sampling equipment, flow measurement devices, source control systems, or other customer-owned infrastructure necessary to comply with applicable laws, permits, City ordinances, or the Wastewater Service Agreement.

The customer shall further be responsible for all costs reasonably attributable to the proposed service, including permitting, permit modifications, regulatory compliance improvements, monitoring, and other reasonably related costs associated with providing the requested service and maintaining compliance with applicable federal, state, and local laws, regulations, permits, and permit conditions, except as otherwise approved by the City Commission.

7. Financial Assurance and Cost Reimbursement

The City may require one or more forms of financial assurance commensurate with the scale, duration, and financial risk of the proposed service. Financial assurance may include, but is not limited to, letters of credit, performance bonds, escrow deposits, corporate guarantees, parent company guarantees, development security, or other security acceptable to the City.

Financial assurance requirements may be adjusted based upon the customer's demonstrated financial strength, payment history, ownership structure, or changes in project risk. Where the applicant is a limited liability company, special purpose entity, or other entity with limited assets, the City may require guarantees or other financial assurances from parent companies, affiliates, or other financially responsible entities.

The applicant shall reimburse the City for all reasonable costs incurred in evaluating, negotiating, reviewing, approving, and administering a proposed Large Volume Wastewater Service request and any associated Wastewater Service Agreement. Reimbursable costs may include, but are not limited to, engineering studies, hydraulic modeling, wastewater system capacity analyses, treatment evaluations, financial analyses, legal review, environmental review, permitting, consultant services, administrative expenses, inspections, testing, monitoring, and other professional or technical services reasonably required by the City. The procedures for reimbursement shall be established in the applicable Wastewater Service Agreement.

The City may require advance payment, deposits, or reimbursement escrows to secure anticipated review, consulting, permitting, monitoring, or other project-related costs.

8. Early Termination and Default

Wastewater Service Agreements shall include provisions addressing recovery of unrecovered capital costs, minimum payment obligations, and the rights and remedies of the parties in the event of default, early termination, or abandonment of the project.

Continued Large Volume Wastewater Service shall be conditioned upon the customer's ongoing compliance with this policy, the applicable Wastewater Service Agreement, all applicable City ordinances, applicable Development Agreements, approved discharge limits and requirements, and all applicable federal, state, and local laws, regulations, permits, and permit conditions.

Failure to comply with these requirements may constitute a default under the Wastewater Service Agreement and may result in enforcement action by the City, including corrective action, suspension or termination of service, recovery of costs and damages, collection of outstanding obligations, realization upon financial assurances, or other remedies authorized by applicable law or the Wastewater Service Agreement.

Nothing in this policy shall limit the City's authority to enforce applicable pretreatment requirements, industrial discharge regulations, or other provisions of the City Code governing the use of the City's wastewater utility.

9. System Capacity Review

Approval of Large Volume Wastewater Service under this policy shall be subject to such engineering, financial, operational, environmental, and regulatory review as the City determines reasonably necessary to evaluate the proposed request. Such review may include evaluation of wastewater collection, conveyance, pumping, treatment, disposal, hydraulic loading, organic loading, industrial loading, biosolids management, regulatory compliance, system capacity, and other technical considerations relevant to the proposed service.

The City may require wastewater characterization studies, treatability analyses, pilot testing, engineering studies, or other technical evaluations reasonably necessary to determine the impacts of the proposed discharge on the City's wastewater utility, infrastructure, operations, regulatory compliance, or long-term financial and operational integrity.

Nothing in this policy or any application submitted under it shall be construed to create an entitlement to wastewater service or to require the City to provide service beyond available system capacity or in a manner that would adversely affect the reliability, operation, financial integrity, or ability of the wastewater utility system to provide reliable service to existing customers.

The City may evaluate master-planned or campus-style developments as a single coordinated project for planning purposes. Approval of a master development plan shall not constitute a commitment to provide wastewater service for the ultimate build-out. Approval of one phase shall not create a vested right or reasonable expectation that wastewater service will be approved or reserved for any subsequent phase.

Each phase of a master-planned or campus-style development shall be subject to updated engineering analysis, financial review, and City approval to verify that adequate system capacity remains available and that all applicable requirements of this policy continue to be satisfied.

10. Operational and Regulatory Requirements

Throughout the term of wastewater service, all Large Volume Wastewater Service customers shall comply with all applicable City ordinances, industrial pretreatment requirements, wastewater discharge permits, Wastewater Service Agreement requirements, and applicable federal, state, and local laws and regulations governing wastewater discharges.

The City may establish discharge limitations, pretreatment requirements, monitoring and sampling requirements, source control measures, reporting obligations, operational standards, and other requirements reasonably necessary to protect the City's wastewater collection system, treatment

facilities, biosolids management program, receiving waters, worker safety, the City's regulatory compliance, and the long-term financial and operational integrity of the wastewater utility.

Compliance with applicable laws, regulations, or permits shall not preclude the City from imposing additional reasonable operational, monitoring, pretreatment, or source control requirements as a condition of wastewater service where necessary to protect the City's wastewater utility or maintain regulatory compliance.

The City may require customers to monitor, characterize, reduce, treat, or otherwise control pollutants, contaminants, or wastewater characteristics that the City determines may adversely affect the wastewater collection system, treatment processes, biosolids management, the City's regulatory compliance, or present or future treatment, disposal, or operational costs.

Such requirements may address PFAS, contaminants of emerging concern, or other constituents identified by the City based upon applicable law, engineering judgment, scientific information, regulatory guidance, or evolving treatment technologies, including future changes in applicable regulatory requirements or scientific understanding.

Nothing in this policy or any Wastewater Service Agreement shall be construed to limit the City's authority to administer and enforce its industrial pretreatment program, wastewater discharge regulations, or other applicable provisions of Chapter 28 of the City Code, as amended from time to time.

11. Reservation of Rights

Nothing in this policy shall be construed to:

a. Create a contractual right or entitlement to receive wastewater service;

b. Require the City to approve any application for Large Volume Wastewater Service;

c. Require the City to reserve or allocate wastewater system capacity except as expressly provided in an approved Wastewater Service Agreement;

d. Limit the City Commission's authority to establish or amend wastewater rates, fees, connection charges, treatment surcharges, pretreatment fees, classifications, or service conditions by ordinance or as otherwise authorized by law;

e. Limit the City's authority to deny, condition, suspend, discontinue, or terminate wastewater service as authorized by applicable law, City ordinance, or an approved Wastewater Service Agreement;

f. Waive or limit the City's governmental powers, police powers, home rule authority, or legislative discretion.

12. Administration

The City Manager is authorized to administer this policy, negotiate Wastewater Service Agreements consistent with this policy, and establish administrative procedures necessary to implement this policy. All Wastewater Service Agreements shall require approval by the City Commission.

The City Manager, or designee, may require applications, engineering reports, financial information, studies, plans, analyses, or other information reasonably necessary to evaluate a proposed Large Volume Wastewater Service request.

The City may retain engineers, attorneys, financial consultants, environmental consultants, or other professional advisors reasonably necessary to evaluate, negotiate, administer, or monitor proposed or approved Large Volume Wastewater Service. The applicant shall reimburse the City for such costs as provided in Section 7 of this policy.

Nothing in this policy shall limit the City's authority to require additional information, studies, or analyses reasonably necessary to evaluate a proposed request or to administer an approved Wastewater Service Agreement.

13. Interpretation

This policy is intended to provide a consistent framework for evaluating large volume wastewater requests while preserving the City’s discretion to evaluate projects on a case-by-case basis based upon their unique operational, engineering, financial, and regulatory characteristics.

Where a conflict exists between this policy, the City Code, an applicable Development Agreement, or an executed Wastewater Service Agreement, the applicable ordinance shall govern, and the executed agreement shall control to the extent it is consistent with applicable law and the City Code.

If any provision of this policy is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions.

City Commission Item #2

July 22, 2026

Resolution 3796 Adopting a Large Volume Wastewater Service Policy

Purpose of the LVWS Policy

The proposed Large Volume Wastewater Service Policy establishes a comprehensive framework for evaluating and administering large volume wastewater service requests, developed through industry best practices, Kansas law, and refined through City Commission study sessions work on the LVWS policy format & framework, and specific wastewater content at the July 1, 2026, Regular meeting prior to formal consideration.

Background

The proposed Large Volume Wastewater Service Policy (LVWWS) establishes a comprehensive framework for evaluating and administering large volume water service requests, developed through industry best practices, Kansas law, and legal review, and refined through City Commission study sessions for the LVWS form and framework, and the July 1st meeting for specific wastewater content prior to adoption.

Discussion

Staff recommends consideration of the proposed policy and approval of Resolution No. 3796 adopting the Large Volume Wastewater Service (LVWWS) Policy.

The proposed policy establishes a comprehensive administrative framework governing requests for new commercial and industrial customers with significant water & wastewater demands.

Rather than addressing individual projects on an ad hoc basis, the policy provides consistent evaluation criteria while maintaining flexibility for project-specific negotiations through individual LVWWS Agreements.

Summary Statement of the Policy

The Large Volume Wastewater Service Policy establishes a comprehensive governance framework for evaluating and serving large water users while protecting the financial stability, operational reliability, legal authority, and long-term sustainability of the City of Emporia's wastewater utility.

Through individualized service agreements, full cost recovery, financial assurance requirements, phased capacity management, and clearly defined administrative authority, the policy ensures that new large-scale development bears the costs and risks associated with its service demands without shifting those burdens to existing utility customers.

1. Purpose

Establishes a comprehensive policy framework for evaluating LVWWS requests, assigning infrastructure and financial responsibilities, protecting existing customers, and preserving the long-term operational and financial integrity of the City's water and wastewater utilities. Project-specific requirements are implemented through individual Wastewater Service Agreements.

Why This Matters

This section establishes the City's policy foundation, ensuring that large projects are evaluated consistently while preventing financial burdens or operational impacts from being transferred to existing ratepayers.

2. Legal Sufficiency & Rate Authority

Confirms that the policy operates within the City's home rule authority and Kansas law while preserving the City Commission's exclusive authority to establish utility rates and service conditions by ordinance.

Wastewater rates & charges are established by ordinance & codified in Chapter 28 of the City Code.

Why This Matters

This section reduces legal risk by clearly distinguishing policy from ordinance, preserving legislative authority, and reinforcing that utility rates remain legally defensible and subject to City Commission control.

3. Applicability

Defines which projects are subject to the policy because of their anticipated wastewater flow, discharge characteristics, infrastructure needs, operational requirements, or potential impacts on the City's wastewater utility system, may require significant public infrastructure investment, individualized contractual arrangements, or project-specific engineering, financial, operational, or regulatory review.

Why This Matters

Clear applicability standards prevent inconsistent administration of the policy while preserving flexibility to evaluate individual projects that present significant system impacts regardless of demand alone.

4. LVWWS Classification & Rate Structure

Creates the Large Volume Wastewater Service customer classification and *requires individualized service agreements together with cost-of-service-based rates that recover all direct and indirect costs associated with serving these customers*.

Rates for Large Volume Wastewater Service customers shall be designed to fully recover all direct and indirect costs reasonably attributable to providing service, including impacts to collection infrastructure, interceptor capacity, lift stations, wastewater treatment facilities, biosolids management, operations and maintenance, regulatory compliance, and other costs attributable to the customer.

Rate structures may include volumetric wastewater charges, treatment surcharges, strength-based surcharges, industrial pretreatment fees, monitoring charges, minimum monthly billing obligations, and other charges authorized by ordinance or the applicable Wastewater Service Agreement.

The City Commission retains sole authority for establishing utility rates.

Why This Matters

This section protects existing utility customers by ensuring that growth pays for growth and that large developments do not subsidize their infrastructure through rates charged to existing customers.

5. Wastewater Service Agreements

Requires every Large Volume Water Service customer to enter into a City Commission-approved agreement establishing service commitments, minimum 10-year contract duration, minimum billing obligations, phased development provisions, and other project-specific terms.

The agreement shall establish the anticipated wastewater flow and discharge characteristics of the project, including projected flow, wastewater characteristics, and other operational assumptions upon which the City will rely in planning and providing service.

Why This Matters

Binding contractual agreements, approved by the City Commission, provide long-term revenue stability while reducing financial exposure associated with major infrastructure investments.

6. Infrastructure & Capital Cost Responsibility

Requires customers to fund infrastructure necessary to serve their development, while also assigning responsibility for privately owned facilities and defining ownership of public utility infrastructure.

Why This Matters

This section makes certain that project-specific capital costs are financed by the benefiting development, protecting existing customers, utility finances and minimizing future maintenance and ownership disputes.

7. Financial Assurance & Cost Responsibility

Authorizes the City to require financial security, evaluate financial capacity, require parent guarantees when appropriate, and recover all costs associated with evaluating and administering proposed projects.

Why This Matters

Financial assurance requirements reduce the City's exposure to project failure, customer default, and unreimbursed engineering, legal, consulting, and administrative costs.

8. Early Termination & Default

Requires Wastewater Service Agreements to address capital cost recovery, customer default, and enforcement actions while making continued service contingent upon compliance with City ordinances, agreements, and approved capacity allocations.

Why This Matters

Strong enforcement authority protects the City's investment by providing clear remedies for noncompliance, including suspension or termination of service when necessary.

9. System Capacity Review

Requires engineering, operational, financial, water supply, and environmental review before service approval while establishing phased evaluation of master-planned developments and limiting capacity reservations to approved development phases.

Why This Matters

This provision prevents over-allocation of system capacity, protects service reliability for existing customers, and allows future phases to be evaluated using current system conditions rather than outdated assumptions.

10. Operational & Regulatory Requirements

Authorizes the City to require water & wastewater conservation, reuse, efficiency measures, industrial pretreatment requirements, wastewater discharge permits and compliance, requirements may address PFAS, contaminants of emerging concern, or other constituents identified by the City based upon applicable law, and compliance with the City's Water Conservation Policy as conditions of service.

The City may establish discharge limitations, pretreatment requirements, monitoring and sampling requirements, source control measures, reporting obligations, operational standards, and other requirements reasonably necessary to protect the City's wastewater collection system, treatment facilities, biosolids management program, receiving waters, worker safety, the City's regulatory compliance, and the long-term financial and operational integrity of the wastewater utility.

Why This Matters

Water & Wastewater conservation requirements preserve available supply, improve system resiliency during shortages, and reduce long-term operational risk associated with increasing water demand.

11. Reservation of Rights

This provision provides a prudent safeguard by specifying that the policy does not create an entitlement to water service, reserve capacity, limit legislative authority, or restrict the City’s discretion in evaluating individual projects.

Why This Matters

This section substantially reduces legal exposure by preserving the City's governmental authority, legislative discretion, and ability to make project-specific decisions in the public interest.

12. Administration

Authorizes the City Manager to administer the policy, negotiate agreements, establish administrative procedures, require supporting documentation, retain professional consultants, and recover associated costs from applicants as identified in Section 7 of this policy.

All LVWWS agreements must be approved by the City Commission.

Why This Matters

The administrative authority provision provides flexibility to obtain the technical expertise necessary for complex projects while ensuring applicants bear the costs of project evaluation rather than existing utility customers.

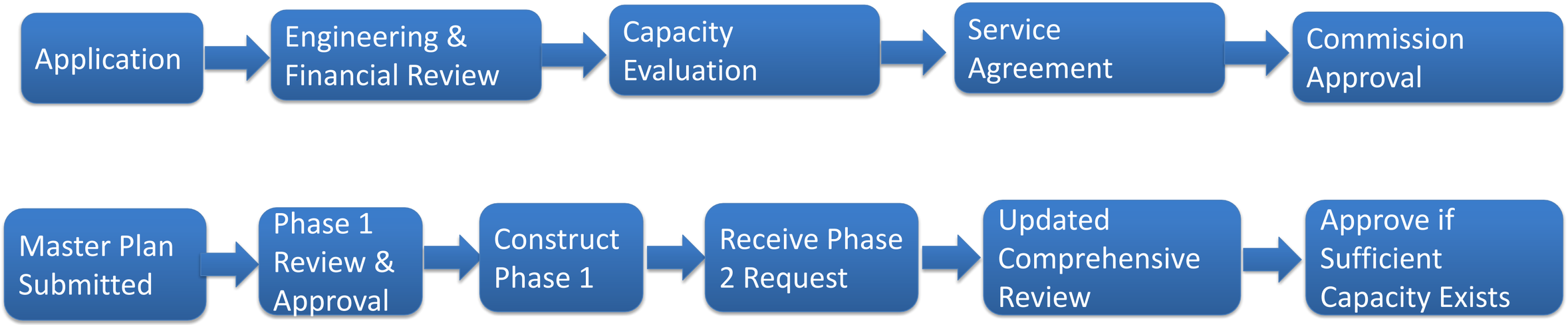
13. Interpretation

Establishes how the policy is to be interpreted, confirms the relationship between the policy, City ordinances, and executed agreements, and includes a severability provision.

Why This Matters

Interpretation and severability provisions improve legal defensibility by preserving the enforceability of the policy if individual provisions are challenged while maintaining consistency with City Code and applicable law.

LVWWS Review Process & Phased Campus Development



Review Process Overview

- Approval of a master plan does not reserve ultimate build-out capacity.
- Each future phase requires updated engineering, financial, and capacity review before approval.

Policy Benefits of the Proposed LVWWS

Protects Existing Utility Customers: Ensures that infrastructure and service costs associated with large-volume customers are borne by the benefiting development rather than existing residential, commercial, and industrial ratepayers.

Supports Responsible Economic Development: Establishes a clear, predictable framework for evaluating and negotiating large-volume water service requests, providing greater certainty for prospective employers and developers.

Protects the Financial Integrity of the Wastewater Utility: Requires long-term service agreements, financial assurances, minimum revenue commitments, and cost recovery provisions that reduce the City's financial risk.

Preserves Water System Capacity and Reliability: Requires engineering, hydraulic, water supply, and financial evaluations before service is approved to ensure new demands do not adversely affect existing customers or future growth opportunities.

Provides Fair and Equitable Cost Allocation: Applies cost-of-service principles so that customers creating the need for additional infrastructure pay their proportionate share while allowing flexibility when improvements provide broader system benefits.

Improves Transparency, Consistency, and Governance: Establishes standardized evaluation criteria, contractual requirements, and Commission oversight, resulting in more consistent, objective, and defensible decisions for future large-volume service requests.

Requested Commission Action

The proposed LVWWS Policy protects existing ratepayers, strengthens the financial sustainability of the City's wastewater utility, preserves system capacity, and provides a consistent framework for supporting responsible economic development.

Approve Resolution No. 3796 adopting the Large Volume Wastewater Service Policy.

Title:	Ordinance 26-21 Amending the Zoning Regulations by Adding New Section 8.10 Establishing a Digital Infrastructure Overlay District
Agenda Date:	July 22, 2026
Presented By:	Justin Givens, Director, Building & Neighborhood Development

Background:

The City has undertaken a review of potential zoning regulations applicable to digital infrastructure facilities, including data centers and similar uses. The review process included research of regulations from other jurisdictions, consultation with utility providers and other stakeholders, public meetings, and public input.

The proposed Digital Infrastructure Overlay (DI-O) District is intended to provide a clear regulatory framework for digital infrastructure development while maintaining flexibility for industrially zoned property. The overlay district supplements the underlying zoning district by establishing additional development standards and operational requirements applicable to digital infrastructure uses.

The proposed regulations address a variety of topics, including permitted and accessory uses; backup power generation restrictions; utility infrastructure planning; water and wastewater service agreements; emergency response planning; traffic impact studies; acoustical impact studies and noise standards; environmental studies; electronic waste management plans; end-of-operations planning; construction management plans; lighting, landscaping, screening, and buffering requirements; and supplemental development standards designed to minimize adverse impacts on sensitive adjoining properties.

At a Special Meeting on June 30, 2026, the Planning Commission unanimously recommended approval of the proposed text amendment to the City Commission.

Discussion:

The proposed ordinance amends the City's Zoning Regulations by adding new Section 8.10 establishing the Digital Infrastructure Overlay (DI-O) District. Adoption of the ordinance would incorporate the Digital Infrastructure Overlay regulations into the City's Zoning Regulations.

The proposed ordinance establishes the regulatory framework for the DI-O District only. Adoption of the ordinance does not approve any particular development project or authorize construction of any facility. Individual properties must still receive any required zoning approvals, and future development proposals remain subject to all applicable review and approval processes.

Financial considerations:

The cost of publication of the ordinance is borne by the City.

Recommended action:

Consider Ordinance 26-21 Amending the Zoning Regulations by Adding New Section 8.10 Establishing a Digital Infrastructure Overlay District.

The Governing Body, when considering a recommendation from the Planning Commission may;

1. approve the Planning Commission’s recommendation by a simple majority vote;
2. override or approve the Planning Commission’s recommendations with modifications by a 2/3 majority vote;
3. return the application to the Planning Commission, giving reasons for doing so.
4. Table the item for further consideration at a future City Commission meeting.

Attachments:

- Ordinance 26-21 Amending the Zoning Regulations by Adding New Section 8.10 Establishing a Digital Infrastructure Overlay District
- Excerpt of Minutes from the June 23 and June 30 Planning Commission meetings
- Staff Report presented to the Planning Commission

ORDINANCE NO. 26-21

AN ORDINANCE AMENDING SECTION 8 OF THE ZONING REGULATIONS OF THE CITY OF EMPORIA, KANSAS, AS ADOPTED BY ORDINANCE NO. 23-28, BY ADDING NEW SECTION 8.10 ESTABLISHING A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The Zoning Regulations of the City of Emporia, Kansas, as adopted by Ordinance No. 23-28, are hereby amended by adding new Section 8.10 to read as follows:

"**8.10 Digital Infrastructure Overlay District (DI-O)**

8.10.1 Intent

The regulations set forth in this section are the regulations for the Digital Infrastructure Overlay District (DI-O).

The DI-O is intended to:

1. Support long-term planning for digital infrastructure and related industrial development;

2. Identify areas suitable for digital infrastructure development and associated infrastructure investment;

3. Provide flexibility for campus-style and phased development patterns;

4. Promote compatibility with surrounding land uses through reasonable development standards;

5. Supplement underlying industrial zoning regulations where digital infrastructure development may involve development patterns or infrastructure demands not otherwise fully contemplated by conventional industrial zoning standards;

6. Support economic development, technology investment, infrastructure expansion, and tax base growth associated with digital infrastructure development; and

7. Mitigate potential negative impacts associated with digital infrastructure development.

8.10.2 Applicability

The DI-O may be applied to property:

1. Located within the corporate limits of the City of Emporia; and

2. Zoned HI, LI, or IF Parcel Types.

The DI-O may be established in advance of a specific development proposal.

The DI-O supplements the regulations applicable to the underlying Parcel Type. Except as expressly provided by this section, all regulations, standards, procedures, and requirements applicable to the underlying Parcel Type shall remain in full force and effect.

Nothing in this section shall be interpreted to regulate wireless communications facilities, telecommunications carriers, or public utility facilities except to the extent authorized by applicable law.

8.10.3 Application Requirements

Applications for DI-O designation and consideration of such applications shall follow the procedures and requirements for zoning amendments set forth in Section 9.

Applications shall include sufficient conceptual information to allow evaluation of the proposed overlay area and anticipated development framework, and may include:

1. A general development narrative;

2. Conceptual land use or planning exhibits;

3. Preliminary infrastructure and utility information;

4. General transportation and access concepts;

5. Compatibility and buffering considerations; and

6. Anticipated phased development or planning considerations.

Detailed engineering and final site design shall not be required at the time of overlay application.

8.10.4 Definitions

Digital Infrastructure Facility

A facility primarily used for the processing, storage, management, routing, exchange, or distribution of digital information through servers, networking equipment, cloud computing systems, artificial intelligence computing infrastructure, machine learning, quantum computing, high-performance computing, advanced computational technologies, or related computing technologies.

Digital Infrastructure Campus

A coordinated development consisting of multiple Digital Infrastructure Facilities and supporting infrastructure operating within an approved unified development area involving multiple principal structures, users, ownership entities, parcels, phases of development, coordinated infrastructure planning, or campus-scale infrastructure systems operating under a unified development framework. Shared infrastructure systems may serve multiple buildings, parcels, users, ownership entities, or phases of development within the campus.

8.10.5 Permitted Uses

a. Heavy Industrial (HI) and Light Industrial (LI)

The following uses may be permitted within the DI-O when located in the HI or LI Parcel Types:

1. Digital Infrastructure Facilities;
2. Digital Infrastructure Campuses; and
3. Any other use allowed with underlying zoning classification of the property.

b. Industrial Flex (IF)

The following uses may be permitted within the DI-O when located in the IF Parcel Type subject to approval through a Planned Unit Development:

1. Digital Infrastructure Facilities; and
2. Digital Infrastructure Campuses; and

Any other use allowed with underlying zoning classification of the property.

8.10.6 Accessory Uses

Accessory uses and structures customarily incidental to a principal Digital Infrastructure Facility or Digital Infrastructure Campus may be permitted within the DI-O subject to applicable development regulations.

Other similar accessory uses and structures may be approved administratively by the Zoning Administrator.

a. Operational Infrastructure

The following operational infrastructure may be permitted within the DI-O when accessory to a permitted digital infrastructure use:

1. Primary Utility Infrastructure including electrical substations, utility interconnections, switchgear, transformers, distribution equipment, utility service equipment, solar panels, and other infrastructure necessary to receive, distribute, and manage electricity supplied by the serving electric utility for normal facility operations.

2. Backup power generation systems, associated fuel storage, and other reliability, resiliency, redundancy, and continuity-of-operations infrastructure, including microgrids, redundant utility systems, black-start capability, and similar systems;

3. Utility corridors and natural gas infrastructure secured by necessary easements serving on-site operations; and

4. Battery energy storage systems;

5. Cooling towers, mechanical cooling infrastructure, and mechanical equipment yards;

6. Water storage, treatment, recycling, reclaimed water, and reuse systems;

7. Fiber and private communications infrastructure accessory to digital infrastructure operations.

Primary energy generation facilities intended to serve as a primary source of power for routine facility operations shall be subject to the applicable conditional use and approval requirements of the underlying Parcel Type.

Operational infrastructure may be publicly owned, privately owned, jointly developed, operated through utility providers, or transferred to utility providers as authorized by applicable law. Infrastructure systems may serve multiple buildings, parcels, users, ownership entities, or phases of development within a Digital Infrastructure Campus.

b. Backup Power Generation

Backup power generation systems and related reliability and redundancy infrastructure may be operated only for:

- an actual utility outage or interruption;

- testing and maintenance conducted in accordance with an approved operations plan;

- initial commissioning of installed equipment;

- temporary replacement of a failed or unavailable permanent backup power system; or

- operation requested or directed by the serving electric utility or an applicable governmental authority during a documented grid emergency or reliability event, or other operation authorized by the City Manager or the City Manager's designee pursuant to an approved development agreement. Any such operation shall remain subject to applicable operational standards, including requirements addressing acoustics, emissions, and other environmental impacts.

Backup power generation systems shall not serve as a primary source of power for routine facility operations.

Routine testing and maintenance of backup power generators shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., except as reasonably necessary to comply with applicable law, permit conditions, or manufacturer specifications.

Portable or mobile generators may be used only during construction, commissioning, emergency operations, or temporary replacement of a permanently installed backup power system. Portable or mobile generators shall not be used as a long-term substitute for permanently installed backup generation serving an operational facility. Campus-scale backup power generation systems, fuel storage facilities, substations, battery energy storage systems, and similar operational infrastructure serving more than one principal building shall not be permitted within the IF Parcel Type unless approved through a Planned Unit Development.

b. Support Infrastructure

The following support infrastructure may be permitted within the DI-O when accessory to a permitted digital infrastructure use and otherwise permitted by these regulations:

1. Security, surveillance, and access control facilities and infrastructure;

2. Maintenance buildings, service areas, and equipment yards;

3. Administrative offices;

4. Employee amenities and support facilities;

5. Emergency response or support facilities;

6. Internal circulation roads and service access;

7. Loading and service areas; and

8. Other accessory uses and structures customarily incidental to digital infrastructure development.

8.10.7 Development Review

a. General Development Review

Development within the DI-O shall remain subject to applicable site plan review, permitting, and other approval processes required by these regulations. The City may utilize City staff or retain qualified third-party professionals to assist with application review, technical review, preparation and administration of development agreements, inspections, testing, monitoring, and other services reasonably necessary to administer this section. Reasonable costs incurred by the City for such services may be assessed to the applicant.

Site plans may be submitted for individual phases or multiple phases simultaneously.

The City may approve reasonable modifications to development standards where necessary to facilitate reuse of existing industrial structures or previously developed sites.

b. Development Agreements

Approval of digital infrastructure development within the DI-O shall require execution of a development agreement approved by the City.

The development agreement shall address infrastructure coordination, utility services, public improvements, development phasing, operational considerations, mitigation measures, decommissioning requirements, financial assurances authorized by applicable law and reasonably related to decommissioning or required public improvements, and other matters reasonably related to the proposed development.

Required studies, plans, assessments, mitigation measures, infrastructure improvements, operational commitments, monitoring requirements, and phased development obligations and other applicable requirements approved as part of the development review process shall be incorporated into the development agreement or expressly incorporated by reference as enforceable conditions.

The development agreement shall establish operational inspection rights, monitoring requirements, testing requirements, reporting obligations, compliance verification requirements, and reimbursement of the City’s reasonable costs associated with administration and enforcement.

The development agreement shall establish procedures governing transfers of ownership, operational control, assignments, and successor obligations. Prior to any assignment of the development agreement or assumption of its obligations by a successor owner or operator, the successor shall execute an assumption agreement in a form approved by the City. No assignment, amendment, or release of obligations shall be effective without the prior written consent of the City.

The development agreement, or a memorandum thereof approved by the City, shall be recorded with the Lyon County Register of Deeds. The development agreement shall run with the land and shall be binding upon the owner, developer, operator, tenants, successors, assigns, and any other persons acquiring an interest in the property to the extent provided by the agreement and applicable law.

c. Phased Development

Phased development of Digital Infrastructure Facilities and Digital Infrastructure Campuses may be approved through a development agreement, campus infrastructure plan, master development plan, or similar approved development framework.

Utility infrastructure and related operational infrastructure may be developed or expanded in phases and may be sized to accommodate approved or anticipated future phases of development.

For Digital Infrastructure Campuses, the City may require a campus infrastructure plan depicting anticipated development phases, major infrastructure systems, utility corridors, emergency access, and other information reasonably necessary to evaluate long-term campus development.

Review of future phases shall focus on the proposed phase and its consistency with the approved development framework. Previously approved phases, infrastructure improvements, and related approvals shall not require reapproval absent a material deviation from the approved development framework.

d. Development Review Materials

The applicant shall submit the studies, plans, assessments, and supporting documentation required by this subsection as part of the development review process. The required materials are intended to provide information reasonably necessary for the City to evaluate capacity, public services, operational impacts, environmental considerations, and compatibility with surrounding properties.

The following materials shall be submitted unless the Zoning Administrator determines that a particular requirement is not reasonably necessary based on the nature, scope, or scale of the proposed development. Any determination that a

required submittal is not reasonably necessary shall be documented in writing as part of the development review record. The written determination shall identify the specific submittal being waived and state the factual basis for the determination, including any related information determined to be sufficient to evaluate the applicable subject matter. Nothing in this section shall limit the authority of the Planning Commission or City Commission to require additional studies or supplemental information reasonably related to the subject matter of any required or waived submittal when necessary to evaluate the proposed development, to address issues identified during the public review process, or to supplement information previously submitted by the applicant.

1. **A utility infrastructure plan** describing the utility services necessary to support the proposed development, including anticipated demand for electric, natural gas, water, sanitary sewer, stormwater, telecommunications, and other utility services; proposed utility infrastructure, extensions, upgrades, or on-site systems; and proposed phasing. The plan shall include documentation demonstrating the availability of utility services, including will-serve letters or similar documentation from electric, and natural gas, telecommunications, fiber, and other utility providers, where applicable;

2. **Backup power generation and energy operations plan** describing the location, number, capacity, fuel source, anticipated testing schedule, maintenance procedures, operational limitations, fuel storage, emissions permits, noise mitigation measures, and procedures governing operation of permanent and portable backup power generation systems.

3. **Water and wastewater** service agreements addressing water demand, system capacity, infrastructure requirements, service conditions, discharge, conservation measures, reclaimed water opportunities, and other matters reasonably related to water and wastewater service, including provision of routine operational water service exclusively through the City of Emporia municipal water system;

4. **An emergency response plan** addressing emergency access; fire protection and suppression systems; utility interruptions; hazardous materials management; battery energy storage systems and backup power generation systems, where applicable; emergency communications; emergency responder access; coordination with police, fire, emergency medical, and utility providers; evacuation procedures; emergency notification procedures; and other public safety considerations reasonably related to the proposed development, including recommended mitigation measures where appropriate;

5. **A traffic impact study** evaluating transportation impacts associated with construction or operation of the proposed development and identifying recommended mitigation measures;

6. **An acoustical impact study** prepared by a qualified acoustical professional evaluating potential off-site noise impacts associated with construction and operation of the proposed development evaluating existing ambient noise conditions, anticipated noise from mechanical equipment, cooling systems, backup power generation systems, and periodic generator testing; projected sound levels at adjoining property lines; applicable noise standards; and recommended mitigation measures;

7. **An environmental study** evaluating potential impacts associated with the proposed development, including stormwater management, erosion and sediment control, water quality, air quality, thermal impacts, heat island effects, vegetation and habitat impacts, hazardous materials management, and proposed mitigation measures;

8. **An electronic waste management plan** describing the anticipated handling, storage, recycling, and disposal of electronic waste generated by the proposed development, demonstrating compliance with applicable laws and regulations;

9. **A construction management plan** addressing workforce parking, haul routes, construction traffic, staging areas, hours of construction activity, dust, debris, and other temporary construction impacts;

10. **An outdoor lighting plan** identifying fixture locations, mounting heights, shielding, controls, and measures to minimize glare, light trespass, and sky glow;

11. **A landscaping and buffering plan** including berms, landscaping, screening, preservation of existing vegetation, and other compatibility measures;

12. **A facility transition plan** describing the anticipated process upon permanent cessation of digital infrastructure operations, including the proposed reuse, repurposing, redevelopment, disposition, or removal of buildings, structures, equipment, utility infrastructure, electronic waste, and hazardous materials, and anticipated site restoration measures, as applicable; and

13. Other studies, plans, assessments, or supporting documentation reasonably necessary to evaluate the proposed development, its anticipated infrastructure and public service needs, potential environmental and

operational impacts, compatibility with surrounding properties, and compliance with these regulations.

e. Mitigation Measures

The City may require reasonable mitigation measures to address infrastructure, operational, environmental, transportation, public safety, utility, or other impacts associated with the proposed development.

The City may require post-construction monitoring or verification where reasonably necessary to confirm compliance with approved mitigation measures.

f. Planned Unit Development

The City may require Planned Unit Development approval where necessary to address coordinated infrastructure planning, public improvements, development phasing, compatibility with surrounding properties, or other site-specific operational impacts not adequately addressed through standard development review procedures.

8.10.8 Supplemental Development Standards

Development within the DI-O shall be designed to minimize unreasonable adverse impacts on Sensitive Adjoining Uses and public rights-of way through site layout, building placement, landscaping, screening, lightning, operational practices, and other appropriate design measures. Existing native trees, vegetation, natural topography, and other natural features should be preserved and incorporated where practical into buffering and screening where they provide equivalent or greater compatibility protection.

For purposes of this section, a Sensitive Adjoining Use means:

1. A Parcel Type that permits residential use; or
2. Land occupied by a public or private school; public park, publicly owned recreational facility, medical facility, place of worship, or cemetery.

a. Buffering

A minimum two hundred (200) foot landscaped buffering area shall be required between principal structures, accessory structures, and equipment areas and any property line adjoining a Sensitive Adjoining Use.

The location, width, and design of the buffering area may be modified through the development review process where the applicant demonstrates that an alternative buffering area or approach will provide equivalent or greater protection.

b. Noise. Facilities shall be designed, constructed, and operated to minimize off-site noise impacts to Sensitive Adjoining Uses. Operational noise shall not exceed the following levels: 55 dBA Leq during daytime hours (8:00 a.m. to 6:00 p.m.) or 50 dBA Leq during nighttime hours (6:00 p.m. to 8:00 a.m.); or 5 dBA above the existing ambient sound level, whichever is greater, as measured at any property line adjacent to a Sensitive Adjoining Use lawfully existing on the date the applicable development agreement is approved by the City Commission. Compliance shall be determined using measurement and evaluation methods consistent with the applicable ANSI/ASA S12 series, ISO 1996-1, and ISO 1996-2 standards, or successor nationally recognized standards. These standards may be adjusted through the development review process where the applicant demonstrates that equivalent or lower sound levels at sensitive receptors are achieved.

c. Outdoor Lighting

Outdoor lighting shall be designed and installed to provide safe and secure illumination while minimizing glare, light trespass, and sky glow. Outdoor lighting fixtures shall be fully shielded and directed downward, except where otherwise required by applicable safety, building, fire, security, or utility standards. Lighting shall be located, aimed, screened, dimmed, or otherwise controlled to avoid unreasonable adverse impacts on Sensitive Adjoining Uses and public rights-of-way. Alternative lighting designs providing equivalent or greater protection may be approved through the development review process.

d. Screening of Operational Infrastructure

Backup power generation systems, electrical substations, cooling towers, mechanical cooling infrastructure, mechanical equipment yards, battery energy storage systems, fuel storage facilities, and similar operational infrastructure shall be screened from adjoining residential property and public rights-of-way through building placement, walls, berms, landscaping, architectural screening, or a combination thereof, where reasonably practicable.

Screening shall be designed to minimize visual impacts and promote compatibility with Sensitive Adjoining Uses and public rights of way, while taking into consideration security, ventilation, fire and emergency access, utility requirements, operational safety, and long-term maintenance.

The location, extent, and design of required screening may be modified through the development review process where the applicant demonstrates that an alternative screening approach will provide equivalent or greater protection.

e. Maintenance

Required buffering, landscaping, screening, and lighting controls shall be maintained in good condition for the duration of the development. Dead, damaged, or deteriorated landscaping shall be replaced within a reasonable period. Required screening, walls, fencing, berms, and lighting controls shall be maintained in substantially the same condition as approved unless modified through the development review process."

Section 2. This Ordinance shall take effect and be in full force after its passage and publication in the official City newspaper.

Section 3. The provisions of this ordinance shall be included and incorporated into the Zoning Regulations of the City of Emporia, Kansas and an addition or amendment thereto.

Section 4. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 22nd day of July, 2026.

_____
Becky Smith, Mayor

ATTEST:

_____
KERRY SULL, City Clerk

CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 2026, 6:00 PM
WLW CIVIC AUDITORIUM

STAFF REPORT

Application #: PC 2026-07

Applicants: Kanza Park Place, LLC

Owners: Kanza Park Place, LLC (Equitable Owner)

Requested Action: Consider a request to rezone 11 tracts of land from various Lyon County and City of Emporia Parcel Types to City of Emporia Light Industrial (LI) and Industrial Flex (IF) Parcel Types.

Purpose: The applicant has requested the subject tracts be rezoned to facilitate the development of a digital infrastructure development.

Legal description: Full legal descriptions of each tract are provided as an attachment to this report.

Property Information:

Tract	Address	Lot Size	Current Zoning Class	Proposed Zoning Class
Tract 1	600 Road 190	155.70 Acres	LY CO AG	COE LI
Tract 2	640 Road 180	134.40 Acres	LY CO AG	COE LI
Tract 3	1842 Road F	9.70 Acres	LY CO AG	COE LI
Tract 4	1800 Road F	9.70 Acres	LY CO AG	COE LI
Tract 5	626 W HWY 50	98.80 Acres	COE IF	COE LI
Tract 6	600 W HWY 50	22.10 Acres	COE IF	COE LI
Tract 7	600 W HWY 50	26.10 Acres	COE IF	COE LI
Tract 8	1771 Road G	73.20 Acres	LY CO AG/C	COE LI
Tract 9	600 Road 175	148.30 Acres	LY CO AG/C	COE LI
Tract 10	647 W HWY 50	37.20 Acres	LY CO LI	COE LI
Tract 11	4502 W 18th	350.10 Acres	LY CO AG	COE IF

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type

Adjacent Zoning & Use:

Tract	Current Zoning	Surrounding Zoning	Surrounding Actual Use
Tract 1	LY CO AG	AG / SF-D	Pasture Estate Homes
Tract 2	LY CO AG	AG / SF-D / IF	Pasture Estate Homes
Tract 3	LY CO AG	AG	Pasture Farmstead
Tract 4	LY CO AG	AG	Pasture Farmstead
Tract 5	COE IF	AG / IF / C / LI	Pasture Farmstead Prairieland Dealership
Tract 6	COE IF	AG / C / SF D	Pasture Homestead
Tract 7	COE IF	AG / C / LI	Pasture
Tract 8	LY CO AG/C	IF / SF-D / C / LI	Pasture Fanestil Meats Evergy Road G Commercial
Tract 9	LY CO AG/C	C / LI / IF / AG	KOA Fanestil Meats Pasture
Tract 10	LY CO LI	C / IF / AG	Pasture Fanestil Meats Prairieland Dealership
Tract 11	LY CO AG	C / C/P / GPR / SF-D	Pasture Estate Homes Jones Aquatic Center KTA/I-335 Urban Single-Family Homes

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type
SF-D = Single-Family Detached
C/P = Civic Public Use
GPR = Greenspace/Parks/Recreation

Analysis: The applicant has requested that the 11 tracts of land be rezoned and subsequently included in a Digital Infrastructure Overlay District (DI-O) to facilitate the future development of the properties. While no end users are currently identified for the development, the inclusion of the properties into a DI-O would allow the developer to move forward with planning and marketing the project to prospective end users, and coordinating infrastructure improvements, including but not limited to the extension of municipal services, necessary private utilities upgrades, and other aspects of project development.

The rezoning of the properties and inclusion of the properties into a DI-O district is not an approval of a particular project, but rather one step in moving a project forward. Securing applicable zoning is one of the first steps in developing property for future proposed uses. The request in this stage of development is no different than other large-scale developments, such as when the Pavilions or the Brownstone development at W HWY 50 were initially proposed. Additional zoning requirements which would come before the Planning Commission prior to final approvals would include platting of the property, and for those properties in Industrial Flex zoning, the creation and approval of a Planned Unit Development would be required.

Tracts 1 through 10 are generally contiguous with each other and the requested rezoning is for the properties to be reclassified as City of Emporia Light Industrial (LI). The LI zoning would allow for these properties to be included in an DI-O. The only property with a City of Emporia parcel type are the lots within Industrial Park IV. These properties were annexed and subsequently rezoned in 2025. The remaining properties have recently been annexed and retain their Lyon County parcel type until that time that they are rezoned and assigned City of Emporia parcel types.

Light Industrial (LI) parcel types allow for a variety of industrial uses that are generally classified as less intensive in terms of noise, odor, smoke, and outdoor operations compared to those uses allowed within Heavy Industrial parcel types. Many of the uses included in the DI-O would be allowed within LI parcel types. Staff has included the use matrix for Industrial Properties as an attachment to this report for review. If the rezoning is approved, any use that is allowed in LI Parcel Types would be allowed on these properties.

A final tract (Tract 11) is outside of the contiguous area and is being proposed to be rezoned to Industrial Flex (IF). If approved and included in the Digital Infrastructure Overlay District, this tract would most likely be the final tract to develop based on its location, and also would require an approved Planned Unit Development prior to any development occurring on the property. As previously stated, any allowed use within an IF parcel type would be allowed on the property if it was rezoned.

The uniqueness of this request and by the sheer size of acreage included, creates complexities that are generally not present in a typical rezoning request. Several of these properties were not contemplated for changes in use during the development of the last comprehensive plan, Plan ELC. Also, with the changing economic climate that Emporia has experienced since the adoption of Plan ELC, staff finds that many of the recommendations may not necessarily be applicable now.

Considerations: **9.8.3.a.8. Factors to be Considered for a Rezoning:**

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations;

    a. **A change in parcel type is required prior to any development of properties that are annexed into the city. Lyon County and the City of Emporia, while we have a joint comprehensive plan, do not share common parcel types or extraterritorial zoning. Each of these properties, aside from those lots located in Industrial Park IV have recently been annexed, and prior to any development require the assignment of a City of Emporia parcel type.**

    b. **Several of the parcels currently have some sort of industrial classification, either Lyon County or Emporia Light Industrial or Industrial Flex zoning. Many of the parcels that are zoned agriculture are contiguous to industrial zoned parcels and demonstrate that rezoning to LI is a natural extension of the existing LI zoning in the area.**

    c. **Staff contends that the change in parcel type would be consistent with the zoning regulations of the city.**

2. The character and condition of the neighborhood and its effect on the proposed change;

    a. **The general character and condition of the neighboring properties vary between subject tracts. Tracts 1 through 10 are situated between undeveloped agricultural properties, rural homesteads, estate type homes, commercial and industrial properties. Tract 11, is adjacent to the Kansas Turnpike with urban development to the east of the turnpike and estate homes to the north.**

    b. **The neighboring properties would have little impact on the subject properties if the rezoning was approved.**

3. The zoning and uses of properties nearby;

    a. Zoning and uses of neighboring properties for tracts 1 through 11 vary from vacant agricultural land, estate type homesteads, to commercial and industrial properties and urban density development. A natural boundary of the Kansas Turnpike does separate the urban development from Tract 11. The extension of Industrial Park IV is a natural corridor, and with increased setbacks and required landscape buffering and screening, the impacts of the proposed project will be minimized. Staff would not contend that there will be no impact on those neighboring properties. The depth of that impact is unknown at this time, but staff would content that the impact to neighboring properties does not outweigh the benefit to the community as a whole.

4. The suitability of the subject property for the uses to which it has been restricted;

    a. **The subject properties were suitable for the uses that they have been restricted to prior to annexation. Upon annexation, and prior to any development, the properties must be rezoned to Emporia zoning classifications.**

5. The extent to which removal of the restrictions will detrimentally affect nearby property;

    a. **It is difficult to ascertain whether or not removing the restrictions on the subject properties would have a detrimental impact on nearby properties. Properties**

adjacent to Tract 11 are separated by the turnpike, which is a natural boundary and required setbacks and development review of a planned unit development should reduce the impact on adjacent properties.

b. **Similarly, those residential properties adjacent to tracts 1-10 are a mix in use, and therefore it is difficult to determine if a detrimental impact would be realized if the restrictions were removed. One study of housing values adjacent to digital infrastructure in Virginia showed that housing values actually increased the closer they were to digital uses as opposed to houses further away from digital infrastructure.**

c. **Other studies have shown that properties may have a short-term reduction in value, but generally rebound over time after projects commence.**

d. **Staff would not contend that the removal of the restrictions and allowance of LI or IF uses would not have an impact on the neighboring residential properties, as most of the land included in the request has not been developed prior to this request. The unknown is whether or not the new allowed uses would have a detrimental impact on adjacent properties, and would the possible detrimental impact out measure the potential positive impacts on the entirety of the community.**

e. **Adjacent commercial and industrial properties would see little to no negative impact and would most likely see an increase in value as development typically spurs additional development once an anchor tenant is established in an area. Those properties along Road G could see increased interest based on their proximity to large scale development.**

f. **New infrastructure that would be required, including road improvements, public and private utilities, would also open up adjacent properties for development.**

6. The length of time the subject property has remained vacant as zoned;

   a. Industrial Park IV is the only property that has been platted. Other properties in the area have been zoned in anticipation of future development, but have also remained vacant for the most part. There has been commercial and industrial development within the surrounding area over the past several years, and the eventuality of development of the subject properties is not out of line with development patterns.

7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner, public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use;

   a. The gain to the public welfare, in this case the economic impact of a large-scale development that would provide increased property tax, diversification of the local economy, and new private utility investments would outweigh the hardship created on adjacent landowners.

   b. Modern digital infrastructure projects have adopted technologies that reduce water consumption, use natural gas supplemental electric generation versus diesel, and the requirement of buffer spaces to reduce noise intrusions on

neighboring properties have minimized the negative impact on adjacent properties, while providing economic benefit for the city as a whole.

c. **Public services are readily available in the area, and the transportation network has been studied and sized in previous road upgrades to accommodate industrial development in the area. Development Agreements between the city and the developer, which clearly identify costs of public infrastructure upgrades to be borne by the developer also further advance the gain to the public if the rezoning were to be approved.**

8. The recommendations of a permanent or professional planning staff; **Staff recommendation is provided at the end of this report.**

9. The conformance of the requested change to Plan ELC;

   a. **Plan ELC was adopted in 2017, and since that time, the economic situation of the City and County has changed with the reduction of jobs and loss of businesses in the community. To hold a proposed development to the standards that were identified under previous economic conditions is difficult.**

   b. **Some aspects of Plan ELC do encourage the economic development efforts of the city to attract new businesses, diversify the economy and adjust the type of businesses that are targeted, and locate those businesses in areas where utilities are located and limited to corridors such as this that are in close proximity to an enhanced road network. At the heart of the subject property city utilities are currently existing. Sewer and water lines of sufficient size exist or can readily be extended to the subject properties, and the properties are within a transportation corridor designed to support the increased traffic that development would create.**

   c. **KDOT, Lyon County, and Emporia have contemplated development of the areas adjacent to US HWY 50, Road F and G, and have previously improved the road network and have plans for future expansion in place.**

   d. **Staff contends that the proposed rezoning and subsequent development that could occur outweigh those aspects that are contradictory in Plan ELC. Plan Element IV: Supporting Infill Development states as an objective that new development should be located close to existing infrastructure and along corridors to minimize costs of providing and maintaining public services. Public utilities are readily available in the area and the natural extension of property to the north and south of Industrial Park IV supports this goal.**

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received written correspondence both in favor of and against the rezoning request.

Suggested Motions:

1. Move to recommend approval of the proposed rezoning as presented. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

2. Move to recommend approval of the proposed rezoning with conditions. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

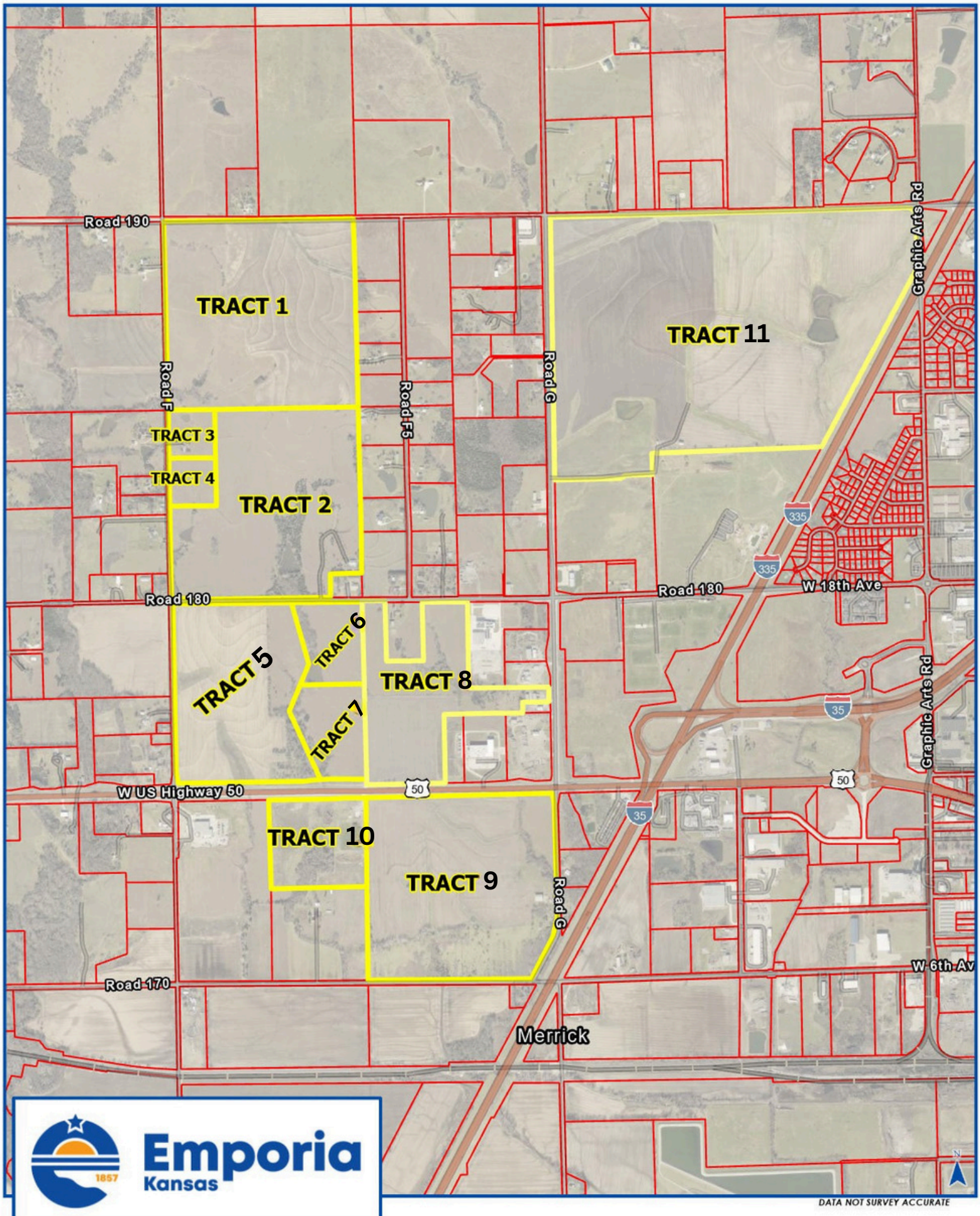
3. Move to recommend denial of the proposed rezoning. A motion to recommend denial of the ordinance rezoning the properties would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.

4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed rezoning.

5. Table the matter for further discussion.

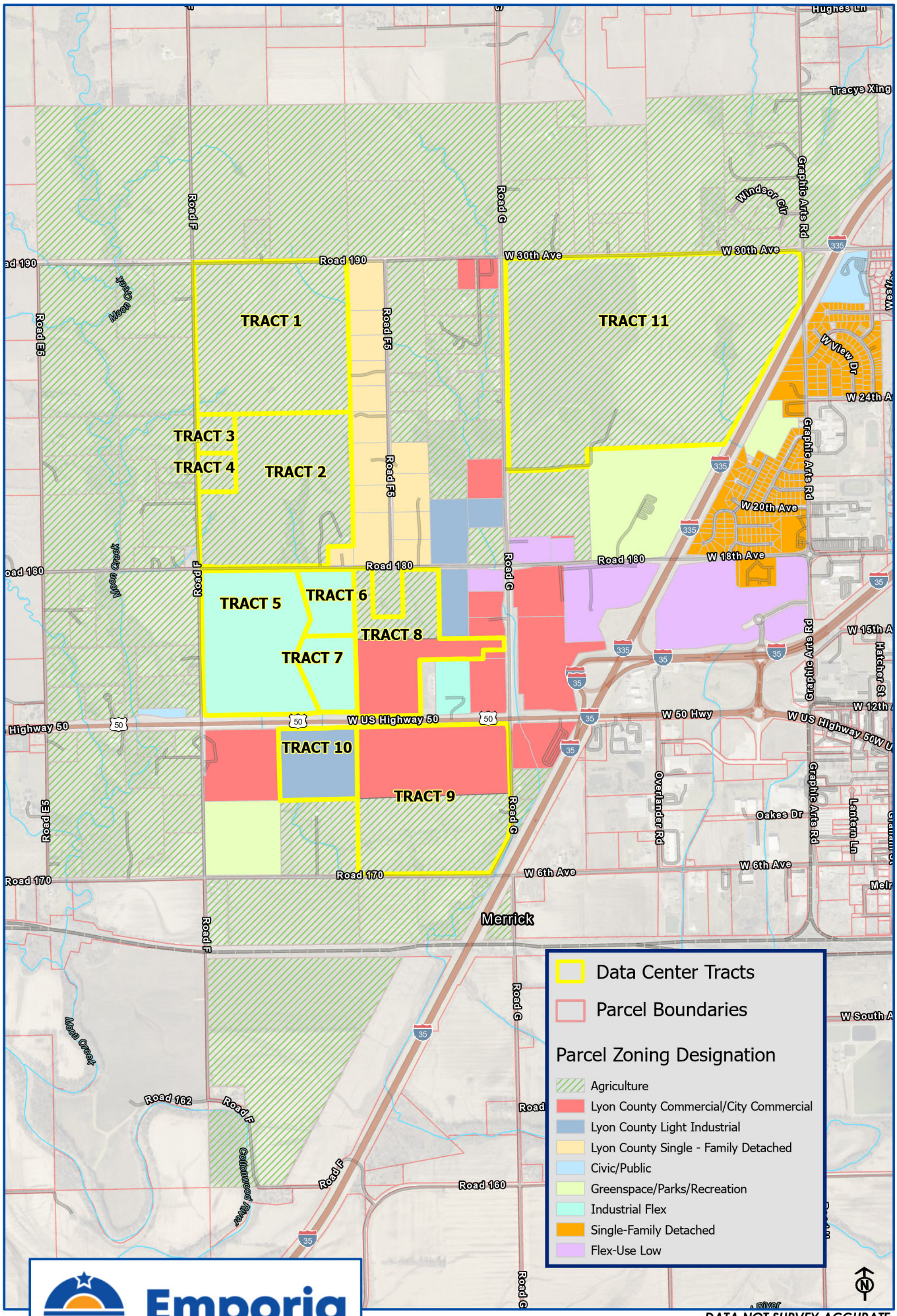
Recommendation: Staff reccommends approval of the rezoning as presented, subject to additional Planning Commission comment.

Attachments: Aerial Tract Map | Zoning Map | Full Legal Descriptions | Use Matrix for Industrial Uses | Building Standards for Light Industrial & Industrial-Flex Parcel Types |



Emporia Kansas 1857

Subject Properties Highlighted in Yellow


TRACT 1
TRACT 2
TRACT 3
TRACT 4
TRACT 5
TRACT 6
TRACT 7
TRACT 8
TRACT 9
TRACT 10
TRACT 11
Road 190
Road 180
Road 170
Road 160
W 30th Ave
W US Highway 50
W 20th Ave
W 18th Ave
W 6th Ave
W 50 Hwy
Road F
Road G
Road E5
Road F5
Graphic Arts Rd
Windsor Cir
Tracys Xing
Hughes Ln
W View Dr
Oakes Dr
Overlander Rd
Lantern Ln
Hatcher St
Moon Creek
Cottonwood River
Merrick
Highway 50
Data Center Tracts
Parcel Boundaries
Parcel Zoning Designation
Agriculture
Lyon County Commercial/City Commercial
Lyon County Light Industrial
Lyon County Single - Family Detached
Civic/Public
Greenspace/Parks/Recreation
Industrial Flex
Single-Family Detached
Flex-Use Low
Emporia
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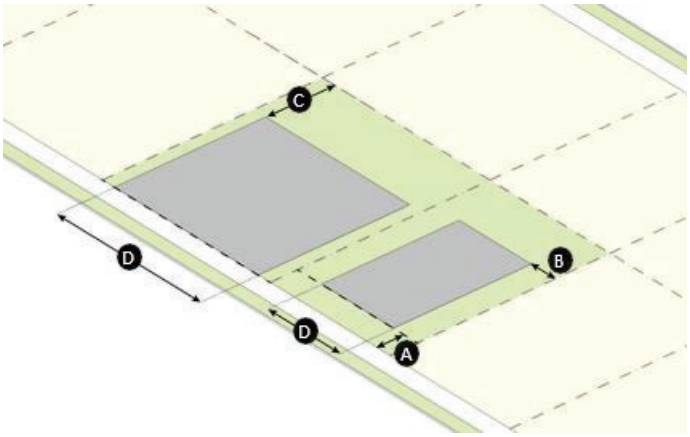
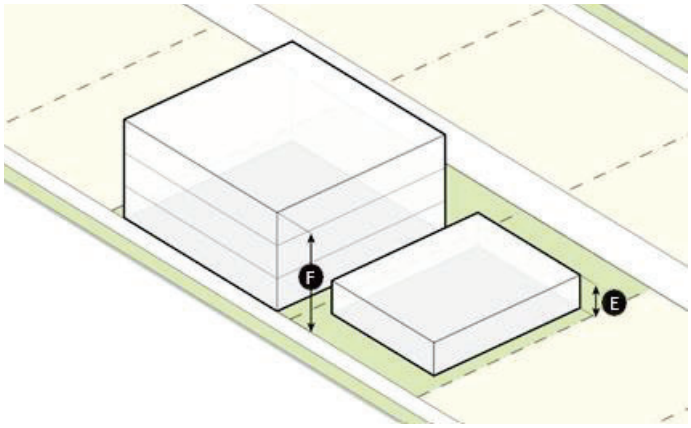
DATA NOT SURVEY ACCURATE

INDUSTRIAL FLEX BUILDING STANDARD

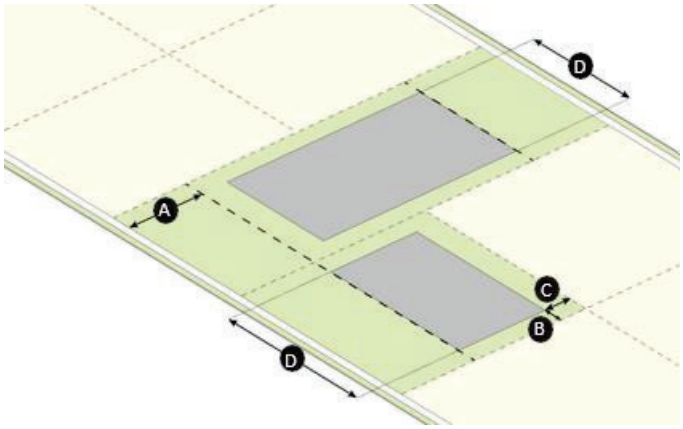


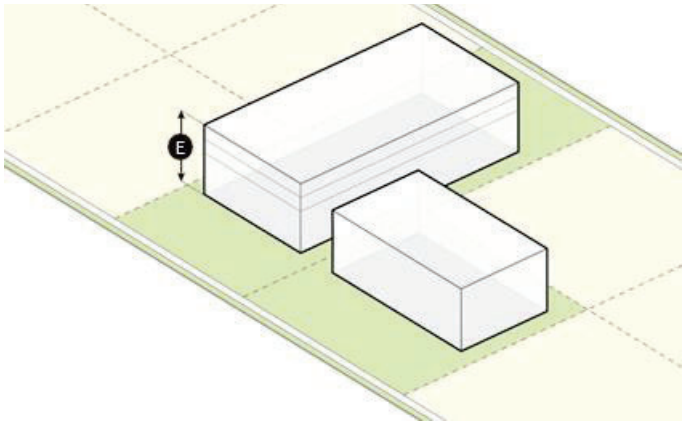


Use		
Ground Floor	Commercial / Retail / Services / Office / Trade / Light Industrial	
Upper Floor(s)	Commercial / Retail / Services / Office / Trade / Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	25’ minimum	A
Side Setback	5’ minimum	B
Rear Setback	20’ minimum	C
Coverage		
Primary Street Façade Build to RBL	70% minimum	D
Lot Coverage	60% maximum	
Lot Size	No minimum	
Height		
Minimum Number of Floors	1 story	E
Maximum Number of Floors	3 stories = 45’	F
Finished Ground Floor Level	0” minimum above sidewalk	
Ground Floor Ceiling Height	10’ minimum	G
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Component Parcel Type	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Primary entries must occur where designated on the Regulating Plan along the RBL and where designated along the Required Entry Zone (REZ) if shown	Blank lengths of wall (without doors or windows) exceeding 50’ are prohibited on the RBLs
Façade Transparency, Shading Elements, and Screening shall refer to component Parcel Type	Not all Light Industrial Uses are allowed on IF parcels. Allowed use must refer to Parcel Type Permitted Uses matrix (2.6)

LIGHT INDUSTRIAL BUILDING STANDARD





Use		
Ground Floor	Light Industrial	
Upper Floor(s)	Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	60’ minimum	A
Side Setback	15’ minimum	B
Rear Setback	20’ minimum 30’ minimum when adjoining a residential Parcel Type	C
Coverage		
Primary Street Façade Build to RBL	No minimum	D
Lot Coverage	100% maximum	
Lot Size	No minimum	
Height		
Maximum Height	45’ maximum (when within 150’ of a residential Parcel Type) 150’ maximum (when more than 150’ from a residential Parcel Type	E
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Section 7.13 for Required Parking Spaces	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Appropriate Screening (Section 5.7) shall be required for lots adjacent to Parcel Types that allow residential uses.	

2.5.4 Entertainment/Sports Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Amusement places, indoor							P	P	P				
2.	Aquariums										P			
3.	Bowling alleys							P	P	P	P			
4.	Country clubs, private	P						P	P	P	P			
5.	Golf driving ranges	P						P	P	P				
6.	Golf courses, private	P					P	P	P	P				
7.	Gymnasiums/athletic clubs/fitness centers						P	P	P	P	P			
8.	Health spas						P	P	P	P				
9.	Performing arts center						P	P	P	P	P			
10.	Race tracks, vehicle/animal	P								C				
11.	Recreation centers/facilities	C						P	P	C	P			
12.	Skating rinks							P	P	P	P			
13.	Stadium/sports arena						C	C	C	C	P			
14.	Tennis clubs						C	C	C	C				
15.	Theater, indoor						C	C	P	P				
16.	Theater, outdoor								C	C				

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Aircraft storage, maintenance, sales and leasing												P	P
2.	Aircraft terminals, passenger and freight											C	P	P
3.	Air conditioning, heating and plumbing contractors										P	P	P	
4.	Airports and heliports											C	P	P
5.	Artisanal production	P									P	P	P	
6.	Asphalt plants											C	C	
7.	Auction sales, excluding livestock						C	C	C	C	C	P	P	
8.	Bottling and canning										P	P	P	
9.	Building construction contractors											C	P	
10.	Building materials, retail										P	P	P	
11.	Concrete ready-mix plants												P	
12.	Distillery, brewery, winery	P									P	P	P	
13.	Electrical contractors										P	P	P	
14.	Electronics repair										P			

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
15.	Food locker, storage											P	P	
16.	Foundries												P	
17.	Freight depots, trucks										C	C	P	
18.	Furniture repair										P			
19.	Gas and oil drilling, field service, production and refining facilities, storage and distribution												C	
20.	Gravel, sand and stone quarrying											C	P	
21.	High-intensity manufacturing and processing											C	P	
22.	Industrial laundries										C	C	P	
23.	Industrial waste disposal												P	
24.	Livestock, stockyards, sales												C	
25.	Low-intensity manufacturing and processing										P	P	P	
26.	Lumberyards												P	
27.	Machine shop, millwork, carpentry shops										C	P	P	

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
28.	Manufacturing, fabrication, processing or storage or flammable liquids, chemicals, fertilizer and abrasive products											C	C	
29.	Manufactured/mobile homes, sales										P	P	P	
30.	Masonry, stonework, tile										P	P	P	
31.	Meat processing											C	P	
32.	Monuments										P	P	P	
33.	Motor vehicle body, repair shops							C	C	P	P	P	P	
34.	Motor vehicle storage yards										P	P	P	
35.	Outdoor advertising services										P	P	P	
36.	Outdoor shooting ranges											C	C	
37.	Painting and wallpaper contractors										P	P	P	
38.	Photo finishing/engraving										P	P	P	
39.	Prefabricated building manufacturing											C	P	
40.	Printing										P			
41.	Railroad freight terminals												P	
42.	Resource extraction	C										C	P	
43.	Road maintenance yards											P	P	
44.	Salvage yards											C	C	
45.	Self-service storage											P	P	
46.	Telecommunications towers										C	C	C	
47.	Telephone and electrical substations	C					C	C	C	C	C	C	P	P
48.	Tow lots, vehicle impoundment											P	P	
49.	Utility maintenance yards											P	P	
50.	Veterinarian services, facilities	P					P	P	P	P	P	P	P	
51.	Vocational schools										C	C	C	
52.	Warehouses, storage units											P	P	
53.	Warehousing, storage and wholesaling of explosive, volatile products											P	P	
54.	Water well drilling											P	P	
55.	Wholesale establishments/mail order houses										P	P		

2.5.6 Utilities Uses		Parcel Types												
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Electric generation facility									C		C	C	P
2.	Public utilities: telephone, electrical substations and similar facilities	C	C	C	C	C	C	C	C	P	P	P	P	P
3.	Telecommunication towers and related structures for police and emergency communications	C	C	C	C	C	C	C	C	C	C	C	P	P
4.	Utility maintenance yards	C						C	C	C			P	P
5.	Towers and related structures for radio, telephone and TV transmissions	C	C				C	C	C	C	C	C	C	P
6.	Water storage facility	P					C	C	C				P	P
7.	Water treatment plant	C								C			P	P
8.	Wastewater treatment plant	C											P	P

2.5.7 Public Uses		Parcel Types												
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Auditoriums and similar places of public assembly					C	P	P	P	P	C			P
2.	Churches and similar places of worship	P	P	P	P	P	P	P	P	P	C			
3.	City, county state and federal offices and facilities					C	P	P	P	P	P			P
4.	Conference and convention centers						C	P	P	P	P			P
5.	Educational institutions, K-12, public colleges and universities	C	C	C	C	C	C	C	C	C				P
6.	Fraternal organization offices and meeting places						C	C	C	C				
7.	Hospitals	C					C	C	C	C				P
8.	Libraries			C	C	C	C	C	C	C				P
9.	Military installations	C					C	C	C					P
10.	Museums and galleries						P	P	P	P	P			P
11.	Parks, playgrounds and recreation areas, public	P	P	P	P	P	C	C	C					P
12.	Police, fire and EMS stations	C					C	C	C	C				P
13.	Stadiums						C	C			P			P

LEGAL DESCRIPTIONS FOR PROPERTIES APPLYING FOR REZONING AND INCLUSION IN A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT

TRACT 1 – 600 Road 190

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 2 – 640 Road 180

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

TRACT 3 – 1842 Road F

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 4 – 1800 Road F

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 5 – 626 W HWY 50

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 6 – 600 W HWY 50

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 7 – 600 W HWY 50

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 8 – 1771 Road G

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF

WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03’ E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05’28” E. (HIGHWAY 50 TRACT: S. 88°21’ E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

TRACT 9 – 600 Road 175

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A PONT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

TRACT 10 – 647 W HWY 50

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

TRACT 11 – 4502 W Eighteenth

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00’02” WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED “KVE CLS20”, HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00’02” WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR

FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND

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Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00’00”W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00’00”W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57’57”E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12’24”E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12’24”E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION9310+83.40 OF SAID TURNPIKE; THENCE S30°06’36”W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48’36”W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00’00”E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CITY OF EMPORIA
PLANNING COMMISSION
EXCERPT OF MINUTES OF JUNE 23 AND JUNE 30, 2026
SPECIAL MEETING
WLW CIVIC AUDITORIUM

These minutes constitute the portion of the June 23 and June 30, 2026 Planning Commission meetings relating to application PC 2026-06.

The Planning Commission met in a special session on Tuesday, June 23, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

City staff: Justin Givens, Director, Building & Neighborhood Development and Christina Montgomery, City Attorney, were present.

Thomas called the meeting to order.

1. Planning Commission: Consider Application PC 2026-06, A Request to Amend Section 8, Overlay and Other Districts, Pursuant to Section 9 of the Emporia Zoning Regulations

Thomas asked if proper notice had been given. **Givens** confirmed that proper notice was provided.

Thomas asked if the Planning Commission had jurisdiction to consider the application. Givens confirmed that jurisdiction was proper.

Thomas asked Commissioners to declare any potential conflicts or ex-parte communications. The following ex-parte communications were reported:

Thomas and **Gilligan** were part of a city sponsored trip to Pryor, OK to tour a data center. **Larson** stated that he had conversations with Christian Keesler, a representative for the applicants, and Casey Woods of Emporia Main Street.

Givens provided the Staff Report and recommendation.

Gilligan and **Lingenfelter** expressed concerns about the 150 ft. buffer space. Both stated that other cities had used 200 ft. buffers. Givens stated that it was based on the existing zoning regulations for Light Industrial and Industrial Flex.

Gilligan stated that an e-waste policy should be included in the text amendment.

Larson stated that he would like to see environmental language into the intent section of the text.

Lingenfelter asked if a specific decibel level could be included. **Givens** stated that no threshold numbers had been included, but could in a revised draft.

The Public Hearing was opened. Thomas opened the public hearing.

Members of the public provided oral testimony and written comments both in support of and in opposition to the proposed text amendment.

The following spoke in favor of the proposed text amendment or digital infrastructure projects in general:

Brad Kraft	Bill Ritter	Raymond Rogers
Casey Woods	Mike Law	Jim Schuhardt
Lux Claridge	Bruce Boetchner	Ashely Mitchell
Scott Peak	Gabe Hight	Chris Sanderson

The following provided written comments in favor of the proposed text amendment or digital infrastructure projects in general:

Art Gutierrez	Michael Black	Jeremy Rusco
Wendy Rusco	Emporia Main Street	Duane Henrikson
Robin Emley	Sonja Hodges	Jim Kessler
Lisa Kirmer	Bruce Boettcher	Kim Parks
Rick Mitchell	Brad Kraft	Troy Estes
Zach Arvieux	Jeff Lutes	Scott Strahm
Jeff Longbine	Emporia Area Chamber of Commerce	Dan Williams
Jim Wayman		

The following spoke in opposition of the proposed text amendment or digital infrastructure projects in general:

Anna DeLong	Joe Indernuehle	Solomon Smallback
Alyssa Vigil	Jay Vehige	Zaylin Price
Clara Corn	Hunter Smith	Brenna Baxter
David Claridge	Kathy Lamb	Arly Osoria
Logan Gurley	Skye Baxter	Jackie Miller
Isabelle Rawley	Whitney Johnson	Monika Markus
Drew Keller	Doris Smith	Alexander Prund
Robert Brooks	Carol Steinel	Charles Brown
Deb Dickerhoof	Hailey Peterson	Judith Bilyon
Elexa Dawson	Kristy Dekat	Emmy Parks

Edgar Esparza	Peter Stuchlik	Pauleen Hancock
Zoey Barber	Leah Green	Amanda Mendoza
Becky DeJesus	Jason Shandler	Charles Emmer
Ezra Mengorri	Ken Theel	Kellsey Trimble
Daniel Miller	Lilly Thompson	Joshua Alexander
Doug McGaw	David Young	Josh Krenger

The following provided written comments in opposition of the proposed text amendment or digital infrastructure projects in general:

Kelby Kimberlin	Katherine Fox	Jacquelin Psota
Jessica Danford	Leah Green	Kristi Dekat
Charles Brown	Melissa Stapley	Rhonda Gordon
Erin Livingston	Emily Lohkamp	Joseph Lane
Dee Cruse	Jacob Rankin	Amy Knuth
Katie Rankin	Thomas Kriss	Molly Chenault

The Public Hearing was closed.

Larson motioned for a 15 minutes recess before resuming deliberations. **Lingenfelter** seconded the motion. The motion passed 7-0.

Gilligan and **Larson** inquired about circumstances in which certain application requirements might not apply. Givens provided examples of existing site conditions that could make particular submittal requirements unnecessary. Montgomery offered to draft revisions to clarify the circumstances under which specific application requirements could be waived.

Lingenfelter questioned whether the proposed regulations should include more specific performance standards. **Givens** and **Montgomery** explained that the proposed text amendment was intended to establish a general regulatory framework, with project-specific impacts identified through required studies and addressed during subsequent project review.

Larson expressed concern that the existing zoning regulations could allow development of a digital infrastructure project without undergoing the review process contemplated by the proposed text amendment regulations. **Givens** explained that changes in land use would be reviewed, and applicants would be required to follow the applicable approval process when required by the zoning regulations.

Gilligan made a motion to table further deliberation of the item until a Special Meeting on June 30, 2026 at 6:00 PM in the WLW Civic Auditorium to allow staff to prepare a revised draft incorporating issues identified during Commission discussion.

Larson seconded the motion. The motion carried 7-0.

Givens announced that the item had been tabled until Tuesday, June 30, 2026 at 6:00 PM in the WLW Civic Auditorium.

The Planning Commission met in a special session on Tuesday, June 30, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

City staff: Justin Givens, Director, Building & Neighborhood Development and Christina Montgomery, City Attorney, were present.

Thomas called the meeting to order.

1. Planning Commission: Consider Application PC 2026-06, A Request to Amend Emporia Zoning Regulations Section 8, Overlay and Other Districts, Pursuant to Section 9 of the Emporia Zoning Regulations

Thomas announced that no additional public comment would be taken on Item 1 because the public hearing had been conducted at the June 23, 2026, meeting.

Montgomery presented an updated staff report and explained that the Planning Commission's consideration centered on three questions: (1) whether the City should establish zoning regulations specific to digital infrastructure; (2) whether an overlay district was the appropriate regulatory tool; and (3) whether the proposed Digital Infrastructure Overlay District contained appropriate development standards and review requirements.

Montgomery also discussed several regulatory approaches considered during the drafting process, including maintaining the existing zoning regulations, creating a new base zoning district, incorporating digital infrastructure uses into the existing industrial zoning districts, and establishing an overlay district. She explained that staff recommended the overlay district approach.

Givens summarized the principal components of the proposed Digital Infrastructure Overlay District, including required studies and plans, site development standards, development agreement requirements, and additional protections for adjacent sensitive uses. He explained that the required studies and plans would provide technical information to support review of future development proposals. He also discussed the proposed development agreement requirement, the zoning districts in which the overlay could be applied, and the additional Planned Unit Development requirements applicable to projects within the Industrial Flex zoning district.

Gilligan asked whether staff anticipated any unintended consequences from adoption of the proposed regulations. **Montgomery** responded that it would be difficult to anticipate all future circumstances but stated that the proposed regulations were intended to integrate with the City's existing zoning regulations.

Gilligan commented that, based on her research, the proposed regulations appeared generally consistent with regulations adopted by other communities. She also stated that cumulative development impacts should be considered. **Givens** responded that the proposed Digital Infrastructure Campus provisions were intended to facilitate comprehensive planning for larger developments.

Larson asked about the process for future amendments to the Digital Infrastructure Overlay District. Givens explained that amendments would follow the same public process applicable to other amendments to the City's zoning regulations, including a public hearing, Planning Commission recommendation, and City Commission consideration.

Reed moved to recommend approval of Draft 4 of the proposed text amendment to the Governing Body. **Fowler** seconded the motion. The motion carried 7-0.

Respectfully Submitted,

_____
Justin Givens, Secretary

Title:	Ordinance 26-22 Rezoning Certain Properties to Light Industrial (LI) and Industrial Flex (IF) and Amending the Official Zoning Map to Conform with Said Zoning
Agenda Date:	July 22, 2026
Presented By:	Justin Givens, Director, Building & Neighborhood Development

Background:
The owners of 11 tracts of land have requested that the properties be rezoned from various Lyon County and City of Emporia zoning classifications to City of Emporia Light Industrial (LI) and Industrial Flex (IF). Most of the properties were recently annexed and require City zoning classifications prior to development. The applicant has indicated that the requested rezoning is intended to facilitate the potential development of a digital infrastructure campus.

At a Special Meeting on June 23, 2026, the Planning Commission conducted the required public hearing. Following additional deliberation at a Special Meeting on June 30, 2026, the Planning Commission voted 4-3 to recommend approval of the requested rezoning to the City Commission.

Discussion:
The proposed rezoning establishes the underlying zoning classifications for the subject properties. It does not approve any specific development project.

If the requested rezoning is approved, the property owners may seek application of the Digital Infrastructure Overlay (DI-O) District and pursue any additional approvals required under the City's zoning regulations. Any future development would remain subject to all applicable development review processes and regulatory requirements.

Financial considerations:
The cost of publication of the ordinance is borne by the City.

Recommended action:
Consider Ordinance 26-22 Rezoning Certain Properties to Light Industrial (LI) and Industrial Flex (IF) and Amending the Official Zoning Map to Conform with Said Zoning.

Because a valid protest petition has been filed under K.S.A. 12-757, approval of the proposed rezoning ordinance requires the affirmative vote of at least two-thirds of the members of the Governing Body. The Governing Body may:

1. Approve the Planning Commission’s recommendation by a two-thirds majority vote;
2. Override or modify the Planning Commission’s recommendations by a two-thirds majority vote;
3. Return the application to the Planning Commission, giving reasons for doing so.
4. Table the item for further consideration at a future City Commission meeting.

Attachments:
Rezoning Ordinance
Tract Map
Area Zoning Map
Excerpt of Minutes
Staff Report to the Planning Commission
Industrial Use Matrix
IF Building Standards

ORDINANCE NO. 26-22

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE CITY OF EMPORIA, KANSAS AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING

WHEREAS, after providing proper notice required by K.S.A. 12-757 and the City of Emporia Zoning Regulations, the Emporia Planning Commission held a public hearing at a special meeting on June 23, and voted 4-3 at a special meeting on June 30, 2026 to recommend approval of the request to rezone certain properties located in the City of Emporia; and

WHEREAS. the Governing Body has considered the Planning Commission's recommendation, applicable zoning factors, and public comments, and finds the rezoning consistent with the Comprehensive Plan and in the public interest.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The following described properties are hereby rezoned:

from Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Industrial Flex (IF) Parcel Type to wit:

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE

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LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06’04” WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06’04” EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06’04” EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE

SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00’00”W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00’00”W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57’57”E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12’24”E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12’24”E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION9310+83.40 OF SAID TURNPIKE; THENCE S30°06’36”W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48’36”W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00’00”E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

And generally located at 4502 W Eighteenth, Emporia, KS, and;

From Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 Road 190, Emporia, KS, and;

From Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE

OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

And generally located at 640 Road 180, Emporia, KS, and;

From Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

And generally located at 1842 Road F, Emporia, KS, and;

From Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

And generally located at 1800 Road F, Emporia, KS, and;

From City of Emporia Industrial Flex (IF) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 626 W HWY 50, Emporia, KS, and;

From City of Emporia Industrial Flex (IF) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 W HWY 50, Emporia, KS, and;

From City of Emporia Industrial Flex (IF) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 W HWY 50, Emporia, KS, and;

From Lyon County Agriculture (AG) and Lyon County Commercial (C) Parcel Types to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET,

THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST

QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03’ E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05’28” E. (HIGHWAY 50 TRACT: S. 88°21’ E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

And generally located at 1771 Road G, Emporia, KS, and;

From Lyon County Agriculture (AG) and Lyon County Commercial (C) Parcel Types to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A PONT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

And generally located at 600 Road 175, Emporia, KS, and;

From Lyon County Agriculture (AG) Parcel Type to that of City of Emporia Light Industrial (LI) Parcel Type to wit:

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

And generally located at 647 W HWY 50, Emporia, KS, and;

Section 2. Upon the effective date of this ordinance, the above zoning amendments shall be entered and shown upon the Official Zoning Map.

Section 3. Any provisions in conflict with said zoning amendments are hereby repealed.

Section 4. This Ordinance shall take effect and be in full force after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas this 22nd day of July 2026.

_____
Becky Smith, Mayor

ATTEST:

_____
Kerry, City Clerk

CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 2026, 6:00 PM
WLW CIVIC AUDITORIUM

STAFF REPORT

Application #: PC 2026-07

Applicants: Kanza Park Place, LLC

Owners: Kanza Park Place, LLC (Equitable Owner)

Requested Action: Consider a request to rezone 11 tracts of land from various Lyon County and City of Emporia Parcel Types to City of Emporia Light Industrial (LI) and Industrial Flex (IF) Parcel Types.

Purpose: The applicant has requested the subject tracts be rezoned to facilitate the development of a digital infrastructure development.

Legal description: Full legal descriptions of each tract are provided as an attachment to this report.

Property Information:

Tract	Address	Lot Size	Current Zoning Class	Proposed Zoning Class
Tract 1	600 Road 190	155.70 Acres	LY CO AG	COE LI
Tract 2	640 Road 180	134.40 Acres	LY CO AG	COE LI
Tract 3	1842 Road F	9.70 Acres	LY CO AG	COE LI
Tract 4	1800 Road F	9.70 Acres	LY CO AG	COE LI
Tract 5	626 W HWY 50	98.80 Acres	COE IF	COE LI
Tract 6	600 W HWY 50	22.10 Acres	COE IF	COE LI
Tract 7	600 W HWY 50	26.10 Acres	COE IF	COE LI
Tract 8	1771 Road G	73.20 Acres	LY CO AG/C	COE LI
Tract 9	600 Road 175	148.30 Acres	LY CO AG/C	COE LI
Tract 10	647 W HWY 50	37.20 Acres	LY CO LI	COE LI
Tract 11	4502 W 18th	350.10 Acres	LY CO AG	COE IF

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type

Adjacent Zoning & Use:

Tract	Current Zoning	Surrounding Zoning	Surrounding Actual Use
Tract 1	LY CO AG	AG / SF-D	Pasture Estate Homes
Tract 2	LY CO AG	AG / SF-D / IF	Pasture Estate Homes
Tract 3	LY CO AG	AG	Pasture Farmstead
Tract 4	LY CO AG	AG	Pasture Farmstead
Tract 5	COE IF	AG / IF / C / LI	Pasture Farmstead Prairieland Dealership
Tract 6	COE IF	AG / C / SF D	Pasture Homestead
Tract 7	COE IF	AG / C / LI	Pasture
Tract 8	LY CO AG/C	IF / SF-D / C / LI	Pasture Fanestil Meats Evergy Road G Commercial
Tract 9	LY CO AG/C	C / LI / IF / AG	KOA Fanestil Meats Pasture
Tract 10	LY CO LI	C / IF / AG	Pasture Fanestil Meats Prairieland Dealership
Tract 11	LY CO AG	C / C/P / GPR / SF-D	Pasture Estate Homes Jones Aquatic Center KTA/I-335 Urban Single-Family Homes

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type
SF-D = Single-Family Detached
C/P = Civic Public Use
GPR = Greenspace/Parks/Recreation

Analysis: The applicant has requested that the 11 tracts of land be rezoned and subsequently included in a Digital Infrastructure Overlay District (DI-O) to facilitate the future development of the properties. While no end users are currently identified for the development, the inclusion of the properties into a DI-O would allow the developer to move forward with planning and marketing the project to prospective end users, and coordinating infrastructure improvements, including but not limited to the extension of municipal services, necessary private utilities upgrades, and other aspects of project development.

The rezoning of the properties and inclusion of the properties into a DI-O district is not an approval of a particular project, but rather one step in moving a project forward. Securing applicable zoning is one of the first steps in developing property for future proposed uses. The request in this stage of development is no different than other large-scale developments, such as when the Pavilions or the Brownstone development at W HWY 50 were initially proposed. Additional zoning requirements which would come before the Planning Commission prior to final approvals would include platting of the property, and for those properties in Industrial Flex zoning, the creation and approval of a Planned Unit Development would be required.

Tracts 1 through 10 are generally contiguous with each other and the requested rezoning is for the properties to be reclassified as City of Emporia Light Industrial (LI). The LI zoning would allow for these properties to be included in an DI-O. The only property with a City of Emporia parcel type are the lots within Industrial Park IV. These properties were annexed and subsequently rezoned in 2025. The remaining properties have recently been annexed and retain their Lyon County parcel type until that time that they are rezoned and assigned City of Emporia parcel types.

Light Industrial (LI) parcel types allow for a variety of industrial uses that are generally classified as less intensive in terms of noise, odor, smoke, and outdoor operations compared to those uses allowed within Heavy Industrial parcel types. Many of the uses included in the DI-O would be allowed within LI parcel types. Staff has included the use matrix for Industrial Properties as an attachment to this report for review. If the rezoning is approved, any use that is allowed in LI Parcel Types would be allowed on these properties.

A final tract (Tract 11) is outside of the contiguous area and is being proposed to be rezoned to Industrial Flex (IF). If approved and included in the Digital Infrastructure Overlay District, this tract would most likely be the final tract to develop based on its location, and also would require an approved Planned Unit Development prior to any development occurring on the property. As previously stated, any allowed use within an IF parcel type would be allowed on the property if it was rezoned.

The uniqueness of this request and by the sheer size of acreage included, creates complexities that are generally not present in a typical rezoning request. Several of these properties were not contemplated for changes in use during the development of the last comprehensive plan, Plan ELC. Also, with the changing economic climate that Emporia has experienced since the adoption of Plan ELC, staff finds that many of the recommendations may not necessarily be applicable now.

Considerations: **9.8.3.a.8. Factors to be Considered for a Rezoning:**

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations;

    a. **A change in parcel type is required prior to any development of properties that are annexed into the city. Lyon County and the City of Emporia, while we have a joint comprehensive plan, do not share common parcel types or extraterritorial zoning. Each of these properties, aside from those lots located in Industrial Park IV have recently been annexed, and prior to any development require the assignment of a City of Emporia parcel type.**

    b. **Several of the parcels currently have some sort of industrial classification, either Lyon County or Emporia Light Industrial or Industrial Flex zoning. Many of the parcels that are zoned agriculture are contiguous to industrial zoned parcels and demonstrate that rezoning to LI is a natural extension of the existing LI zoning in the area.**

    c. **Staff contends that the change in parcel type would be consistent with the zoning regulations of the city.**

2. The character and condition of the neighborhood and its effect on the proposed change;

    a. **The general character and condition of the neighboring properties vary between subject tracts. Tracts 1 through 10 are situated between undeveloped agricultural properties, rural homesteads, estate type homes, commercial and industrial properties. Tract 11, is adjacent to the Kansas Turnpike with urban development to the east of the turnpike and estate homes to the north.**

    b. **The neighboring properties would have little impact on the subject properties if the rezoning was approved.**

3. The zoning and uses of properties nearby;

    a. Zoning and uses of neighboring properties for tracts 1 through 11 vary from vacant agricultural land, estate type homesteads, to commercial and industrial properties and urban density development. A natural boundary of the Kansas Turnpike does separate the urban development from Tract 11. The extension of Industrial Park IV is a natural corridor, and with increased setbacks and required landscape buffering and screening, the impacts of the proposed project will be minimized. Staff would not contend that there will be no impact on those neighboring properties. The depth of that impact is unknown at this time, but staff would content that the impact to neighboring properties does not outweigh the benefit to the community as a whole.

4. The suitability of the subject property for the uses to which it has been restricted;

    a. **The subject properties were suitable for the uses that they have been restricted to prior to annexation. Upon annexation, and prior to any development, the properties must be rezoned to Emporia zoning classifications.**

5. The extent to which removal of the restrictions will detrimentally affect nearby property;

    a. **It is difficult to ascertain whether or not removing the restrictions on the subject properties would have a detrimental impact on nearby properties. Properties**

adjacent to Tract 11 are separated by the turnpike, which is a natural boundary and required setbacks and development review of a planned unit development should reduce the impact on adjacent properties.

b. **Similarly, those residential properties adjacent to tracts 1-10 are a mix in use, and therefore it is difficult to determine if a detrimental impact would be realized if the restrictions were removed. One study of housing values adjacent to digital infrastructure in Virginia showed that housing values actually increased the closer they were to digital uses as opposed to houses further away from digital infrastructure.**

c. **Other studies have shown that properties may have a short-term reduction in value, but generally rebound over time after projects commence.**

d. **Staff would not contend that the removal of the restrictions and allowance of LI or IF uses would not have an impact on the neighboring residential properties, as most of the land included in the request has not been developed prior to this request. The unknown is whether or not the new allowed uses would have a detrimental impact on adjacent properties, and would the possible detrimental impact out measure the potential positive impacts on the entirety of the community.**

e. **Adjacent commercial and industrial properties would see little to no negative impact and would most likely see an increase in value as development typically spurs additional development once an anchor tenant is established in an area. Those properties along Road G could see increased interest based on their proximity to large scale development.**

f. **New infrastructure that would be required, including road improvements, public and private utilities, would also open up adjacent properties for development.**

6. The length of time the subject property has remained vacant as zoned;

   a. Industrial Park IV is the only property that has been platted. Other properties in the area have been zoned in anticipation of future development, but have also remained vacant for the most part. There has been commercial and industrial development within the surrounding area over the past several years, and the eventuality of development of the subject properties is not out of line with development patterns.

7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner, public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use;

   a. The gain to the public welfare, in this case the economic impact of a large-scale development that would provide increased property tax, diversification of the local economy, and new private utility investments would outweigh the hardship created on adjacent landowners.

   b. Modern digital infrastructure projects have adopted technologies that reduce water consumption, use natural gas supplemental electric generation versus diesel, and the requirement of buffer spaces to reduce noise intrusions on

neighboring properties have minimized the negative impact on adjacent properties, while providing economic benefit for the city as a whole.

c. **Public services are readily available in the area, and the transportation network has been studied and sized in previous road upgrades to accommodate industrial development in the area. Development Agreements between the city and the developer, which clearly identify costs of public infrastructure upgrades to be borne by the developer also further advance the gain to the public if the rezoning were to be approved.**

8. The recommendations of a permanent or professional planning staff; **Staff recommendation is provided at the end of this report.**

9. The conformance of the requested change to Plan ELC;

   a. **Plan ELC was adopted in 2017, and since that time, the economic situation of the City and County has changed with the reduction of jobs and loss of businesses in the community. To hold a proposed development to the standards that were identified under previous economic conditions is difficult.**

   b. **Some aspects of Plan ELC do encourage the economic development efforts of the city to attract new businesses, diversify the economy and adjust the type of businesses that are targeted, and locate those businesses in areas where utilities are located and limited to corridors such as this that are in close proximity to an enhanced road network. At the heart of the subject property city utilities are currently existing. Sewer and water lines of sufficient size exist or can readily be extended to the subject properties, and the properties are within a transportation corridor designed to support the increased traffic that development would create.**

   c. **KDOT, Lyon County, and Emporia have contemplated development of the areas adjacent to US HWY 50, Road F and G, and have previously improved the road network and have plans for future expansion in place.**

   d. **Staff contends that the proposed rezoning and subsequent development that could occur outweigh those aspects that are contradictory in Plan ELC. Plan Element IV: Supporting Infill Development states as an objective that new development should be located close to existing infrastructure and along corridors to minimize costs of providing and maintaining public services. Public utilities are readily available in the area and the natural extension of property to the north and south of Industrial Park IV supports this goal.**

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received written correspondence both in favor of and against the rezoning request.

Suggested Motions:

1. Move to recommend approval of the proposed rezoning as presented. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

2. Move to recommend approval of the proposed rezoning with conditions. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

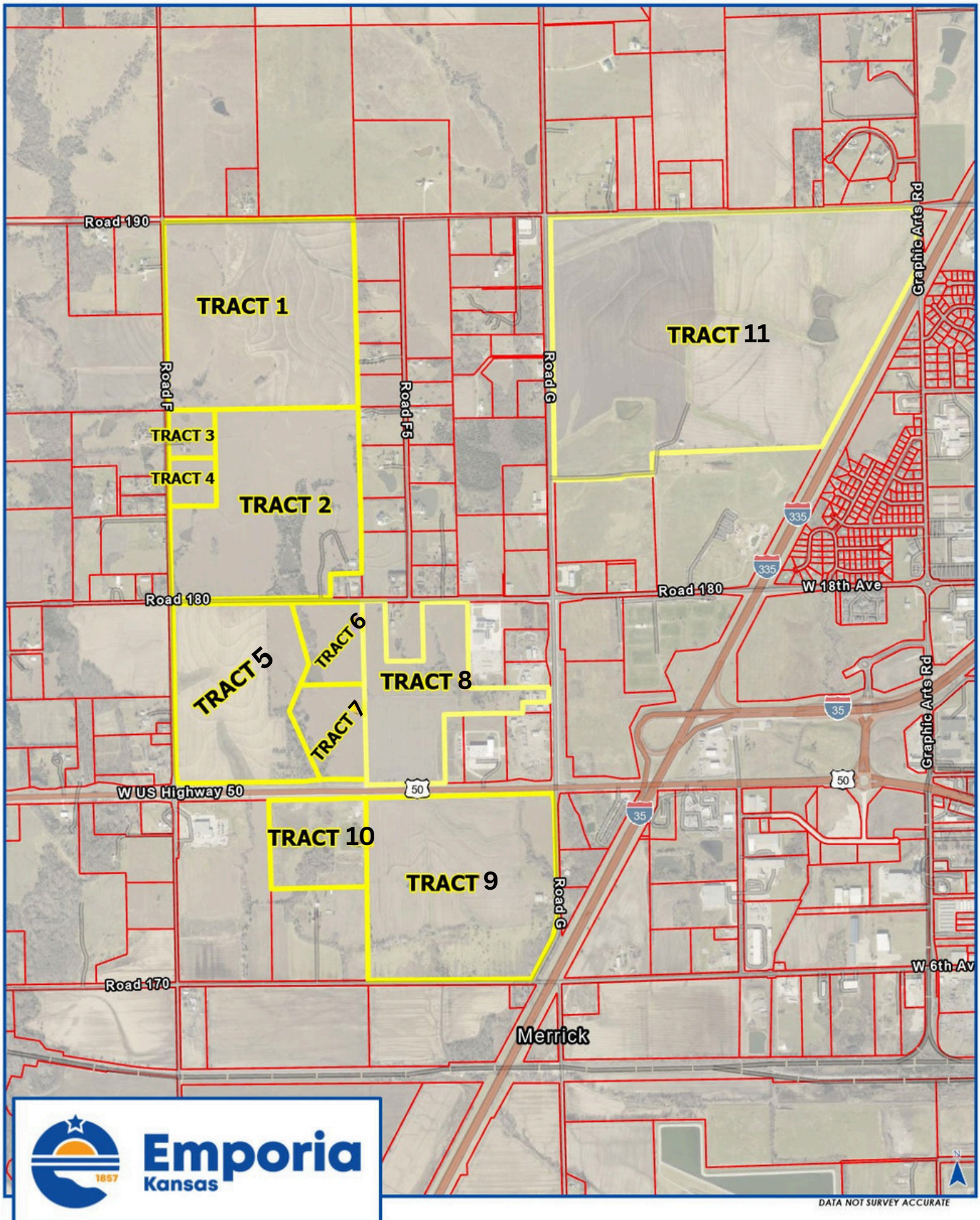
3. Move to recommend denial of the proposed rezoning. A motion to recommend denial of the ordinance rezoning the properties would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.

4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed rezoning.

5. Table the matter for further discussion.

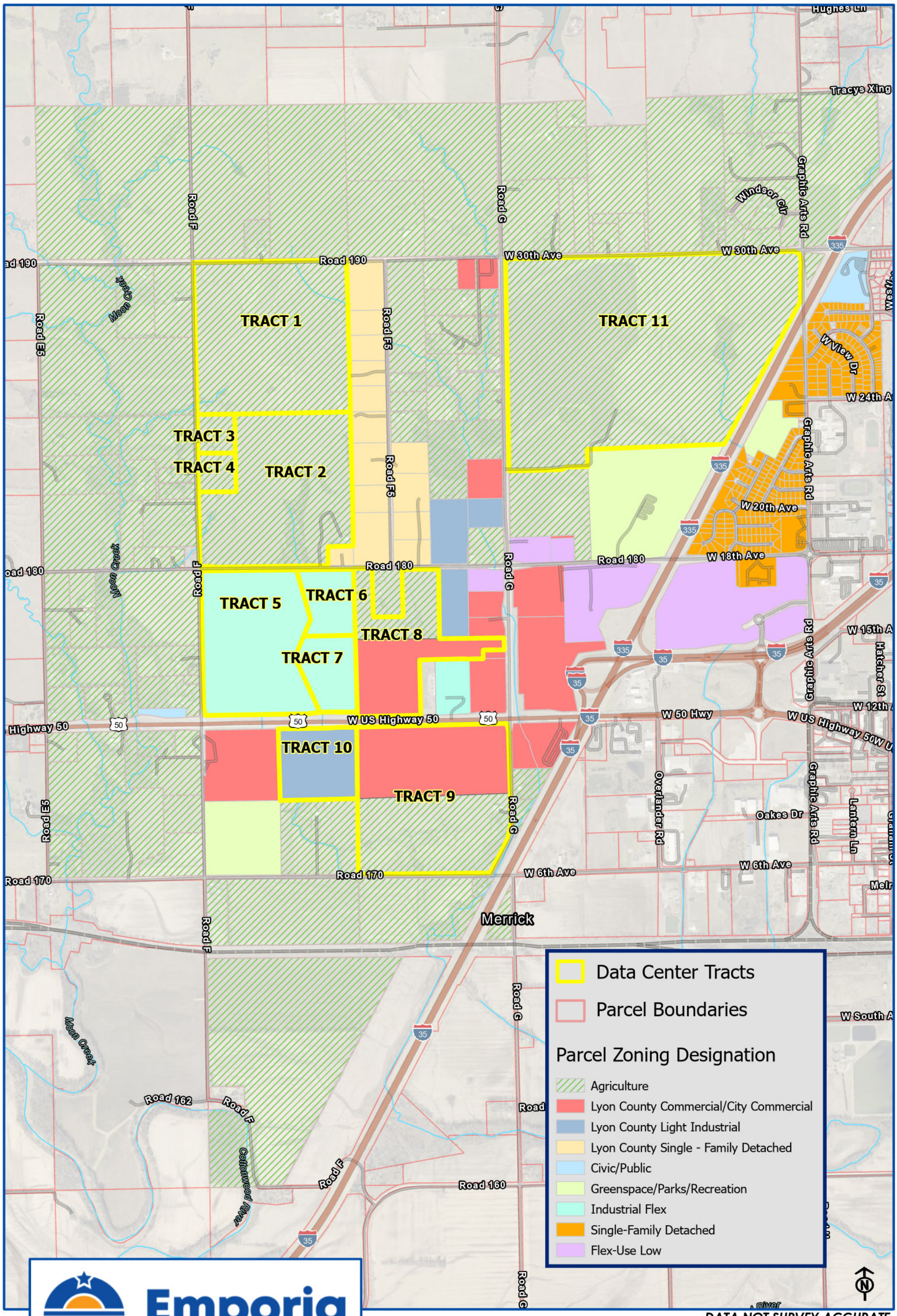
Recommendation: Staff reccommends approval of the rezoning as presented, subject to additional Planning Commission comment.

Attachments: Aerial Tract Map | Zoning Map | Full Legal Descriptions | Use Matrix for Industrial Uses | Building Standards for Light Industrial & Industrial-Flex Parcel Types |

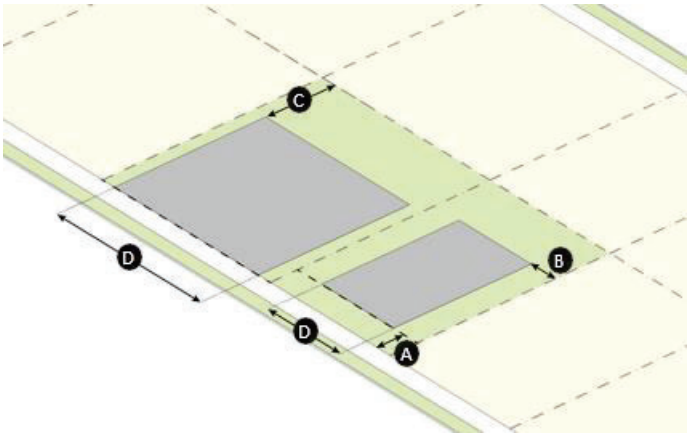


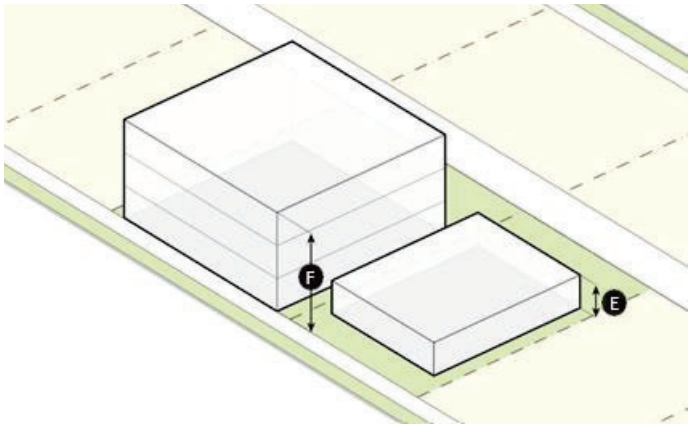
Emporia Kansas 1857

Subject Properties Highlighted in Yellow


TRACT 1
TRACT 2
TRACT 3
TRACT 4
TRACT 5
TRACT 6
TRACT 7
TRACT 8
TRACT 9
TRACT 10
TRACT 11
Road 190
Road 180
Road 170
Road 160
W 30th Ave
W US Highway 50
W 20th Ave
W 18th Ave
W 6th Ave
W 50 Hwy
Road F
Road G
Road E5
Road F5
Graphic Arts Rd
Windsor Cir
Tracys Xing
Hughes Ln
W View Dr
Overlander Rd
Oakes Dr
Lantern Ln
Hatcher St
Moon Creek
Cottonwood River
Merrick
Highway 50
Data Center Tracts
Parcel Boundaries
Parcel Zoning Designation
Agriculture
Lyon County Commercial/City Commercial
Lyon County Light Industrial
Lyon County Single - Family Detached
Civic/Public
Greenspace/Parks/Recreation
Industrial Flex
Single-Family Detached
Flex-Use Low
Emporia
Kansas
1857
DATA NOT SURVEY ACCURATE

INDUSTRIAL FLEX BUILDING STANDARD

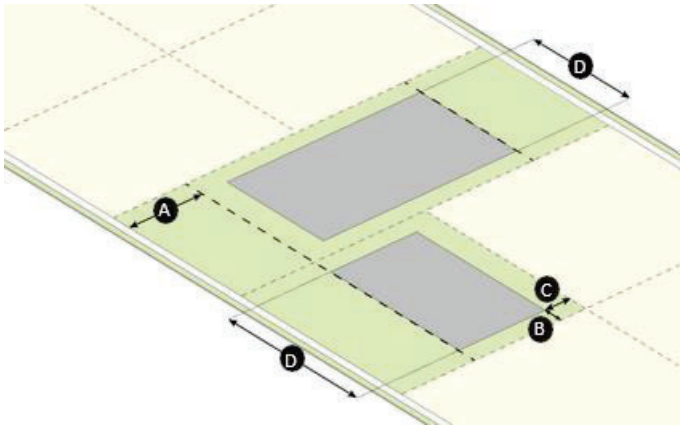


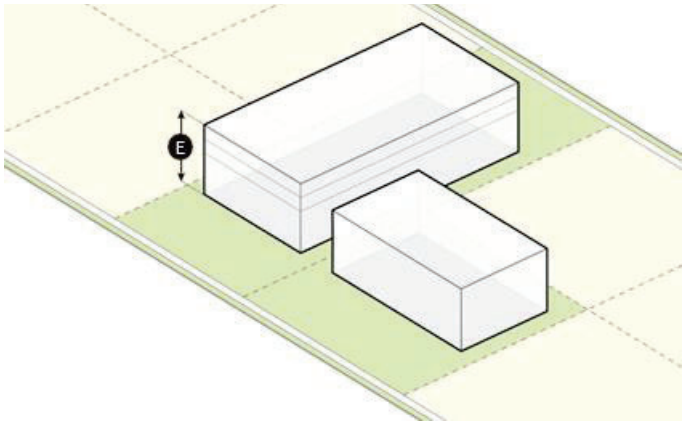


Use		
Ground Floor	Commercial / Retail / Services / Office / Trade / Light Industrial	
Upper Floor(s)	Commercial / Retail / Services / Office / Trade / Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	25’ minimum	A
Side Setback	5’ minimum	B
Rear Setback	20’ minimum	C
Coverage		
Primary Street Façade Build to RBL	70% minimum	D
Lot Coverage	60% maximum	
Lot Size	No minimum	
Height		
Minimum Number of Floors	1 story	E
Maximum Number of Floors	3 stories = 45’	F
Finished Ground Floor Level	0” minimum above sidewalk	
Ground Floor Ceiling Height	10’ minimum	G
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Component Parcel Type	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Primary entries must occur where designated on the Regulating Plan along the RBL and where designated along the Required Entry Zone (REZ) if shown	Blank lengths of wall (without doors or windows) exceeding 50’ are prohibited on the RBLs
Façade Transparency, Shading Elements, and Screening shall refer to component Parcel Type	Not all Light Industrial Uses are allowed on IF parcels. Allowed use must refer to Parcel Type Permitted Uses matrix (2.6)

LIGHT INDUSTRIAL BUILDING STANDARD





Use		
Ground Floor	Light Industrial	
Upper Floor(s)	Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	60’ minimum	A
Side Setback	15’ minimum	B
Rear Setback	20’ minimum 30’ minimum when adjoining a residential Parcel Type	C
Coverage		
Primary Street Façade Build to RBL	No minimum	D
Lot Coverage	100% maximum	
Lot Size	No minimum	
Height		
Maximum Height	45’ maximum (when within 150’ of a residential Parcel Type) 150’ maximum (when more than 150’ from a residential Parcel Type	E
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Section 7.13 for Required Parking Spaces	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Appropriate Screening (Section 5.7) shall be required for lots adjacent to Parcel Types that allow residential uses.	

2.5.4 Entertainment/Sports Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Amusement places, indoor							P	P	P				
2.	Aquariums										P			
3.	Bowling alleys							P	P	P	P			
4.	Country clubs, private	P						P	P	P	P			
5.	Golf driving ranges	P						P	P	P				
6.	Golf courses, private	P					P	P	P	P				
7.	Gymnasiums/athletic clubs/fitness centers						P	P	P	P	P			
8.	Health spas						P	P	P	P				
9.	Performing arts center						P	P	P	P	P			
10.	Race tracks, vehicle/animal	P								C				
11.	Recreation centers/facilities	C						P	P	C	P			
12.	Skating rinks							P	P	P	P			
13.	Stadium/sports arena						C	C	C	C	P			
14.	Tennis clubs						C	C	C	C				
15.	Theater, indoor						C	C	P	P				
16.	Theater, outdoor								C	C				

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Aircraft storage, maintenance, sales and leasing												P	P
2.	Aircraft terminals, passenger and freight											C	P	P
3.	Air conditioning, heating and plumbing contractors										P	P	P	
4.	Airports and heliports											C	P	P
5.	Artisanal production	P									P	P	P	
6.	Asphalt plants											C	C	
7.	Auction sales, excluding livestock						C	C	C	C	C	P	P	
8.	Bottling and canning										P	P	P	
9.	Building construction contractors											C	P	
10.	Building materials, retail										P	P	P	
11.	Concrete ready-mix plants												P	
12.	Distillery, brewery, winery	P									P	P	P	
13.	Electrical contractors										P	P	P	
14.	Electronics repair										P			

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	**CH**	**SF-D**	**SF-A**	**MF**	**MU**	**FH**	**FL**	**C**	**IF**	**LI**	**HI**	**CP**
15.	Food locker, storage											P	P	
16.	Foundries												P	
17.	Freight depots, trucks										C	C	P	
18.	Furniture repair										P			
19.	Gas and oil drilling, field service, production and refining facilities, storage and distribution												C	
20.	Gravel, sand and stone quarrying											C	P	
21.	High-intensity manufacturing and processing											C	P	
22.	Industrial laundries										C	C	P	
23.	Industrial waste disposal												P	
24.	Livestock, stockyards, sales												C	
25.	Low-intensity manufacturing and processing										P	P	P	
26.	Lumberyards												P	
27.	Machine shop, millwork, carpentry shops										C	P	P	

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
28.	Manufacturing, fabrication, processing or storage or flammable liquids, chemicals, fertilizer and abrasive products											C	C	
29.	Manufactured/mobile homes, sales										P	P	P	
30.	Masonry, stonework, tile										P	P	P	
31.	Meat processing											C	P	
32.	Monuments										P	P	P	
33.	Motor vehicle body, repair shops							C	C	P	P	P	P	
34.	Motor vehicle storage yards										P	P	P	
35.	Outdoor advertising services										P	P	P	
36.	Outdoor shooting ranges											C	C	
37.	Painting and wallpaper contractors										P	P	P	
38.	Photo finishing/engraving										P	P	P	
39.	Prefabricated building manufacturing											C	P	
40.	Printing										P			
41.	Railroad freight terminals												P	
42.	Resource extraction	C										C	P	
43.	Road maintenance yards											P	P	
44.	Salvage yards											C	C	
45.	Self-service storage											P	P	
46.	Telecommunications towers										C	C	C	
47.	Telephone and electrical substations	C					C	C	C	C	C	C	P	P
48.	Tow lots, vehicle impoundment											P	P	
49.	Utility maintenance yards											P	P	
50.	Veterinarian services, facilities	P					P	P	P	P	P	P	P	
51.	Vocational schools										C	C	C	
52.	Warehouses, storage units											P	P	
53.	Warehousing, storage and wholesaling of explosive, volatile products											P	P	
54.	Water well drilling											P	P	
55.	Wholesale establishments/mail order houses										P	P		

2.5.6 Utilities Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Electric generation facility									C		C	C	P
2.	Public utilities: telephone, electrical substations and similar facilities	C	C	C	C	C	C	C	C	P	P	P	P	P
3.	Telecommunication towers and related structures for police and emergency communications	C	C	C	C	C	C	C	C	C	C	C	P	P
4.	Utility maintenance yards	C						C	C	C			P	P
5.	Towers and related structures for radio, telephone and TV transmissions	C	C				C	C	C	C	C	C	C	P
6.	Water storage facility	P					C	C	C				P	P
7.	Water treatment plant	C								C			P	P
8.	Wastewater treatment plant	C											P	P

2.5.7 Public Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Auditoriums and similar places of public assembly					C	P	P	P	P	C			P
2.	Churches and similar places of worship	P	P	P	P	P	P	P	P	P	C			
3.	City, county state and federal offices and facilities					C	P	P	P	P	P			P
4.	Conference and convention centers						C	P	P	P	P			P
5.	Educational institutions, K-12, public colleges and universities	C	C	C	C	C	C	C	C	C				P
6.	Fraternal organization offices and meeting places						C	C	C	C				
7.	Hospitals	C					C	C	C	C				P
8.	Libraries			C	C	C	C	C	C	C				P
9.	Military installations	C					C	C	C					P
10.	Museums and galleries						P	P	P	P	P			P
11.	Parks, playgrounds and recreation areas, public	P	P	P	P	P	C	C	C					P
12.	Police, fire and EMS stations	C					C	C	C	C				P
13.	Stadiums						C	C			P			P

LEGAL DESCRIPTIONS FOR PROPERTIES APPLYING FOR REZONING AND INCLUSION IN A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT

TRACT 1 – 600 Road 190

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 2 – 640 Road 180

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

TRACT 3 – 1842 Road F

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 4 – 1800 Road F

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 5 – 626 W HWY 50

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 6 – 600 W HWY 50

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 7 – 600 W HWY 50

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 8 – 1771 Road G

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF

WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03’ E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05’28” E. (HIGHWAY 50 TRACT: S. 88°21’ E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

TRACT 9 – 600 Road 175

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A PONT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

TRACT 10 – 647 W HWY 50

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

TRACT 11 – 4502 W Eighteenth

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00’02” WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED “KVE CLS20”, HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00’02” WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR

FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND

DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00’00”W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00’00”W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57’57”E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12’24”E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12’24”E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION9310+83.40 OF SAID TURNPIKE; THENCE S30°06’36”W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48’36”W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00’00”E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CITY OF EMPORIA
PLANNING COMMISSION
EXCERPT OF MINUTES OF JUNE 23 AND JUNE 30, 2026
SPECIAL MEETING
WLW CIVIC AUDITORIUM

These minutes constitute the portion of the June 23 and June 30, 2026 Planning Commission meeting relating to application PC 2026-07.

The Planning Commission met in a special session on Tuesday, June 23, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

City staff: Justin Givens, Director, Building & Neighborhood Development and Christina Montgomery, City Attorney, were present.

Chair Thomas called the meeting to order.

2. Planning Commission: Consider PC 2026-07, a Request to Rezone Certain Described Properties Pursuant to Section 9 of the Emporia Zoning Regulations

Thomas asked whether proper notice had been given and whether the Planning Commission had jurisdiction to consider the application. **Givens** confirmed that proper notice had been provided and that jurisdiction was proper, **Thomas** asked Commissioners to declare any potential conflicts or ex-parte communications. No additional conflicts or ex-parte communications were declared beyond those previously reported during consideration of Item 1.

Givens provided the Staff Report.

Gilligan asked whether the rezoning request could be considered as a whole or on a tract-by-tract basis. **Givens** confirmed that the Planning Commission could consider the request in its entirety or evaluate each tract separately.

Lingenfelter asked whether it was common for developers to seek rezoning before identifying a specific end user. **Givens** responded that this occurs frequently and cited developments such as the Pavilions and Brownstone as examples. **Gilligan** asked about other uses that would be allowed if the properties were rezoned. **Givens** explained that the rezoning would allow any use permitted within the applicable base zoning district, not solely digital infrastructure uses.

Garrett Nordstrom, representing GSA and Kanza Park Place LLC, presented the applicant's statement. He discussed the purpose of the rezoning request, the suitability of the properties for industrial development, consistency with the Comprehensive Plan, anticipated infrastructure planning, compatibility with a proposed Digital Infrastructure Overlay District, and potential community and economic benefits. He also stated that approval of the rezoning would not constitute approval of any

specific development project and that additional approvals would be required before development could occur.

Larson asked how long tracts 5, 6, and 7 have remained vacant. Givens stated that they have been vacant since they were platted and prior to platting.

Thomas inquired whether the applicant had the necessary authority to request the rezoning. **Nordstrom** stated that the applicant held contractual interests in the properties and had authority to pursue the rezoning request on behalf of the current owners.

Lingenfelter asked about the anticipated scale of development compared to the digital infrastructure campus in Pryor, Oklahoma, and the potential community benefits. **Nordstrom** stated that the proposed development would be a hyperscale project and described how its anticipated development timeline and economic impacts could differ from the Pryor project.

Gilligan asked about what makes this site desirable for a hyperscale digital infrastructure project. **Nordstrom** cited the area's existing and planned infrastructure, access to interstate and highway transportation, proximity to airports, and the availability of higher education institutions as factors supporting the site's suitability. **Gilligan** also expressed concerns about the existing water treatment capacity and the potential impacts of future industrial development on the city infrastructure. **Nordstrom** responded that any future development would be required to operate within the City's available water capacity.

Reed asked whether future facilities could utilize raw water rather than treated water. **Nordstrom** responded that those processes that use water would require that water to be treated.

Larson asked about the need for Tract 11 to be included. **Nordstrom** explained that the property had been identified for future development and stated that current market conditions made industrial development more feasible than residential development. He also stated that Tract 11 would likely develop later than the other tracts and that a mix of uses could ultimately be proposed for the property.

Chair **Thomas** opened the public hearing.

Members of the public provided oral testimony and written comments both in support of and in opposition to the request to rezone Tracts 1-11.

The following spoke in favor of the proposed rezoning:

Brad Kraft	Bill Ritter	Jerry Campbell
Casey Woods		

The following provided written comments in favor of the proposed rezoning or digital infrastructure projects in general:

Art Gutierrez	Michael Black	Jeremy Rusco
Wendy Rusco	Emporia Main Street	Duane Henrikson
Robin Emley	Sonja Hodges	Jim Kessler
Lisa Kirmer	Bruce Boettcher	Kim Parks
Rick Mitchell	Brad Kraft	Troy Estes

Zach Arvieux	Jeff Lutes	Scott Strahm
Jeff Longbine	Emporia Area Chamber of Commerce	Dan Williams
Jim Wayman		

The following spoke in opposition of the proposed rezoning or digital infrastructure projects in general:

Solomon Smallback	Robert Bradley	Edgar Esparea
Maddison Glover	Elexa Dawson	Isabelle Rawley
Leslie Smith	Monika Markus	Anna Delong
Leah Green	Eric Hodge	David Claridge
Lux Claridge	Sheradyn Winter	Jessica Danford
Pauleen Hancock	Amanda Mendoza	Kristy Dekat
Jay Vehige	Avery Lupkes	Skye Baxter
Peter Stuchlik	Dan Miller	Rosalie Krenger
Jesse Streiff	Katie Mathews	John Alvarado

The following provided written comments in opposition of the proposed rezoning or digital infrastructure projects in general:

David McCullough	Sheila Jones	Kenzie Timmons
Kathleen Lamb	Hunter Smith	Bev Cinelli
Annahstasia Arnold	Anna DeLong	David DeVries
Toni McGill	Alexandra Taylor	Leslie Smith
Rosalie Krenger	Isabelle Rawley	Josh Krenger
Kenneth Bruner	Abbie Schroeder	Cole Duncan
Seth Davis	Laura Miser	

Chair Thomas Closed the public hearing.

Following the public hearing, **Nordstrom** provided a closing statement emphasizing that the application before the Commission was a request to rezone the properties and that approval would not authorize any specific development project. He reiterated the applicant's position regarding the suitability of the properties for industrial development and their proximity to existing transportation and utility infrastructure. Following the closing statement; Commissioners discussed continuing consideration of the application to allow additional review prior to making a recommendation.

Gilligan made a motion to table the item until a Special Meeting on June 30, 2026 at 6:00 PM in the WLW Civic Auditorium. **Larson** seconded the motion. The motion carried 6-1 (**Fowler**).

Givens announced that any action on the item had been tabled until a Special Meeting on June 30, 2026 at 6:00 PM in the WLW Civic Auditorium.

The Planning Commission met in a special session on Tuesday, June 30, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

City staff: Justin Givens, Director, Building & Neighborhood Development and Christina Montgomery, City Attorney, were present.

Thomas called the meeting to order.

2. Planning Commission: Consider PC 2026-07, a Request to Rezone Certain Described Properties Pursuant to Section 9 of the Emporia Zoning Regulations

Thomas announced that no additional public comment would be taken on Item 2 because the public hearing had been conducted at the June 23, 2026, meeting.

Givens provided a brief staff report summarizing the purpose of the rezoning request, the existing and proposed zoning classifications for each tract, permitted uses within the requested zoning districts, and the Planning Commission's responsibility to evaluate the request based on the applicable rezoning criteria and make a finding of fact. He reviewed the procedural options available to the Commission, including recommending approval, approval of individual tracts, denial, or continuation of the application.

Lingenfelter asked about the implications if the Planning Commission did not recommend approval of the rezoning request. **Givens** discussed the current zoning status of the properties and potential future zoning options. **Montgomery** explained that the City could initiate future rezoning proceedings if appropriate.

Gilligan stated that she would like to look at each tract separately or in smaller groups. She stated that she would rather look at Tract 11 separately smaller parcel groups. **Larson** concurred and stated that he felt Tracts 9 and 10 were Lyon County Light Industrial already and they made sense to revert to City Light Industrial. **Gilligan** agreed with the rezoning of Tracts 9 and 10.

Commissioners discussed whether the requested rezoning should be considered as a single application or on a tract-by-tract basis. **Gilligan** stated that she preferred evaluating the tracts individually or in smaller groups. **Larson** agreed that different tracts presented different planning considerations.

Larson and **Gilligan** expressed support for rezoning Tracts 9 and 10 to City Light Industrial based on their existing industrial classifications. **Larson** also expressed support for rezoning Tracts 5 through 8, citing their existing zoning, surrounding land uses, history of vacancy, and location within the existing industrial corridor. **Gilligan** generally agreed that Tract 8 appeared appropriate for future industrial development.

Larson expressed greater concern regarding Tracts 1 through 4 and questioned whether Industrial Flex zoning would be more appropriate than Light Industrial. **Gilligan** also expressed concerns

regarding the suitability of those tracts for Light Industrial zoning. In response to questions regarding utility availability, **Givens** explained that municipal utilities were not currently located on the individual properties but could be extended.

The Commission also discussed the request to rezone Tract 11 to Industrial Flex. **Larson** stated that, although previous planning efforts had contemplated residential development, he believed Industrial Flex zoning, together with the Planned Unit Development process and the proposed Digital Infrastructure Overlay requirements, could provide additional flexibility while addressing compatibility concerns.

Commissioners discussed the property's proximity to existing residential development and Timmerman Elementary School. **Givens** reviewed the Planned Unit Development approval process and the additional review that would be required before development could occur. **Reed** and **Fowler** commented on the additional protections provided through the Planned Unit Development process and future development agreements.

Lingenfelter stated that she remained concerned about potential impacts on neighboring properties, uncertainty regarding long-term community impacts, proximity to residential areas and schools, potential demands on community resources, and the absence of an identified end user. She stated that, given those uncertainties, she was not prepared to support the requested rezoning. **Larson** and **Gilligan** agreed that the relative public benefit was difficult to evaluate at this stage of the process.

Reed, **Johnson**, and **Fowler** acknowledged that uncertainty remained but expressed confidence that the rezoning represented an early step in a multi-stage review process that would include additional project-specific review, public hearings, and regulatory oversight. Discussion also addressed the community's supply of industrial land and evolving digital infrastructure technologies.

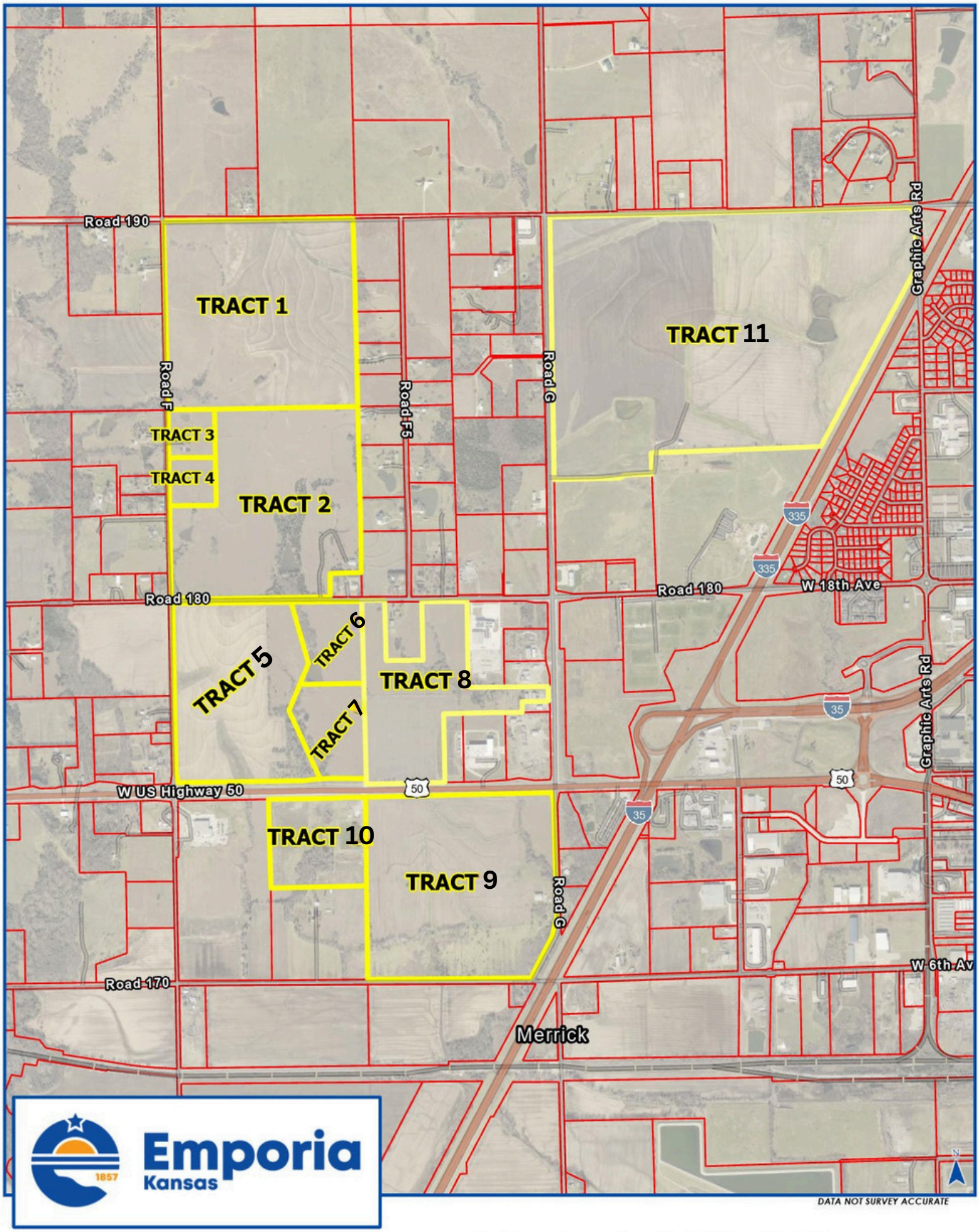
Gilligan moved to recommend denial of the requested rezoning for Tracts 1 through 4. **Larson** seconded the motion. The motion failed 2-5 (Thomas, Fowler, Reed, Johnson, and Lingenfelter opposed).

Fowler moved to recommend approval of the requested rezoning based upon findings that the request was consistent with the Emporia Zoning Regulations and in conformance with Plan ELC. **Thomas** seconded the motion. The motion carried 4-3 (Larson, Gilligan, and Lingenfelter opposed).

Lingenfelter made a motion to recess for 15 minutes resuming at 7:25 in the Civic Auditorium. **Gilligan** seconded the motion. The motion carried 7-0.

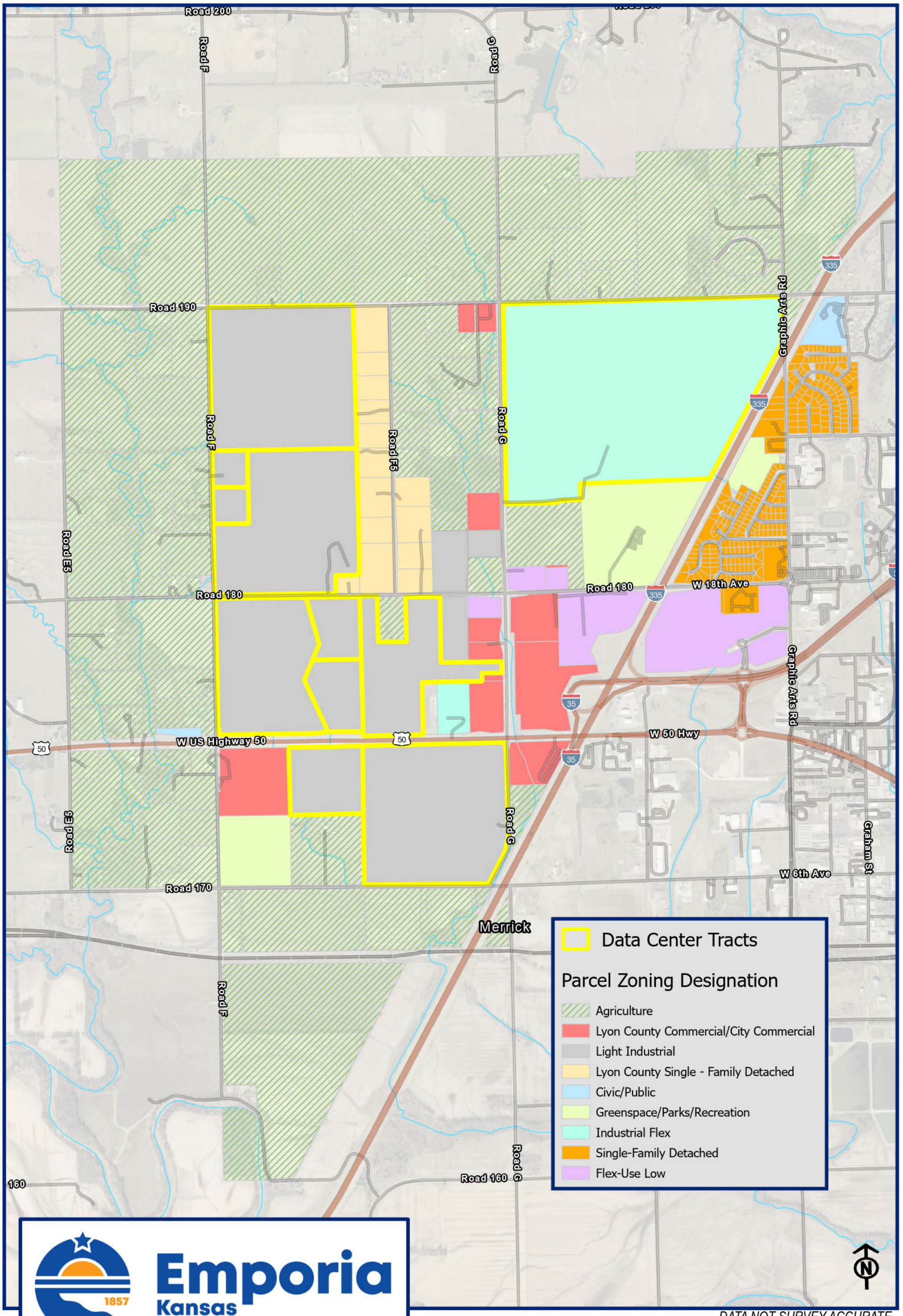
Respectfully Submitted,

_____
Justin Givens, Secretary



Emporia Kansas 1857

Subject Properties Highlighted in Yellow


Road 200
Road F
Road G
Road 190
Graphic Arts Rd
335
Road F
Road F5
Road G
Road E5
Road 180
Road 180
W 18th Ave
335
Graphic Arts Rd
50
W US Highway 50
50
W 50 Hwy
35
35
Road E5
Road G
Road 170
W 6th Ave
Graham St
Merrick
Road F
Road G
Road 160
160
Data Center Tracts
Parcel Zoning Designation
Agriculture
Lyon County Commercial/City Commercial
Light Industrial
Lyon County Single - Family Detached
Civic/Public
Greenspace/Parks/Recreation
Industrial Flex
Single-Family Detached
Flex-Use Low
N
Emporia
Kansas
1857
DATA NOT SURVEY ACCURATE

2.5.4 Entertainment/Sports Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Amusement places, indoor							P	P	P				
2.	Aquariums										P			
3.	Bowling alleys							P	P	P	P			
4.	Country clubs, private	P						P	P	P	P			
5.	Golf driving ranges	P						P	P	P				
6.	Golf courses, private	P					P	P	P	P				
7.	Gymnasiums/athletic clubs/fitness centers						P	P	P	P	P			
8.	Health spas						P	P	P	P				
9.	Performing arts center						P	P	P	P	P			
10.	Race tracks, vehicle/animal	P								C				
11.	Recreation centers/facilities	C						P	P	C	P			
12.	Skating rinks							P	P	P	P			
13.	Stadium/sports arena						C	C	C	C	P			
14.	Tennis clubs						C	C	C	C				
15.	Theater, indoor						C	C	P	P				
16.	Theater, outdoor								C	C				

2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Aircraft storage, maintenance, sales and leasing												P	P
2.	Aircraft terminals, passenger and freight											C	P	P
3.	Air conditioning, heating and plumbing contractors										P	P	P	
4.	Airports and heliports											C	P	P
5.	Artisanal production	P									P	P	P	
6.	Asphalt plants											C	C	
7.	Auction sales, excluding livestock						C	C	C	C	C	P	P	
8.	Bottling and canning										P	P	P	
9.	Building construction contractors											C	P	
10.	Building materials, retail										P	P	P	
11.	Concrete ready-mix plants												P	
12.	Distillery, brewery, winery	P									P	P	P	
13.	Electrical contractors										P	P	P	
14.	Electronics repair										P			

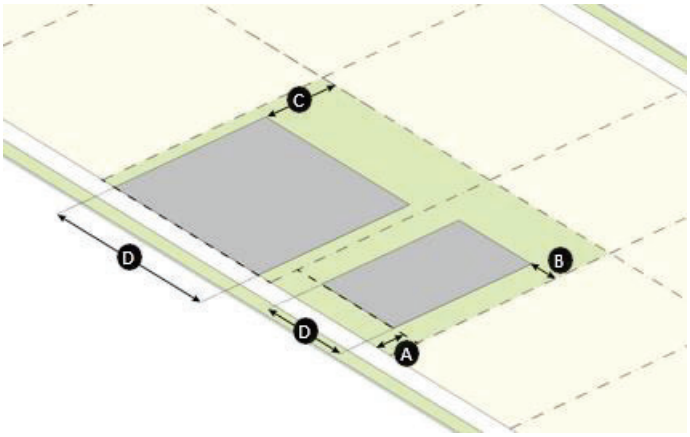
2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	**CH**	**SF-D**	**SF-A**	**MF**	**MU**	**FH**	**FL**	**C**	**IF**	**LI**	**HI**	**CP**
15.	Food locker, storage											P	P	
16.	Foundries												P	
17.	Freight depots, trucks										C	C	P	
18.	Furniture repair										P			
19.	Gas and oil drilling, field service, production and refining facilities, storage and distribution												C	
20.	Gravel, sand and stone quarrying											C	P	
21.	High-intensity manufacturing and processing											C	P	
22.	Industrial laundries										C	C	P	
23.	Industrial waste disposal												P	
24.	Livestock, stockyards, sales												C	
25.	Low-intensity manufacturing and processing										P	P	P	
26.	Lumberyards												P	
27.	Machine shop, millwork, carpentry shops										C	P	P	

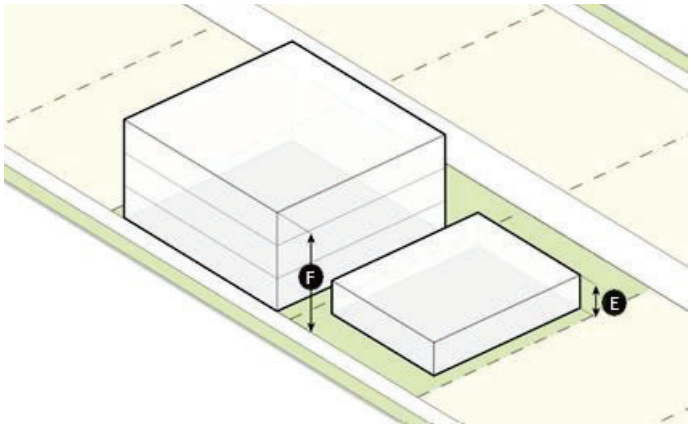
2.5.5 Industrial Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
28.	Manufacturing, fabrication, processing or storage or flammable liquids, chemicals, fertilizer and abrasive products											C	C	
29.	Manufactured/mobile homes, sales										P	P	P	
30.	Masonry, stonework, tile										P	P	P	
31.	Meat processing											C	P	
32.	Monuments										P	P	P	
33.	Motor vehicle body, repair shops							C	C	P	P	P	P	
34.	Motor vehicle storage yards										P	P	P	
35.	Outdoor advertising services										P	P	P	
36.	Outdoor shooting ranges											C	C	
37.	Painting and wallpaper contractors										P	P	P	
38.	Photo finishing/engraving										P	P	P	
39.	Prefabricated building manufacturing											C	P	
40.	Printing										P			
41.	Railroad freight terminals												P	
42.	Resource extraction	C										C	P	
43.	Road maintenance yards											P	P	
44.	Salvage yards											C	C	
45.	Self-service storage											P	P	
46.	Telecommunications towers										C	C	C	
47.	Telephone and electrical substations	C					C	C	C	C	C	C	P	P
48.	Tow lots, vehicle impoundment											P	P	
49.	Utility maintenance yards											P	P	
50.	Veterinarian services, facilities	P					P	P	P	P	P	P	P	
51.	Vocational schools										C	C	C	
52.	Warehouses, storage units											P	P	
53.	Warehousing, storage and wholesaling of explosive, volatile products											P	P	
54.	Water well drilling											P	P	
55.	Wholesale establishments/mail order houses										P	P		

2.5.6 Utilities Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Electric generation facility									C		C	C	P
2.	Public utilities: telephone, electrical substations and similar facilities	C	C	C	C	C	C	C	C	P	P	P	P	P
3.	Telecommunication towers and related structures for police and emergency communications	C	C	C	C	C	C	C	C	C	C	C	P	P
4.	Utility maintenance yards	C						C	C	C			P	P
5.	Towers and related structures for radio, telephone and TV transmissions	C	C				C	C	C	C	C	C	C	P
6.	Water storage facility	P					C	C	C				P	P
7.	Water treatment plant	C								C			P	P
8.	Wastewater treatment plant	C											P	P

2.5.7 Public Uses [Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Auditoriums and similar places of public assembly					C	P	P	P	P	C			P
2.	Churches and similar places of worship	P	P	P	P	P	P	P	P	P	C			
3.	City, county state and federal offices and facilities					C	P	P	P	P	P			P
4.	Conference and convention centers						C	P	P	P	P			P
5.	Educational institutions, K-12, public colleges and universities	C	C	C	C	C	C	C	C	C				P
6.	Fraternal organization offices and meeting places						C	C	C	C				
7.	Hospitals	C					C	C	C	C				P
8.	Libraries			C	C	C	C	C	C	C				P
9.	Military installations	C					C	C	C					P
10.	Museums and galleries						P	P	P	P	P			P
11.	Parks, playgrounds and recreation areas, public	P	P	P	P	P	C	C	C					P
12.	Police, fire and EMS stations	C					C	C	C	C				P
13.	Stadiums						C	C			P			P

INDUSTRIAL FLEX BUILDING STANDARD

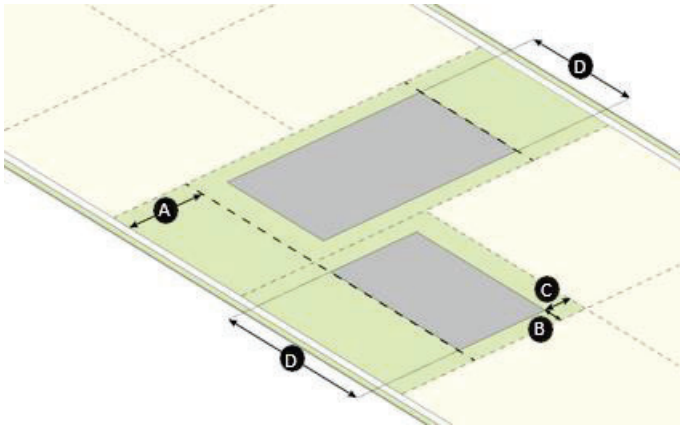


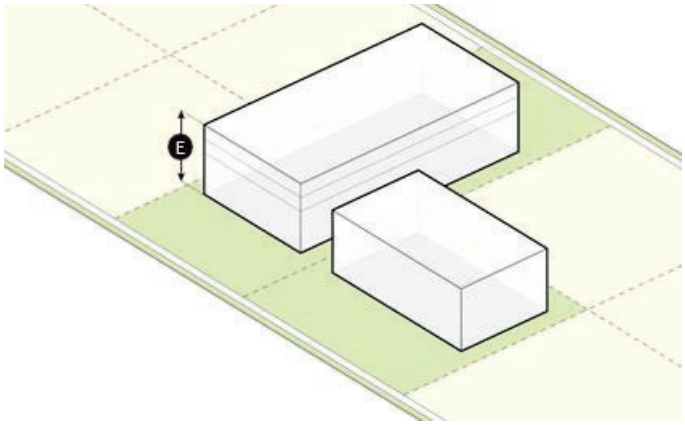


Use		
Ground Floor	Commercial / Retail / Services / Office / Trade / Light Industrial	
Upper Floor(s)	Commercial / Retail / Services / Office / Trade / Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	25’ minimum	A
Side Setback	5’ minimum	B
Rear Setback	20’ minimum	C
Coverage		
Primary Street Façade Build to RBL	70% minimum	D
Lot Coverage	60% maximum	
Lot Size	No minimum	
Height		
Minimum Number of Floors	1 story	E
Maximum Number of Floors	3 stories = 45’	F
Finished Ground Floor Level	0” minimum above sidewalk	
Ground Floor Ceiling Height	10’ minimum	G
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Component Parcel Type	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Primary entries must occur where designated on the Regulating Plan along the RBL and where designated along the Required Entry Zone (REZ) if shown	Blank lengths of wall (without doors or windows) exceeding 50’ are prohibited on the RBLs
Façade Transparency, Shading Elements, and Screening shall refer to component Parcel Type	Not all Light Industrial Uses are allowed on IF parcels. Allowed use must refer to Parcel Type Permitted Uses matrix (2.6)

LIGHT INDUSTRIAL BUILDING STANDARD





Use		
Ground Floor	Light Industrial	
Upper Floor(s)	Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	60’ minimum	A
Side Setback	15’ minimum	B
Rear Setback	20’ minimum 30’ minimum when adjoining a residential Parcel Type	C
Coverage		
Primary Street Façade Build to RBL	No minimum	D
Lot Coverage	100% maximum	
Lot Size	No minimum	
Height		
Maximum Height	45’ maximum (when within 150’ of a residential Parcel Type) 150’ maximum (when more than 150’ from a residential Parcel Type	E
Lighting		
Exterior Building Lighting Placement	At all primary entries	

Parking	
Refer to Section 7.13 for Required Parking Spaces	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design
Notes	
Appropriate Screening (Section 5.7) shall be required for lots adjacent to Parcel Types that allow residential uses.	

Title:	Ordinance 26-23 Including Certain Properties within the City of Emporia, Kansas in the Digital Infrastructure Overlay District and Amending the Official Zoning Map to conform with Said Zoning
Agenda Date:	July 22, 2026
Presented By:	Justin Givens, Director, Building & Neighborhood Development

Background:
The owners of 11 tracts of land have requested that the properties be included within the Digital Infrastructure Overlay (DI-O) District. The applicant has indicated that the request is intended to facilitate the potential development of a digital infrastructure campus.

At a Special Meeting on June 30, 2026, the Planning Commission conducted the required public hearing and voted 6-1 to recommend approval of including all 11 tracts within the Digital Infrastructure Overlay District.

Discussion:
The Digital Infrastructure Overlay District supplements the underlying zoning classification by establishing additional development standards and review requirements applicable to digital infrastructure uses. The underlying zoning classification of each property would remain unchanged, and all uses otherwise permitted within the underlying zoning district would continue to be allowed, subject to the provisions of the overlay district where applicable.

Application of the Digital Infrastructure Overlay District does not approve any specific development project. Any future digital infrastructure project would remain subject to all applicable zoning regulations, development review procedures, permitting requirements, and any required development agreements

Financial considerations:
The cost of publication of the ordinance is borne by the City.

Recommended action:
Consider Ordinance 26-23 Including Certain Properties within the City of Emporia, Kansas in the Digital Infrastructure Overlay District and Amending the Official Zoning Map to conform with Said Zoning

Because a valid protest petition has been filed under K.S.A. 12-757, approval of the proposed rezoning ordinance requires the affirmative vote of at least two-thirds of the members of the Governing Body. The Governing Body may:

1. Approve the Planning Commission’s recommendation by a two-thirds majority vote;
2. Override or modify the Planning Commission’s recommendations by a two-thirds majority vote;
3. Return the application to the Planning Commission, giving reasons for doing so.
4. Table the item for further consideration at a future City Commission meeting.

Attachments:
Ordinance 26-23
Staff Report to the Planning Commission including maps
Excerpt of Minutes from Planning Commission meeting

ORDINANCE NO. 26-23

AN ORDINANCE INCLUDING CERTAIN PROPERTIES IN THE DIGITAL INFRASTRUCTURE OVERLAY DISTRICT WITHIN THE CITY OF EMPORIA, KANSAS AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING

WHEREAS, after providing proper notice required by K.S.A. 12-757 and the City of Emporia Zoning Regulations, the Emporia Planning Commission held a public hearing at a special meeting on June 30, and voted 6-1 to recommend approval of including certain properties located in the City of Emporia in the Digital Infrastructure Overlay District; and

WHEREAS. the Governing Body has considered the Planning Commission's recommendation, applicable zoning factors, and public comments, and finds the rezoning consistent with the Comprehensive Plan and in the public interest.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The following described properties are hereby included in a Digital Infrastructure Overlay District:

TRACT 1:

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 Road 190, Emporia, KS, and;

TRACT 2:

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

And generally located at 640 Road 180, Emporia, KS, and;

TRACT 3:

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

And generally located at 1842 Road F, Emporia, KS, and;

TRACT 4:

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

And generally located at 1800 Road F, Emporia, KS, and;

TRACT 5:

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 626 W HWY 50, Emporia, KS, and;

TRACT 6:

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 W HWY 50, Emporia, KS, and;

TRACT 7:

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

And generally located at 600 W HWY 50, Emporia, KS, and;

TRACT 8:

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A

PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED

IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03' E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05'28" E. (HIGHWAY 50 TRACT: S. 88°21' E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

And generally located at 1771 Road G, Emporia, KS, and;

TRACT 9:

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE

421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A PONT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

And generally located at 600 Road 175, Emporia, KS, and;

TRACT 10:

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

And generally located at 647 W HWY 50, Emporia, KS, and;

TRACT 11:

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00’02” WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED “KVE CLS20”, HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00’02” WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT

DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE’S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06’04” WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06’04” EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06’04” EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF

910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00’00”W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00’00”W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57’57”E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12’24”E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12’24”E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION9310+83.40 OF SAID TURNPIKE; THENCE S30°06’36”W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48’36”W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL

SW1/4 OF SAID SECTION 6; THENCE S00°00’00”E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

And generally located at 4502 W Eighteenth, Emporia, KS.

Section 2. Upon the effective date of this ordinance, the above zoning amendments shall be entered and shown upon the Official Zoning Map.

Section 3. Any provisions in conflict with said zoning amendments are hereby repealed.

Section 4. This Ordinance shall take effect and be in full force after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas this 22nd day of July 2026.

_____
Becky Smith, Mayor

ATTEST:

_____
Kerry, City Clerk

CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 2026, 6:00 PM
WLW CIVIC AUDITORIUM

STAFF REPORT

Application #: PC 2026-08

Applicants: Kanza Park Place, LLC

Owners: Kanza Park Place, LLC (Equitable Owner)

Requested Action: Consider a request to include 11 tracts of land from into a Digital-Infrastructure Overlay District (DI-O).

Purpose: The applicant has requested the subject tracts be included into a Digital-Infrastructure Overlay District (DI-O) for the purpose of a future digital infrastructure campus development.

Legal description: Full legal descriptions of each tract are provided as an attachment to this report.

Property Information:

Tract	Address	Lot Size	Current Zoning Class	Proposed Zoning Class
Tract 1	600 Road 190	155.70 Acres	LY CO AG	COE LI
Tract 2	640 Road 180	134.40 Acres	LY CO AG	COE LI
Tract 3	1842 Road F	9.70 Acres	LY CO AG	COE LI
Tract 4	1800 Road F	9.70 Acres	LY CO AG	COE LI
Tract 5	626 W HWY 50	98.80 Acres	COE IF	COE LI
Tract 6	600 W HWY 50	22.10 Acres	COE IF	COE LI
Tract 7	600 W HWY 50	26.10 Acres	COE IF	COE LI
Tract 8	1771 Road G	73.20 Acres	LY CO AG/C	COE LI
Tract 9	600 Road 175	148.30 Acres	LY CO AG/C	COE LI
Tract 10	647 W HWY 50	37.20 Acres	LY CO LI	COE LI
Tract 11	4502 W 18th	350.10 Acres	LY CO AG	COE IF

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type

Adjacent Zoning & Use:

Tract	Current Zoning	Surrounding Zoning	Surrounding Actual Use
Tract 1	LY CO AG	AG / SF-D	Pasture Estate Homes
Tract 2	LY CO AG	AG / SF-D / IF	Pasture Estate Homes
Tract 3	LY CO AG	AG	Pasture Farmstead
Tract 4	LY CO AG	AG	Pasture Farmstead
Tract 5	COE IF	AG / IF / C / LI	Pasture Farmstead Prairieland Dealership
Tract 6	COE IF	AG / C / SF D	Pasture Homestead
Tract 7	COE IF	AG / C / LI	Pasture
Tract 8	LY CO AG/C	IF / SF-D / C / LI	Pasture Fanestil Meats Evergy Road G Commercial
Tract 9	LY CO AG/C	C / LI / IF / AG	KOA Fanestil Meats Pasture
Tract 10	LY CO LI	C / IF / AG	Pasture Fanestil Meats Prairieland Dealership
Tract 11	LY CO AG	C / C/P / GPR / SF-D	Pasture Estate Homes Jones Aquatic Center KTA/I-335 Urban Single-Family Homes

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type
SF-D = Single-Family Detached
C/P = Civic Public Use
GPR = Greenspace/Parks/Recreation

Analysis: The applicant has requested that the 11 tracts of land be included in a Digital Infrastructure Overlay District (DI-O) to facilitate the development of a future digital infrastructure project. While no end users are currently identified for the project, the inclusion of the properties into a DI-O would allow the developer to facilitate and move forward with planning and marketing the project to prospective end users, and coordinate infrastructure improvements, including but not limited to municipal services, private utilities, and other necessary aspects of the development.

Inclusion of the property into a DI-O district is not an approval of a particular project, but rather one step in moving a project forward. Securing applicable zoning is one of the first steps in developing property for future proposed uses. The request in this stage of development is no different than other large-scale developments. Additional zoning requirements which would come before the Planning Commission prior to final development would include platting of the property, and for those properties in Industrial Flex zoning, the creation and approval of a Planned Unit Development would be required.

10 of the 11 tracts are centrally aligned with the existing Industrial Park IV being the center piece of the development. A final tract (Tract 11) is currently outside of the contiguous area of the proposed development. This tract would most likely be the final tract to develop based on its location, and also would require a PUD prior to any development occurring on the property.

Considerations: **9.8.3.a.8. Factors to be Considered for a Rezoning:**

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in bold and is based on an assumption that the Digital Overlay District Text Amendment is adopted and incorporated Into the Zoning Regulations. Absent DI-O approval, this report is moot.**

1. Whether the change or approval would be consistent with these regulations;
    a. **Assuming a Digital Infrastructure Overlay District is adopted, the inclusion of these properties would be consistent with the zoning regulations. The DI-O was created to provide a regulatory framework for the development of digital infrastructure projects.**
2. The character and condition of the neighborhood and its effect on the proposed change;
    a. **The general character and condition of the neighboring properties vary between subject tracts. Tracts 1 through 10 are situated between undeveloped agricultural properties, rural homesteads, estate type homes, commercial and industrial properties. Tract 11, is adjacent to the Kansas Turnpike with urban development to the east of the turnpike and estate homes to the north.**
    b. **The neighboring properties would have little impact on the subject properties if the properties were included in a DI-O.**
3. The zoning and uses of properties nearby;
    a. Zoning and uses of neighboring properties for tracts 1 through 11 vary from vacant agricultural land, estate type homesteads, to commercial and industrial properties and urban density development.

b. **A natural boundary of the Kansas Turnpike does separate the urban development to the east of Tract 11.**

c. **The extension of Industrial Park IV is within a natural corridor, and with increased setbacks, required landscape buffering, screening and other protections provided in the DI-O, the impacts of the proposed project will be minimized on adjacent properties.**

d. **Staff would not contend that there will be no impact on those neighboring properties. The depth of that impact is unknown at this time, but staff would contend that the impact to neighboring properties does not outweigh the benefit to the community as a whole.**

4. The suitability of the subject property for the uses to which it has been restricted;

   a. **The subject properties were suitable for the uses that they have been restricted to prior to annexation. Upon annexation, and prior to any development, the properties must be rezoned to Emporia zoning classifications.**

5. The extent to which removal of the restrictions will detrimentally affect nearby property;

   a. **It is difficult to ascertain whether or not removing the restrictions on the subject properties would have a detrimental impact on nearby properties. Properties adjacent to Tract 11 are separated by the turnpike, which is a natural boundary, and required setbacks and other protections of the DI-O development review process should reduce the impact on adjacent properties.**

   b. **Similarly, those properties adjacent to tracts 1-10 are a mix in use, and therefore it is difficult to determine if a detrimental impact would be realized if the restrictions were removed. One study of housing values adjacent to digital infrastructure in Virginia showed that housing values actually increased the closer they were to digital uses as opposed to houses further away from digital infrastructure.**

   c. **Other studies have shown that properties may have a short-term reduction in value, but generally rebound over time once projects commence.**

   d. **Staff would not contend that the removal of the restrictions and allowance of a DI-O would not have an impact on the neighboring residential properties as most of the land included in the request has not been developed prior to this request. The regulations and reviews created by the DI-O should provide additional protections to minimize any detrimental impact. The unknown is whether or not the new allowed uses would have a detrimental impact on adjacent properties, and would the possible detrimental impact out measure the potential positive impacts on the entirety of the community.**

   e. **Adjacent commercial and industrial properties would see little to no negative impact. Most likely these properties would see an increase in value as development typically spurs additional development once an anchor tenant is established in an area, future development would most likely follow. Those properties along Road G could see increases interest based on their proximity to large scale development.**

f. **New infrastructure that would be required, including road improvements, public and private utilities, would also open up adjacent properties for development.**

6. The length of time the subject property has remained vacant as zoned;

   a. **Industrial Park IV is the only property that has been platted. Other properties in the area have been zoned in anticipation of future development, but have also remained vacant for the most part. There has been commercial and industrial development within the surrounding area over the past several years, and the eventuality of development of the subject properties is not out of line with development patterns.**

7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use;

   a. **The gain to the public welfare, in this case the economic impact of a large-scale development that would provide increased property tax, diversification of the local economy, and new private utility investments which would outweigh the hardship created on adjacent landowners.**

   b. **Modern digital infrastructure projects have adopted technologies that reduce water consumption, use natural gas supplemental electric generation, and the requirement of buffer spaces to reduce noise intrusions on neighboring properties within the DI-O will minimize the negative impact on adjacent properties, while providing economic benefit for the city as a whole.**

   c. **Public services are readily available in the area, and the transportation network has been studied and sized in previous road upgrades to accommodate industrial development in the area. Development Agreements between the city and the developer, which clearly identify costs of public infrastructure upgrades to be borne by the developer also further advance the gain to the public if the DI-O application were to be approved.**

8. The recommendations of a permanent or professional planning staff; **Staff recommendation is provided at the end of this report.**

9. The conformance of the requested change to Plan ELC;

   a. **Plan ELC was adopted in 2017, and since that time, the economic conditions of the City and County have changed with the reduction of jobs and loss of businesses in the community. To hold a proposed development to the standards that were identified under previous economic conditions is difficult.**

   b. **Some aspects of Plan ELC do encourage the economic development efforts of the city to attract new businesses, diversify the economy and adjust the type of businesses that are targeted, and locate those businesses in areas where utilities are located and limited to corridors such as this that are in close proximity to an enhanced road network. At the heart of the subject property city utilities are currently existing. Sewer and water lines of sufficient size exist or can readily be extended to the subject properties, and the properties are within a transportation corridor designed to support the increased traffic that development would create.**

c. **KDOT, Lyon County, and Emporia have contemplated development of the areas adjacent to US HWY 50, Road F and G, and have previously improved the road network and have plans for future expansion in place.**

d. **Staff contends that the proposed inclusion in a DI-O District and subsequent development that could occur outweigh those aspects that are contradictory in Plan ELC. Plan Element IV: Supporting Infill Development states as an objective that new development should be located close to existing infrastructure and along corridors to minimize costs of providing and maintaining public services. Public utilities are readily available in the area and the natural extension of property to the north and south of Industrial Park IV supports this goal.**

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received written correspondence both in favor of and against the rezoning request.

Suggested Motions:

1. Move to recommend approval of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District. For adoption of the ordinance establishing the properties in the overlay district, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

2. Move to recommend approval of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District with conditions as seen fit by the Planning Commission. For adoption of the ordinance establishing the properties in the overlay district, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

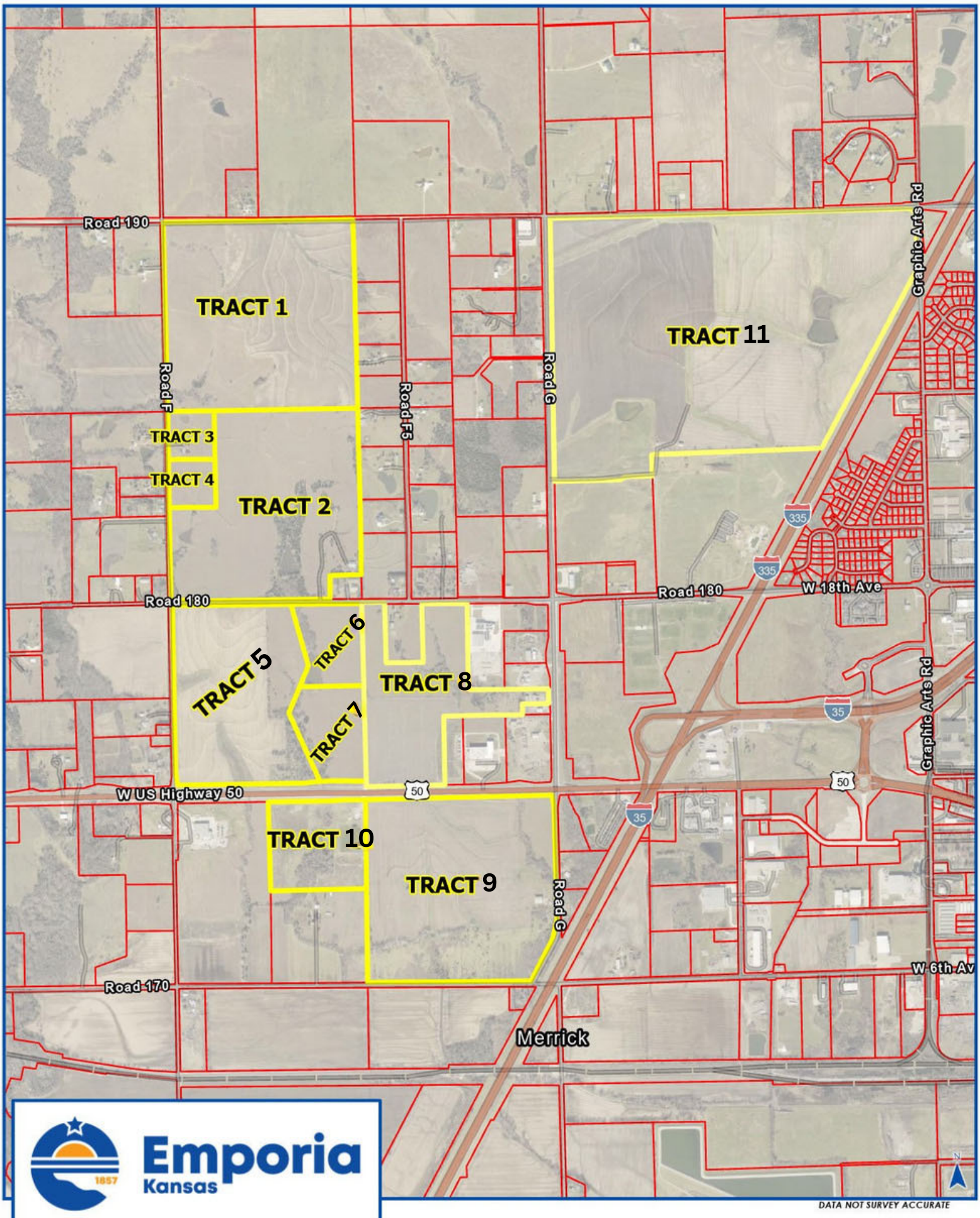
3. Move to recommend denial of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District. A motion to recommend denial of the ordinance establishing the properties in the overlay district would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.

4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed rezoning.

5. Table the matter for further discussion.

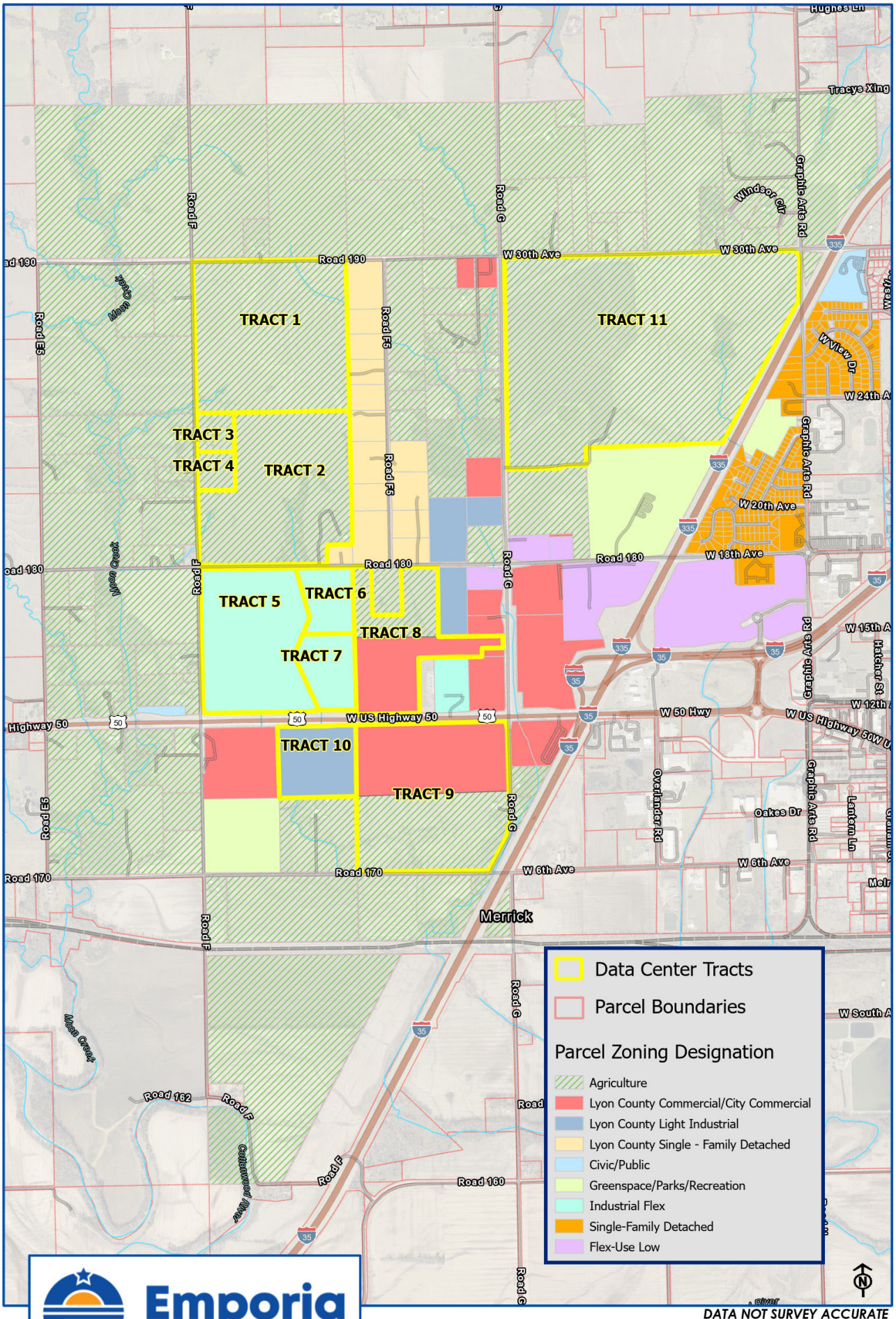
Recommendation: Subject to the Digital Overlay District Text Amendment being adopted, and any additional Planning Commission requirements or comments, staff would recommend the inclusion of these properties within a Digital Overlay District.

Attachments: Aerial Tract Map | Current Zoning Map



Emporia Kansas 1857

Subject Properties Highlighted in Yellow


TRACT 1
TRACT 2
TRACT 3
TRACT 4
TRACT 5
TRACT 6
TRACT 7
TRACT 8
TRACT 9
TRACT 10
TRACT 11
Road 190
W 30th Ave
Road F
Road G
Road F5
Road E5
Moon Creek
Road 180
W 18th Ave
W 20th Ave
Graphic Arts Rd
Windsor Cir
Tracys Xing
Hughes Ln
W View Dr
W 24th A
W 15th A
Hatcher St
W 12th
Highway 50
W US Highway 50
W 50 Hwy
W US Highway 50W
Overlander Rd
Oakes Dr
Lantern Ln
Road 170
W 6th Ave
Merrick
Road 162
Road F
Cottonwood Way
Road 160
W South A
Data Center Tracts
Parcel Boundaries
Parcel Zoning Designation
Agriculture
Lyon County Commercial/City Commercial
Lyon County Light Industrial
Lyon County Single - Family Detached
Civic/Public
Greenspace/Parks/Recreation
Industrial Flex
Single-Family Detached
Flex-Use Low
Emporia
Kansas
1857
DATA NOT SURVEY ACCURATE

CITY OF EMPORIA
PLANNING COMMISSION
EXCERPT OF MINUTES OF JUNE 30, 2026
SPECIAL MEETING
WLW CIVIC AUDITORIUM

These minutes constitute the portion of the June 30, 2026 Planning Commission meeting relating to application PC 2026-08.

The Planning Commission met in a special session on Tuesday, June 30, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

City staff: Justin Givens, Director, Building & Neighborhood Development and Christina Montgomery, City Attorney, were present.

Chair Thomas called the meeting to order.

3. Planning Commission: Consider PC 2026-08, a Request for Application of the Digital Infrastructure Overlay District to Certain Described Properties Pursuant to Section 9 of the Emporia Zoning Regulations. Tabled from June 23, 2026, Special Meeting.

Thomas asked whether proper notice had been given and whether the Planning Commission had jurisdiction to consider the application. **Givens** confirmed that proper notice had been provided and that jurisdiction was proper.

Thomas asked Commissioners to declare any potential conflicts or ex-parte communications. Fowler disclosed that he had spoken with a representative of the applicant. Thomas disclosed that he had conversations with individuals both supporting and opposing the application.

Givens provided the Staff Report.

Gilligan asked whether a digital infrastructure project could still be developed if the subject properties were not included in the Digital Infrastructure Overlay District. **Givens** explained that some components of a digital infrastructure project could be permitted under the existing zoning regulations, while other components would require additional approvals, including conditional use permits.

Garrett Nordstrom, representing GSA and Kanza Park Place, LLC, presented a brief statement reiterating that application of the Digital Infrastructure Overlay District would not approve any specific development project but would allow the applicant to continue marketing the property to prospective end users.

Chair Thomas opened the public hearing.

Members of the public provided oral testimony and written comments both in support of and in opposition to the requested inclusion of Tracts 1-11 in the Digital Infrastructure Overlay District.

The following spoke in favor of including the properties in a Digital Infrastructure Overlay District:

Brad Kraft	Casey Woods	Thersea Klaus
Isabelle Rawley	Lux Claridge	Sam Wilson

The following provided written comments in support of including the properties in a Digital Infrastructure Overlay District or digital infrastructure in general.

Art Gutierrez	Michael Black	Jeremy Rusco
Wendy Rusco	Emporia Main Street	Duane Henrikson
Robin Emley	Sonja Hodges	Jim Kessler
Lisa Kirmer	Bruce Boettcher	Kim Parks
Rick Mitchell	Brad Kraft	Troy Estes
Zach Arvieux	Jeff Lutes	Scott Strahm
Jeff Longbine	Emporia Area Chamber of Commerce	Dan Williams
Jim Wayman		

The following spoke in opposition of including the subject properties in a Digital Infrastructure Overlay District or digital infrastructure projects in general:

Eileen Wright	Kristy Chrisman	Bary Williams
Maddison Glover	Charles Brown	Amanda Mendoza
Robert Brooke	Kathy Lamb	Judith Bilyga
Leslie Smith	Kenzie Timmons	Solomon Smallback
Braden Irwin	Blaze Bridges	Ilea Diaz
Kristy Dekat	Jay Vehige	David Claridge
Drew Keller	Victor Lozans	Anna Delong
Barbara Tharas	Cole Kellogg	Jessica Danford
Peter Stuchlik	Mark Jurgens	Monika Markus
Hailey Petersen	Haley Bradford	Zoey Barber-Watson
Thomas Johnson	Joe Indermuehle	Sarah Bryan
William Boyer	Karin Murphy	Houston Clearwater
Chris Hahn	Jody Indermuehle	Leah Green

Will Spencer	John Alvarado	Pauleen Hancock

The following provided written comments in opposition of including the subject properties in a Digital Infrastructure Overlay District or digital infrastructure projects in general:

Kelby Kimberlin	Katherine Fox	Jacquelin Psota
Jessica Danford	Leah Green	Kristi Dekat
Charles Brown	Melissa Stapley	Rhonda Gordon
Erin Livingston	Emily Lohkamp	Joseph Lane
Dee Cruse	Jacob Rankin	Amy Knuth
Katie Rankin	Thomas Kriss	Molly Chenault

Chair Thomas closed the public hearing.

Following the public hearing, **Nordstrom** remained available to answer questions from the Commission. No additional questions were asked. **Lingenfelter** asked how the properties could be developed if the Digital Infrastructure Overlay District were not applied. **Givens** explained that development could still occur in accordance with the applicable base zoning regulations.

Larson made a motion to recommend approval of the request to include the subject properties in a Digital Infrastructure Overlay District based on findings that the request is consistent with the Emporia Zoning Regulations and Comprehensive Plan. **Fowler** seconded the motion. The motion carried 6-1. (**Gilligan**)

Adjournment: With no further discussion, the meeting was adjourned.

Respectfully Submitted,

_____
Justin Givens, Secretary

Title: Financials and Permits

Agenda Date: July 22, 2026

Presented By: Trey Cocking, City Manager

Background:
This is a time for the City Manager to make comments and reports to the Public.

The following is general information for the month of June 2026 for the community:

Monthly Local Retail Sales Tax Receipts Update

	2025	2026	
	$ 519,089.51	$ 564,600.99	**Increase of $45,511.48** for the month, and
YTD	**$ 3,238,319.60**	**$ 3,342,786.11**	Overall increase of 3.23% from year 2025.

City Share from County Tax

	2025	2026	
	$ 277,988.08	$ 290,981.86	**Increase of $12,993.78** for the month, and
YTD	**$ 1,694,971.13**	**$ 1,747,342.77**	Overall increase of 3.00% from year 2025.

Building Permits issued from 6/1/2026 to 6/30/2026 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:			40
Total valuations associated with those building permits:			$4,698,727.99
Large valuations:	**Flinthills Mall**	**$1,400,000.**	
	Stormont Vail Healthcare	**$2,400,000.**	

Total number of dollars collected for Building Permit Fees:	$ 16,860.00
Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for June 2026	$ 18,487.91
YTD	**$ 97,612.73**
Pavilions CID for June 2026	$ 13,620.49
CID #2	**$** 13,620.49
YTD	**$ 213,318.50**
Fairview Hotel CID for June 2026	**$** 7,258.16
YTD	**$ 36,496.20**
West Plaza CID for June 2026	$ 7,761.15
YTD	**$ 49,707.54**

DATE: July 10, 2026
TO: City Commissioners
FROM: Janet Harrouff
SUBJECT: Budget Comparison

The **General Fund** Income Statement for the six-month period ending June 30, 2026, has been reviewed and the significant budget variations have been explained below.

Revenue:

Ad Valorem Tax 95% has been received to date.

Sales Tax is $156,000 higher than 2025.

Franchise tax is $57,000 lower than 2025.

Administration fees are $221,000 lower than 2025.

Expense

Personnel Services is 4% more than 2025.
Maintenance and Repairs are down 23% from 2025.
Commodities are up 12% from 2025.
Other Charges are down 42% from 2025.

Total revenues for the six-month period ending June 30, 2026, were $17,958,560 and expenses were $15,63,097. The unencumbered cash balance is $8,864,622.

The **Water Fund** Income Statement for the six-month period ending June 30, 2026, has been reviewed and the significant budget variations have been explained below.

Revenue
Sale of Water is 1% higher than 2025 or $54,000 more.

Service charges, which are activation and delinquency fees are 36% higher than 2025.

Transfer to Project Fund – a draw down from the state water loan was received and passed through the water fund.

Expense

Personnel Services is 16% higher than 2025 or $115,000 higher.

Maintenance & Repair is 1% higher than 2025 or $3,000 more.

Commodities is 13% higher than 2025.

Total revenues for the six-month period ending June 30, 2026, were $16,363,726 while expenses were $16,888,139. The ending cash balance is negative $27,712.

The **Wastewater Fund** Income Statement for the six-month period ending June 30, 2026, has been reviewed and the significant budget variations have been explained below.

Revenue:
Sewer Charges are 9.5% higher than in 2025 which is $339,000 more in revenue.

Extra Strength Surcharge is 51% higher than in 2025 which is $57,000 more in revenue.

Expenses

Personnel Services is .4% higher than in 2025.

Maintenance and repair are down 23% from 2025.

Contractual Services are down 44% from 2025.

Total revenues for the six-month period ending June 30, 2026, were $4,100,579 and expenses were $4,035,399. The cash balance is $1,517,355.

The **Solid Waste Fund** Income Statement for the six-month period ending June 30, 2026, has been reviewed and the significant budget variations have been explained below.

Revenue
Fees for polycarts and dumpsters are 10% higher than in 2025.

Roll off containers are up 21%.

Landfill fees are up 13% than in 2025.

Expenses

Personnel services are 3.5% lower than in 2025.

Maintenance and repair are 39% lower than in 2025.

Overall expenses are $940,000 higher than in 2025.

Total revenues for the six-month period ending June 30, 2026, were $3,428,797 and expenses were $4,395,609. The cash balance is $998,818.

City of Emporia, Kansas

GENERAL FUND

as of June 30, 2026

GENERAL FUND

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	6,741,570	4,993,036	6,741,570	6,761,145	
REVENUE					
Ad Valorem Property Tax	7,321,134	7,848,034	6,834,661	7,415,349	8.50%
Sales Tax	10,084,810	10,198,000	4,933,291	5,090,129	3.18%
Franchise Tax	2,812,655	2,957,500	1,471,047	1,413,671	-3.90%
Other Taxes	614,101	726,294	299,209	314,430	5.09%
Intergovernmental Taxes	391,198	424,683	227,602	209,945	-7.76%
Licenses & Permits	237,010	248,250	119,146	113,949	-4.36%
Charges for Services	2,714,587	2,426,220	1,342,930	1,383,165	3.00%
Fines & Fees	653,255	540,000	327,271	307,198	-6.13%
Use of Property and Money	189,407	161,996	109,454	78,072	-28.67%
Interest Receivable	334,217	300,000	177,896	130,377	-26.71%
Reimbursements	9,349	4,100	2,590	7,549	191.49%
Administrative Transfers	2,995,436	2,736,000	1,588,278	1,366,728	-13.95%
Misc Revenue	34,026	40,000	17,304	33,576	94.03%
Contrubitions	25,700		25,700	31,600	22.96%
Operating Revenues	0	0	0	0	0.00%
Nonoperating Revenues	441,364	0	45,517	62,822	38.02%
TOTAL RECEIPTS	28,858,249	28,611,077	17,521,896	17,958,560	2.49%
EXPENDITURES					
Personnel Services	18,728,367	19,392,234	9,397,010	9,793,094	4.22%
Maintenance & Repair	620,264	1,018,708	397,040	304,121	-23.40%
Commodities	1,890,769	2,178,595	1,075,115	1,212,256	12.76%
Other Charges	706,755	1,114,328	380,289	542,530	42.66%
Capital Outlay	189,348	441,000	0	62,894	#DIV/0!
Transfer to Economic Development	925,000	925,000	462,500	490,663	6.09%
Transfer to Multi Year Fund	3,462,388	3,550,000	1,694,971	1,747,343	3.09%
Transfer to Project accounts	8,460	0	0	(28,162)	0.00%
Transfer to Equipment Reserve	706,558	706,558	706,558	676,002	0.00%
Transfer to Special Street		376,389			
Utilities	543,567	659,250	257,498	247,888	-3.73%
Communications	105,081	142,450	48,820	47,658	-2.38%
Training and Travel	190,598	238,045	102,655	88,892	-13.41%
Jail Expenses	56,400	87,500	29,350	19,400	-33.90%
Other Contractual	979,357	1,104,036	491,098	375,457	-23.55%
Excess Carryover		1,670,018			
Outstanding PO's	0	0	0	23,062	
TOTAL EXPENDITURES	29,112,912	33,604,111	15,042,905	15,603,097	3.72%
Revenue less expenses	(254,663)	(4,993,034)	2,478,991	2,355,464	
Cash Basis Adjustments/Non-appropri	274,238	0	(20,748)	(251,987)	
Ending Cash Balance	**6,761,145**	**2**	**9,199,813**	**8,864,622**	
Base for Reserve calculation	23,821,158	27,981,553	12,178,876	12,654,357	
15% Reserve	3,573,174	4,197,233	1,826,831	1,898,154	
Amount over 15% Reserve	3,187,971	(4,197,231)	7,372,981	6,966,468	
Percentage	28.38%	0.00%	75.54%	70.05%	

GENERAL FUND

as of June 30, 2026

	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
EXPENDITURES				
Administration	1,976,518.00	197,634.74	125,734.12	(71,900.62)
Commission/Manager/Clerk	1,085,861.28	752,562.24	592,762.36	(159,799.88)
Accounting/HR	658,240.76	235,491.00	320,175.98	84,684.98
IT	685,438.84	230,426.67	300,469.19	70,042.52
Communication	203,350.04	11,804.23	76,212.08	64,407.85
Police	6,233,795.20	3,366,878.98	3,546,164.81	179,285.83
Animal Control	268,107.00	116,191.19	160,835.61	44,644.42
Fire	3,778,576.08	1,833,610.22	1,940,426.92	106,816.70
EMS	4,493,323.58	1,824,169.72	1,867,685.30	43,515.58
Municipal Court	666,974.60	339,215.69	306,696.15	(32,519.54)
Engineering	822,355.72	421,831.70	436,401.65	14,569.95
Street - Snow Removal	163,000.00	70,381.57	28,017.31	(42,364.26)
Golf Course Maintenance	612,419.04	292,049.15	332,205.31	40,156.16
Golf Course Shop	544,628.02	320,059.51	301,655.45	(18,404.06)
Park	1,399,623.72	656,293.72	704,814.63	48,520.91
Disc Golf	95,623.02	4,119.86	654.25	(3,465.61)
Aquatic Center	265,000.00	54,955.45	40,871.70	(14,083.75)
Zoo	987,419.34	361,369.33	447,083.80	85,714.47
Civic Auditorium	915,202.80	483,497.97	423,835.06	(59,662.91)
Civic/Library	93,587.42	88,905.42	51,549.81	(37,355.61)
Civic/Grounds Maintenance	148,330.56	34,585.55	57,985.06	23,399.51
Civic/ Concessions	96,854.08	58,815.11	68,565.44	9,750.33
Building & Neighborhood Development	1,042,179.22	552,486.81	523,317.86	(29,168.95)
Shop	97,843.80	(8,840.58)	63,682.36	72,522.94
Street Lighting	322,176.00	158,709.29	133,416.43	(25,292.86)
Appropriations	88,000.00	69,561.99	81,259.89	11,697.90
Airport	992,688.56	353,718.28	423,536.03	69,817.75
Parking Facility	15,605.00	4,948.98	4,474.11	(474.87)
Sales Tax Transfer	4,851,389.00	2,157,471.11	2,209,842.75	52,371.64
TOTAL EXPENDITURES	33,604,110.68	15,042,904.90	15,570,331.42	527,426.52

City of Emporia, Kansas

Multi Year Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Original Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	2,723,727.31	846,023.00	2,723,727.31	3,051,445.90	
REVENUE					
Sales Tax	3,462,387.81	3,550,000.00	1,694,971.13	1,747,342.77	3.09%
Reimburance from state	-		-	253,293.70	
Miscellaneous				52,420.00	
Interest	125,803.28	50,000.00	51,784.11	52,776.77	1.92%
Total Revenue	3,588,191.09	3,600,000.00	1,746,755.24	2,105,833.24	20.56%
EXPENSES					
Unspent expenses	(80,559.23)			(636,032.00)	
Maintenance & Repair	77,759.17	250,000.00	44,026.05	43,681.86	-0.78%
Other Charges	45,988.50		-	-	
Capital	585,893.75	1,588,000.00	212,206.01	675,591.95	218.37%
Transfer Out	524,198.78	200,000.00	350,000.00	1,030,000.00	194.29%
Communications			-	-	#DIV/0!
Contractual Services	1,465,372.42	2,308,023.00	(61,114.39)	50,149.11	-182.06%
Outstanding PO's	641,819.11			1,412,879.81	
Total Expenses	3,260,472.50	4,346,023.00	545,117.67	2,576,270.73	#DIV/0!
Ending Cash Balance	**3,051,445.90**	**100,000.00**	**3,925,364.88**	**2,581,008.41**	**(200,311.59)**

City of Emporia, Kansas

Insurance Reserve

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Original Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$699,713	$0	$699,713	$723,916	
REVENUE					
Transfer from General	$0	$0	$0	$0	
Transfer from Int Improvem	$0			$0	
Insurance payment	$0			$0	
Interest	$24,203	$0	$10,040	$9,647	-3.91%
TOTAL RECEIPTS	$24,203	$0	$10,040	$9,647	-3.91%
EXPENDITURES					
Maintenance & Repair	$0	$0			
Misc Projects	$0	$0			
TOTAL EXPENDITURES	$0	$0	$0	$0	
Ending Cash Balance	**$723,916**	**$0**	**$709,753**	**$733,563**	

City of Emporia, Kansas

Vacant Property Program

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Original Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$7,580	$0	$7,580	$7,559	
REVENUE					
Transfer from ARPA funds	$0	$0	$0	$0	
Interest	$0	$0	$0	$0	#DIV/0!
TOTAL RECEIPTS	$0	$0	$0	$0	#DIV/0!
EXPENDITURES					
Maintenance & Repair	$21	$0	$21	$0	0.00%
Other Contractual Services	$0	$0	$0	$0	#DIV/0!
TOTAL EXPENDITURES	$21	$0	$21	$0	-100.00%
Ending Cash Balance	**$7,559**	**$0**	**$7,560**	**$7,559**	

City of Emporia, Kansas

Library Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Original Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$78	$0	$78	($1)	
REVENUE					
Ad Valorem Property Tax	$1,168,931	$1,220,721	$1,100,180	$1,154,989	4.98%
Other Taxes	$99,227	$99,241	$42,318	$43,272	2.25%
TOTAL RECEIPTS	$1,268,158	$1,319,962	$1,142,498	$1,198,261	4.88%
EXPENDITURES					
Insurance Refund		$0			
Misc Projects		$0			
Appropriation	$1,268,237	$1,319,962	$1,142,578	$1,198,261	1.09%
TOTAL EXPENDITURES	$1,268,237	$1,319,962	$1,142,578	$1,198,261	
Ending Cash Balance	**($1)**	**$0**	**($1)**	**($1)**	

City of Emporia, Kansas

Transient Guest Tax

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$671,185	$459,241	$671,185	$582,733	
REVENUE					
Transient Guest Tax	$927,873	$950,000	$384,652	$471,401	22.55%
Interest on Investment	$25,023	$15,000	$10,359	$10,843	4.66%
Fence rental	$0	$0	$0	$0	
Miscellaneous	$14,006		$0	$0	
Accounts Receviable - fence rental	$0		$0	$0	
TOTAL RECEIPTS	$966,902	$965,000	$395,011	$482,244	22.08%
EXPENDITURES					
CVB Appropriation	$480,000	$485,000	$0	$114,000	#DIV/0!
Trusler Sports Complex		$0			
City cost associated with events	$40,000	$40,000	$0		
Civic Auditorium improvements	$50,000	$50,000	$50,000	$50,000	0.00%
Red Rock's Appropriation	$10,000	$10,000	$10,000	$10,000	0.00%
ESU Welch Stadium	$0	$0	$0		
Disc Golf Course Maintenance & Employee	$100,000	$100,000	$0		#DIV/0!
Emporia Main Street	$95,000	$95,000	$95,000	$95,000	0.00%
Emporia Arts Council Support	$60,000	$60,000	$60,000	$60,000	0.00%
Emporia Granda	$0	$0	$0		#DIV/0!
Symphony in the Flint Hills		$0			
Unbound Bike Event	$20,000	$20,000	$20,000	$20,000	
DDO	$50,000	$45,000	$45,000	$45,000	0.00%
PDGA Professional Disc Golf World	$20,000	$0	$0		#DIV/0!
Immaginarium		$30,000			
National Teachers Hall of Fame	$10,000	$10,000	$10,000	$10,000	
First Friday Art Walk'		$20,000	$20,000	$20,000	
Lyon County Historical Society		$30,000	$30,000	$30,000	
Discover Gravel LLC		$30,000	$30,000	$30,000	
Emporia Recreation Commission		$28,200		$28,200	
Champion Landing Disc Golf Course					
Free for Kansas - Music event	$20,000	$25,000	$0		
Dynamic Discs - course improvements	$79,906		$0		#DIV/0!
Hispanics of Today and Tommorrow	$20,000	$0	$0		
Marketing money (Mainstreet & Visit Emporia)		$0			
Hotel Rebate				$8,596	
Miscellaneous	$448	$2,000	$0	($3,319)	#DIV/0!
Special Projects		$0	$0		
Outstanding PO's	$0			$0	
TOTAL EXPENDITURES	$1,055,354	$1,080,200	$370,000	$517,477	39.86%
Ending Cash Balance	**$582,733**	**$344,041**	**$696,196**	**$547,500**	

Transient Guest Tax Receipts	2022	2023	2024	2025	2026
1ST QUARTER-JANUARY	$184,682.75	$217,964.96	$208,253.00	$229,900.15	$289,257.29
2ND QUARTER-APRIL	$143,987.80	$170,824.51	$163,048.74	$154,751.85	$182,143.80
3RD QUARTER-JULY	$223,905.58	$232,566.63	$298,395.94	$298,953.58	
4TH QUARTER-OCTOBER	$219,288.14	$230,393.63	$262,929.27	$244,267.67	
TOTAL	$771,864.27	$851,749.73	$932,626.95	$927,873.25	$471,401.09

City of Emporia, Kansas

Industrial Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	25,977	0	25,977	28,154	
REVENUE					
Ad Valorem Property Tax	1,146	0	1,077	0	-100.00%
Other Taxes	97		41	0	-100.00%
Interest on Investment	934	0	384	0	-100.00%
TOTAL RECEIPTS	2,177	0	1,503	0	-100.00%
EXPENDITURES					
Travel Expense & Miscellaneous	0	0	0		0
Other charges	0	0			0
Contractual Services	0	0			0
Transfer to Economic Dev Fund	0	0		28,154	(28,154)
TOTAL EXPENDITURES	0	0	0	28,154	(28,154)
Ending Cash Balance	**28,154**	**0**	**27,480**	**0**	

City of Emporia, Kansas

Economic Sales Tax

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$1,045,887	$1,132,193	$1,045,887	$908,071	
Revenue:					
Sales Tax Receipts	$925,000	$925,000	$462,500	$490,663	6.09%
Interest Income	$25,821	$22,000	$12,204	$9,784	-19.83%
Close out of Industrial fun	$0	$0	$0	$0	
RDA returned money	$79,182		$79,182	$0	0.00%
Total Revenue	$1,030,003	$947,000	$553,886	$500,447	-9.65%
Expense:					
Appropriation to the RDA	$386,192	$400,000	$193,096	$0	-100.00%
Emporia Enterprises	$0	$0	$0	$0	
Main Street	$45,000	$45,000	$45,000	$45,000	0.00%
Land Purchase Bond Pmt	$85,963	$86,000	$85,963	$85,963	0.00%
Transfer to B&I water proj	$350,000	$350,000	$350,000	$350,000	0.00%
Nursing Education Classro	$0		$0	$71,375	#DIV/0!
VisionFirst Advisors	$24,288		$0	$0	#DIV/0!
Miscellaneous	-$3,154		$0	$32,764	#DIV/0!
Transfer to Krestsinger Pro	$279,530			$0	
Transfer to Project				$9,600	
Special Projects	$0	$0	$0		
Total Expenses	$1,167,819	$881,000	$674,059	$594,702	-11.77%
Ending Cash Balance	**$908,071**	**$1,198,193**	**$925,714**	**$813,815**	

City of Emporia, Kansas

Special Alcohol Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	122,643	117,603	122,643	108,353	
REVENUE					
Private Club Liquor Tax	101,301	105,000	50,900	46,624	-8.40%
Interest on Investment	3,809	2,500	1,613	1,349	-16.38%
TOTAL RECEIPTS	105,110	107,500	52,513	**47,973**	-8.65%
EXPENDITURES					
Appropriations	119,400	112,200	66,900	59,700	-10.76%
Special Projects		0	0	0	
TOTAL EXPENDITURES	119,400	112,200	66,900	59,700	-10.76%
Ending Cash Balance	**108,353**	**112,903**	**108,256**	**96,626**	

Appropriations	Receive in 202	Receive in 2023	Receive in 202	Receive in 2025	Receive in 2026
Cross Winds	$15,000.00	$15,000.00	$20,000.00	$105,000.00	$105,000.00
Corner House	$65,000.00	$75,000.00	$85,000.00	$0.00	$0.00
Emporia State University	$6,750.00	$7,200.00	$7,200.00	$7,200.00	$7,200.00
Flint Hills Tech (Mental Health)				$7,200.00	
Crosswinds Building Match				25,000.00	
Total	$86,750.00	$97,200.00	$112,200.00	$144,400.00	$112,200.00

Receipts	2022	2023	2024	2025	2026
1ST QUARTER - MARCH	$23,976.09	$25,545.76	$26,804.33	$26,397.00	$25,879.00
2ND QUARTER - JUNE	$22,129.19	$26,129.12	$26,489.58	$24,503.17	$20,745.21
3RD QUARTER - SEPTEM	$28,544.72	$31,037.27	$29,035.42	$29,099.85	$0.00
4TH QUARTER - DECEMB	$25,393.46	$27,455.87	$25,793.55	$21,301.00	$0.00
TOTAL	$100,043.46	$110,168.02	$108,122.88	$101,301.02	$46,624.21

City of Emporia, Kansas

Special Park Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$124,327	$71,737	$124,327	$205,602	
REVENUE					
Private Club Liquor Tax	$101,301	$105,000	$50,900	$46,624	-8.40%
Interest on Investment	$5,867	$3,000	$2,443	$2,269	-7.12%
TOTAL RECEIPTS	$107,168	$108,000	$53,343	$48,893	-8.34%
EXPENDITURES					
Capital Outlay	$104,316	$143,000	$104,316	$73,751	-29.30%
Municipal Band Allocation	$15,000	$15,000	$15,000	$15,000	0.00%
Miscellaneous					
Commodities	$0	$0		$0	
Contractual Services	$0	$0	$0	$0	
Other Charges					
Outstanding PO's	$0			$131,504	
Special Projects	-$93,423		$0		
TOTAL EXPENDITURES	$25,893	$158,000	$119,316	$220,255	84.60%
Ending Cash Balance	**$205,602**	**$21,737**	**$58,354**	**$34,240**	

Receipts	2022	2023	2024	2025	2026
1ST QUARTER - MARCH	$23,976.10	$25,545.75	$26,804.32	$26,397.00	$25,879.00
2ND QUARTER - JUNE	$22,129.19	$26,129.11	$26,489.57	$24,503.17	$20,745.20
3RD QUARTER - SEPTEMBER	$28,544.72	$31,037.26	$29,035.43	$29,099.85	$0.00
4TH QUARTER - DECEMBER	$25,393.46	$27,455.86	$25,793.55	$21,301.00	$0.00
TOTAL	$100,043.47	$110,167.98	$108,122.87	$101,301.02	$46,624.20

City of Emporia, Kansas

Special Street Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	188,562	103,825	188,562	73,004	
REVENUE					
Gasoline Tax	736,362	729,813	349,310	365,731	4.70%
Damages	17,596	5,000	11,476	12,298	7.16%
Interest on Investment	7,657	5,000	4,080	2,669	-34.59%
Transfer of Funds	102,467	576,389	100,000	200,000	100.00%
Sale of Salvage	0	0	0	0	
Miscellaneous	0	0	0	0	
TOTAL RECEIPTS	864,082	1,316,202	464,866	580,698	24.92%
EXPENDITURES					
Personnel Services	613,233	673,766	311,973	320,353	2.69%
Maintenance & Repair	115,107	151,722	50,628	61,657	21.78%
Commodities	118,280	154,450	65,283	56,240	-13.85%
Other Charges	53,806	58,530	45,372	38,060	-16.11%
Capital Outlay	0	25,000	0	23,472	
Transfer of Funds	33,109	34,000	33,109	33,272	
Utilities	4,284	31,450	3,093	2,302	-25.57%
Communications	3,320	2,700	1,441	3,573	147.96%
Training & Travel	14,484	13,500	12,246	4,488	-63.35%
Contractual Services	41,870	45,800	8,211	8,939	8.86%
Special Projects	0		0	0	
Outstanding PO's	0			950	
Audit Adjustments	(17,853)		(4,406)	6,677	
TOTAL EXPENDITURES	979,640	1,190,918	526,950	559,981	6.27%
Net Change in Cash	(115,558)	125,284	(62,084)	20,716	
Ending Cash Balance	**73,004**	**229,109**	**126,478**	**93,720**	

Receipts	2022	2023	2024	2025	2026
1st Quarter - Jan Payment	$167,557.74	$167,412.68	$159,680.00	$180,485.00	$164,859.00
2nd Quarter - April Payment	$157,106.42	$149,529.56	$151,744.49	$129,635.50	$160,584.59
3rd Quarter - July Payment	$166,060.14	$166,505.96	$174,865.61	$171,627.10	$0.00
4th Quarter - Oct Payment	$165,112.70	$164,909.80	$166,786.70	$173,983.16	$0.00
Total	$655,837.00	$648,358.00	$653,076.80	$655,730.76	$325,443.59

Capital Item	**Budget Amount**	**Purchase Price**

City of Emporia, Kansas

Drug Forfeiture Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$65,741	$67,741	$35,885	$60,620	
REVENUE					
Receipts from Drug Forfeitures	-$2,110	$5,000	$4,850	$25,546	426.76%
Interest on Investment	$2,280	$2,000	$1,004	$988	-1.61%
Miscellaneous					
TOTAL RECEIPTS	$170	$7,000	$5,854	$26,534	353.29%
EXPENDITURES					
Commodities	$1,218	$5,000	$0	$0	#DIV/0!
Capital Outlay		$0	$0	$0	
Communications	$0	$0	$0	$0	#DIV/0!
Other Charges	$2,172		$0	$0	
Transfer of funds					
Other Contractual	$1,901	$0	$0	$4,124	
Travel & Training					
Maintenance & Repair	$0	$0	$0	$0	
Outstanding PO's				$0	
Special Projects		$0	$0		
TOTAL EXPENDITURES	$5,291	$5,000	$0	$4,124	#DIV/0!
Ending Cash Balance	**$60,620**	**$69,741**	**$41,739**	**$83,030**	

City of Emporia, Kansas

Storm Water

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$139,005	$151,446	$139,005	$167,407	
REVENUE					
Storm Water Fee		$250,000	$0	$107,603	#DIV/0!
Transfer from Multi Year	$150,000	$150,000	$100,000	$150,000	50.00%
Interest on Investment	$7,734	$13,000	$3,162	$5,908	86.83%
Sale of Bonds		$5,600,000	$0	$1,000,000	
Miscellaneous				$0	
TOTAL RECEIPTS	$157,734	$6,013,000	$103,162	$1,263,511	#DIV/0!
EXPENDITURES					
Maintenance of Storm Sewer	$28,524	$0	$11,773	$5,137	-56.36%
Commodities	$0	$0	$0	$0	#DIV/0!
Capital Outlay	$0	$565,000	$0	$0	#DIV/0!
Communications	$0	$0	$0	$0	#DIV/0!
Other Charges	$0		$0	$35	
Transfer of funds	$0		$0	$0	
Other Contractual	$100,808	$0	$0	$388,589	#DIV/0!
Travel & Training					
Outstanding PO's				$85,980	
Special Projects		$0	$0	$0	
TOTAL EXPENDITURES	$129,332	$565,000	$11,773	$479,741	#DIV/0!
Ending Cash Balance	**$167,407**	**$5,599,446**	**$230,394**	**$951,176**	

City of Emporia, Kansas

Land Bank

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$133,963	$0	$133,963	$114,120	
REVENUE					
Transfer from Multi Year	$0	$0	$0	$0	
Interest on Investment	$4,331	$0	$1,891	$1,521	-19.58%
Sale of Property	$0			$0	
TOTAL RECEIPTS	$4,331	$0	$1,891	$1,521	-19.58%
EXPENDITURES					
Commodities	$0	$0	$0	$0	
Capital Outlay	$658	$0	$0	$0	
Communications	$40	$0	$0	$14	
Other Charges	$23,476	$0	$6,357	$0	-100.00%
Purchase of Property	$0	$0	$0	$0	
Other Contractual Services		$0	$0	$0	
Maintenance & Repair	$0	$0	$0	$0	
Outstanding PO's	$0			$0	
Special Projects		$0	$0		
TOTAL EXPENDITURES	$24,174	$0	$6,357	$14	
Ending Cash Balance	**$114,120**	**$0**	**$129,497**	**$115,626**	

City of Emporia, Kansas

Bond & Interest Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$3,958,724	$5,476,243	$2,358,480	$5,581,482	$0
REVENUE					
Ad Valorem Property Tax	$2,108,140	$2,184,253	$1,982,305	$2,055,529	103.69%
Other Taxes	$228,031	$203,634	$115,328	$113,173	98.13%
Interest on Investment	$191,374	$130,000	$78,210	$88,302	112.90%
Recreation Center - Fitness Room	$49,440	$0	$88,295	$0	0.00%
Industrial Land Payment - Ind Sales Tax	$95,650	$96,763	$0	$0	#DIV/0!
Sale of Bonds	$12,210,000	$0	$0	$12,210,000	
RHID Krestinger Tax Payment	$2	$0	$0	$9	
RHID Mehtroplois Tax Payment	$0	$0	$0	$1,143	
Miscellaneous	$221	$0		$0	
Transfer of Funds from Project Accounts	$0	$0	$0	$89,529	
TOTAL RECEIPTS	$14,882,858	$2,614,650	$2,264,138	$14,557,686	642.97%
EXPENDITURES					
Bond Payment	$1,050,100	$2,185,716	$97,550	$630,389	646.22%
Transfer of funds	$12,210,000			$12,210,000	
Misc projects			$0		
TOTAL EXPENDITURES	$13,260,100	$2,185,716	$97,550	$12,840,389	
Ending Cash Balance	**$5,581,482**	**$5,905,177**	**$4,525,068**	**$7,298,779**	

City of Emporia, Kansas

Equipment Reserve Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
Beginning Cash Balance	$249,176	$0	$249,176	$276,935	
REVENUE					
Transfer from other funds	$739,667		$739,667	$709,274	30,393
Interest on Investment	$13,633		$5,344	$1,252	-76.56%
Sale of Vehicles	$31,600		$0	$53,772	#DIV/0!
TOTAL RECEIPTS	$784,900	$0	$745,011	$764,299	2.59%
EXPENDITURES					
Leasing Payment	$757,141		$378,306	$392,084	3.64%
Capital Outlay	$0		$0	$0	
Special Projects					
TOTAL EXPENDITURES	$757,141	$0	$378,306	$392,084	
Ending Cash Balance	**$276,935**	**$0**	**$615,881**	**$649,150**	

City of Emporia, Kansas

Water Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
BEGINNING CASH	10,000	758,314	830,592	496,701	
REVENUE					
Sale of Water	9,569,050	11,200,000	4,673,576	4,727,498	1.15%
Service Charge	91,121	95,000	40,831	55,587	36.14%
Penalties	122,732	80,000	57,680	58,649	1.68%
Sale of Salvage	0	0	0		
Reimbursed Expense	0	20,000	0	400	#DIV/0!
Interest on Investment	28,160	20,000	14,041	18,426	31.23%
Sale of Bonds	0	0	0	0	
Trf from Industrial Fund	350,000	350,000	350,000	350,000	0.00%
Trf from Project fund	4,321,335	0	0	0	
Non Operating Revenue	0	0	0	11,146,985	
Miscellaneous	22,665	2,100	0	6,181	#DIV/0!
TOTAL RECEIPTS	14,505,063	11,767,100	5,136,128	16,363,726	218.60%
EXPENDITURES					
Personnel Services	1,463,421	1,584,076	716,666	832,185	16.12%
Maintenance & Repair	866,438	1,203,550	293,801	297,450	1.24%
Commodities	2,299,182	2,165,850	1,268,592	1,104,649	-12.92%
Other Charges	256,352	316,450	179,435	191,741	6.86%
Industrial Discount	202,719	350,000	170,643	0	-100.00%
Capital Outlay	117,955	318,000	111,655	0	
Debt Payment	1,834,690	1,923,869	283,768	532,988	87.82%
Stock	0	5,000	0	0	#DIV/0!
Transfer to Project Account	3,688,238	0	0	11,146,985	#DIV/0!
Utilities	531,651	594,600	264,106	223,151	-15.51%
Communications	26,416	40,400	13,285	13,145	-1.05%
Travel & Training	26,267	20,200	15,692	5,912	-62.32%
Contractual Services	1,155,267	1,250,300	915,581	904,231	-1.24%
Administrative Fee 16%	1,405,680	1,120,000	759,363	560,000	-26.25%
Excess Carryover		0	0		
Change in Liabilities	124,730	0	0	4,636	
Outstanding PO's	19,356		0	1,071,067	
TOTAL EXPENDITURES	14,018,362	10,892,295	4,992,586	16,888,139	238.26%
NET CHANGE IN CASH	486,701	874,805	143,542	(524,413)	-465.34%
ENDING CASH BALANCE	**496,701**	**1,633,119**	**974,134**	**(27,712)**	
Principal Bond Payments	(1,415,000)	(1,370,000)	(1,415,000)	(1,370,000)	
Depreciation	1,456,758	1,550,000	129,166	0	
Capitalized Assets	(3,879,788)	(995,000)	0	0	
Liabilities					
ADJUSTMENTS	(3,838,030)	(815,000)	(1,285,834)	(1,370,000)	
Base for reserve calculation	10,212,169	10,574,295	4,880,932	5,741,154	
20% reserve amount	2,042,434	2,114,859	976,186	1,148,231	
Amount over 20% reserve	(1,545,733)	(481,740)	(2,053)	(1,175,943)	
Percent	4.86%	15.44%	19.96%	-0.48%	

City of Emporia, Kansas

Wastewater Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
BEGINNING CASH	640,981	1,321,734	1,029,532	1,452,174	
REVENUE					
Sales/Charges	7,124,223	8,140,000	3,570,746	3,910,180	9.51%
Extra Strength Surcharge	276,057	162,500	111,051	168,262	51.52%
Interest on Investment	45,078	20,000	19,819	19,287	-2.68%
New System taps	3,400	1,000	1,000	400	-60.00%
Loss on sales of assets	0			0	
Grant money	0	0	0	0	
Sale of Bonds	0	0	0	0	
Non Operating Revenue	283,352		0	0	
Miscellaneous	9,585	1,000	2,320	2,450	5.60%
TOTAL RECEIPTS	7,741,695	8,324,500	3,704,935	4,100,579	10.68%
EXPENDITURES					
Personnel Services	1,492,043	1,502,707	717,080	719,943	0.40%
Maintenance & Repair	539,211	546,500	129,570	99,140	-23.49%
Commodities	387,750	579,750	302,218	227,376	-24.76%
Other Charges	165,926	212,865	133,296	149,259	11.98%
Capital Outlay	6,300	1,178,000	0	0	#DIV/0!
Debt Payment	2,767,241	2,758,691	408,184	1,163,346	185.00%
Transfer to Project fund	0	0	0	400,000	#DIV/0!
Utilities	824,756	675,500	405,550	488,358	20.42%
Communications	23,260	30,300	11,061	11,822	6.87%
Travel & Training	16,280	16,000	11,531	1,841	-84.04%
Contractual Services	462,360	237,050	188,121	104,174	-44.62%
Administrative Fee flat	610,000	610,000	305,000	305,000	0.00%
Excess Carryover		0	0		
Change in Liabilities	(364,625)	0		43,017	
Outstanding PO's				322,125	
TOTAL EXPENDITURES	6,930,502	8,347,363	2,611,611	4,035,399	54.52%
NET CHANGE IN CASH	811,193	(22,863)	1,093,324	65,181	
ENDING CASH BALANCE	**1,452,174**	**1,298,871**	**2,122,856**	**1,517,355**	
Depreciation	2,096,619	2,125,205	177,099	0	
Principal Bond Payments	(2,285,730)	(2,211,279)	(2,285,730)	(2,211,279)	
Capitalized Assets	(3,169,496)	(405,000)	0	0	
Change in Liabilities		0			
ADJUSTMENTS	(3,358,607)	(491,074)	(2,108,631)	(2,211,279)	
Base for reserve calculation	6,924,202	7,169,363	2,611,611	3,635,399	
20% Cash Reserve amount	1,384,840	1,433,873	522,322	727,080	
Amount over 20% Cash Reserve	67,334	(135,002)	1,600,534	790,275	
Percentage	20.97%	18.12%	81.29%	41.74%	

City of Emporia, Kansas

Solid Waste Fund

as of June 30, 2026

	Preceding Year 2025 (Actual)	2026 Budget	2025 Jan - June Actual	2026 Jan - June Actual	Change between 25 & 26
BEGINNING CASH	2,528,037	733,639	3,388,241	1,965,630	
REVENUE					
Refuse Collection Fees	3,315,313	3,520,000	1,651,149	1,820,521	10.26%
Loss on Sale of Assets	0	0	0	0	
Interest on Investments	74,105	70,000	40,120	26,588	-33.73%
Resale of Recyclables	102,845	90,000	51,289	36,541	-28.75%
Box Container Fees	1,919,089	2,220,000	961,215	1,168,600	21.58%
Landfill Fees	574,261	849,000	293,870	332,841	13.26%
Transfers	16,387	0	0	0	
Miscellaneous	7,812	4,800	7	43,705	624255.71%
TOTAL RECEIPTS	6,009,812	6,753,800	2,997,651	3,428,797	14.38%
EXPENDITURES					
Personnel Services	2,670,130	2,791,045	1,362,677	1,314,337	-3.55%
Maintenance & Repair	315,294	318,000	145,144	87,425	-39.77%
Commodities	445,883	542,300	275,763	276,597	0.30%
Other Charges	189,458	403,900	125,905	93,456	-25.77%
Industrial Discount	140,820		68,118	97,552	43.21%
Capital Outlay	320,359	100,000	0	702,364	
Utilities	57,645	80,000	30,442	26,082	-14.32%
Communications	37,477	52,400	16,216	14,798	-8.74%
Transfer to project			0	0	
Travel & Training	6,395	8,750	3,487	523	-85.01%
Contractual Services	1,926,987	1,943,440	933,185	965,281	3.44%
Administrative Fee 16%	924,880	990,000	494,031	464,720	-5.93%
Excess Carryover	0	0	0	0	
Change in Liabilities	(463,109)	0	0	324,194	
Outstanding PO's	0		0	28,280	
TOTAL EXPENDITURES	6,572,219	7,229,835	3,454,967	4,395,609	27.23%
NET CHANGE IN CASH	(562,407)	(476,035)	(457,316)	(966,812)	
ENDING CASH BALANCE	**1,965,630**	**257,604**	**2,930,925**	**998,818**	
Principal Payments	0	0	0	0	
Depreciation	394,298	455,000	37,082	0	
Capitalized Assets	(459,572)	(655,000)	0	0	
Change in Liabilities		0			
ADJUSTMENTS	(65,274)	(200,000)	37,082	0	
Base for reserve calculation	6,251,860	7,129,835	3,454,967	3,693,244	
20% cash reserve amount	1,250,372	1,425,967	690,993	738,649	
Amount over 20% Cash Reserv	715,258	(1,168,363)	2,239,931	260,169	
Percentage	31.44%	3.61%	84.83%	27.04%	

CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of June 30, 2026
EXPENSES FOR GENERAL FUND DEPARTMENTS

	2026 AMENDED BUDGET	2026 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED	General Fund Shared Revenue	Shared Budget	Actual Shared Budget	Department Net
						14,657,866	15,072,715	
GENERAL FUND ADMINISTRATION	1,976,518.00	125,734.12	1,850,784	6%	6.92%	1,014,165	1,042,868	917,134
COMMISSION/MANAGER/CLERK	1,085,861.28	592,762.36	493,099	55%	3.80%	557,163	572,932	(19,830)
FINANCE/HUMAN RESOURCES	658,240.76	320,175.98	338,065	49%	2.30%	337,748	347,307	27,131
INFORMATION SYSTEMS	685,438.84	300,469.19	384,970	44%	2.40%	351,704	361,657	61,188
COMMUNICATION	203,350.04	76,212.08	127,138	37%	0.71%	104,340	107,293	31,081
POLICE PROTECTION	6,233,795.20	3,546,164.81	2,687,630	57%	21.82%	3,198,604	3,289,132	(257,033)
ANIMAL CONTROL	268,107.00	160,835.61	107,271	60%	0.94%	137,568	141,461	(19,375)
FIRE PROTECTION	3,778,576.08	1,940,426.92	1,838,149	51%	13.23%	1,938,814	1,993,687	53,260
AMBULANCE SERVICE	4,493,323.58	1,867,685.30	2,625,638	42%	15.73%	2,305,556	2,370,808	503,123
COURT SERVICES	666,974.60	306,696.15	360,278	46%	2.33%	342,229	351,915	45,219
ENGINEERING	822,355.72	436,401.65	385,954	53%	2.88%	421,957	433,899	(2,503)
STREET	0.00	0.00	0	0%	0.00%	0	0	0
SNOW REMOVAL	163,000.00	28,017.31	134,983	17%	0.57%	83,636	86,004	86,004
GOLF COURSE MAINTENANCE	612,419.04	332,205.31	280,214	54%	2.14%	314,237	323,130	295,113
GOLF SHOP	544,628.02	301,655.45	242,973	55%	1.91%	279,452	287,362	(44,844)
PARK	1,399,623.72	704,814.63	694,809	50%	4.90%	718,157	738,482	436,827
DISC GOLF	95,623.02	654.25	94,969	1%	0.33%	49,065	50,453	(654,361)
AQUATIC CENTER	265,000.00	40,871.70	224,128	15%	0.93%	135,973	139,822	(564,993)
ZOO	987,419.34	447,083.80	540,336	45%	3.46%	506,652	520,991	520,337
CIVIC BUILDING OPERATIONS	915,202.80	423,835.06	491,368	46%	3.20%	469,597	482,888	442,016
LIBRARY MAINTENANCE	93,587.42	51,549.81	42,038	55%	0.33%	48,020	49,379	(397,704)
GROUNDS MAINTENANCE	148,330.56	57,985.06	90,346	39%	0.52%	0	78,264	(345,572)
CONCESSION STAND	96,854.08	68,565.44	28,289	71%	0.34%	49,697	51,103	(447)
CODE SERVICES	1,042,179.22	523,317.86	518,861	50%	3.65%	534,750	549,884	26,566
SHOP MAINTENANCE	97,843.80	63,682.36	34,161	65%	0.34%	50,204	51,625	(6,360)
STREET LIGHTING	322,176.00	133,416.43	188,760	41%	1.13%	165,311	169,989	101,424
MISC APPROPRATIONS	88,000.00	90,962.66	(2,963)	103%	0.31%	45,153	46,431	(17,251)
AIRPORT	992,688.56	423,536.03	569,153	43%	3.47%	509,355	523,771	432,809
PARKING FACILITY	15,605.00	4,474.11	11,131	29%	0.05%	8,007	8,234	(415,302)
TRANSERS	4,851,389.00	2,209,842.75	2,641,546	46%	16.98%	2,489,282	2,559,734	2,555,260
CONTINGENCY	0.00	0	0	#DIV/0!	0.00%	0	0	(2,209,843)
EXCESS CARRYOVER	0		0	0%				
GENERAL FUND	33,604,111	15,580,034	18,024,076	#DIV/0!	1	17,166,397	17,730,506	
	28,566,878							

CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of June 30, 2026
EXPENSES FOR WATER FUND DEPARTMENTS

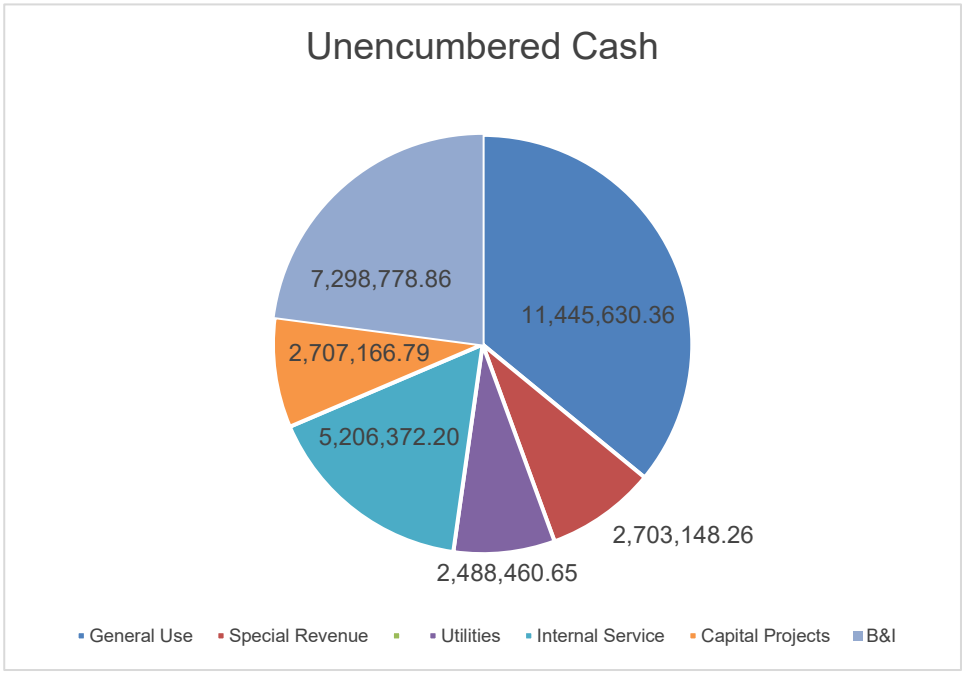
	2026 AMENDED BUDGET	2026 ACTUAL WITH ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	4,567,156	686,209	3,880,947	15%
ADMINISTRATION	287,082	533,487.75	(246,406)	186%
WATER SERVICE	673,650	147,831.14	525,819	22%
WATER MAINTENANCE	1,602,929	11,754,484.86	(10,151,556)	733%
WATER PLANT	5,389,598	2,693,588.01	2,696,010	50%
WATER STOCK	5,000	1.00	4,999	0%
	12,525,414	15,815,602	(3,290,188)	10

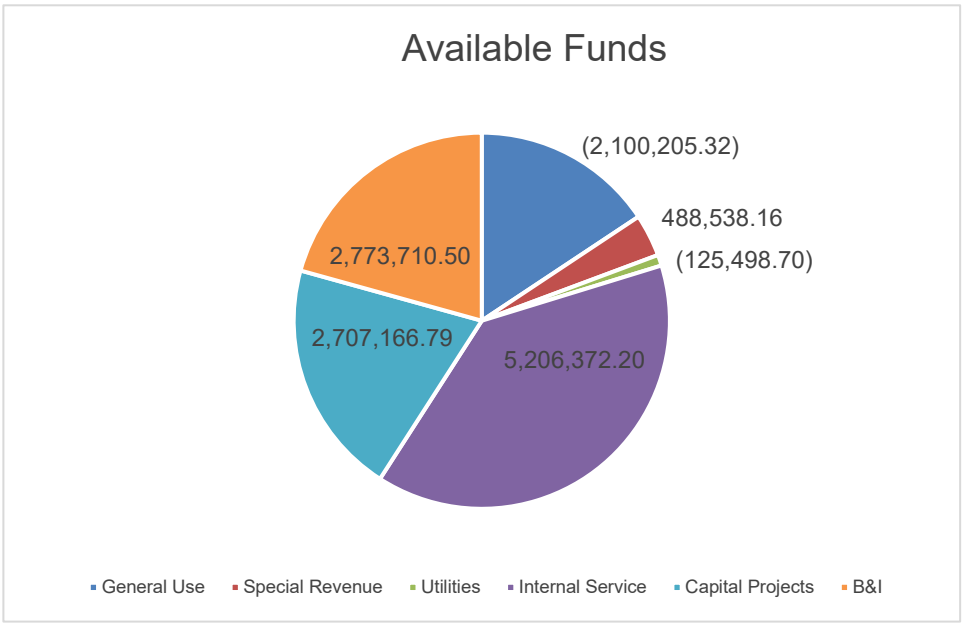
CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of June 30, 2026
EXPENSES FOR WASTEWATER FUND DEPARTMENTS

	2026 AMENDED BUDGET	2026 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	4,536,914	469,913	4,067,001	10%
ADMINISTRATION	774,348	386,250	388,098	50%
WASTEWATER SERVICE	230,840	78,898	151,942	34%
SEWER MAINTENANCE	1,595,092	933,069	662,023	58%
SEWER PLANT	2,509,041	1,344,914	1,164,127	54%
	9,646,234	3,213,044	6,433,191	33%

CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of June 30, 2026
EXPENSES FOR SOLID WASTE FUND DEPARTMENTS

	2026 AMENDED BUDGET	2026 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
ADMINISTRATION	1,590,904	666,474	399,598	42%
COLLECTIONS	3,078,559	1,819,185	797,978	59%
TRANSFER STATION	2,062,323	1,178,795	535,461	57%
RECYCLING CENTER	755,653	406,960	221,275	54%
	7,487,439	4,071,415	1,954,312	2


Unencumbered Cash
7,298,778.86
11,445,630.36
2,707,166.79
5,206,372.20
2,703,148.26
2,488,460.65
General Use
Special Revenue
Utilities
Internal Service
Capital Projects
B&I


Available Funds
(2,100,205.32)
488,538.16
(125,498.70)
2,773,710.50
2,707,166.79
5,206,372.20
General Use
Special Revenue
Utilities
Internal Service
Capital Projects
B&I

City of Emporia

Unencumbered Cash Report

as of June 30, 2026

	Amount	YTD Budget	Difference
101 General Fund	8,864,621.95	9,199,812.68	(335,190.73)
102 Multi Year Fund	2,581,008.41	4,346,023.00	(1,765,014.59)
103 Insurance Reserve	733,562.75	709,752.64	23,810.11
104 Vacant Property Program	7,559.00	-	7,559.00
201 Library Fund	(1.00)	-	(1.00)
203 Transient Guest Tax Fund	547,499.96	696,196.45	(148,696.49)
204 Industrial Fund	0.46	27,479.51	(27,479.05)
205 Economic Sales Tax Fund	813,815.29	925,714.01	(111,898.72)
206 Special Alcohol Fund	96,626.10	108,256.03	(11,629.93)
207 Special Park & Recreation Fund	34,239.61	58,353.50	(24,113.89)
208 Special Street Fund	93,720.50	126,477.96	(32,757.46)
209 Drug Money Forfeitures Fund	83,029.51	41,738.56	41,290.95
210 Storm Water Fund	951,176.48	230,394.08	720,782.40
218 Emergency Shelter Grant Fund	-		-
224 Fire Public Education	7,948.31		7,948.31
225 Police Grants Fund	(6,759.58)		(6,759.58)
251 Emporia Homeowner Repair	(63,488.61)		(63,488.61)
252 2014 Housing Rehab	1,543.08		1,543.08
254 2020 CDBG Rehab Grant	1,173.19		1,173.19
260 Land Bank	115,626.26		115,626.26
301 Bond and Interest Fund	7,298,778.86	4,525,068.36	2,773,710.50
305 Equipment Reserve Fund	649,150.04	615,881.21	33,268.83
406 Internal Improvement Fund	5,381,106.14		5,381,106.14
407 Rec Center Projects	-		-
409 Water Treatment Plant Improvement	56,407.51		56,407.51
413 Water Main Improvements	(1,791,307.84)		(1,791,307.84)
415 Civic Auditorium Project Fund	269,354.68		269,354.68
423 Airport Improvements Fund	150,728.95		150,728.95
428 Park Improvements Fund	(557,718.09)		(557,718.09)
441 Paving Projects Fund	(2,484,160.69)		(2,484,160.69)
442 Construction Projects Fund	707,412.52		707,412.52
444 Waste water Improvement	975,343.61		975,343.61
501 Water Utility Fund	(27,712.12)	974,133.79	(1,175,942.85)
502 Sewer Fund	1,517,355.01	2,122,855.91	790,275.26
503 Solid Waste Fund	998,817.76	2,930,924.69	260,168.89
601 Worker's Comp Fund	2,431,725.46		2,431,725.46
602 Health Care Fund	2,774,646.74		2,774,646.74
708 Fire Insurance Proceeds	26,998.70		26,998.70
	33,239,828.91		

Unencumbered Cash		
General Use	11,445,630.36	35.94%
Special Revenue	2,703,148.26	8.49%
Utilities	2,488,460.65	7.81%
Internal Service	5,206,372.20	16.35%
Capital Projects	2,707,166.79	8.50%
B&I	7,298,778.86	22.92%
	31,849,557.12	

Budget	
General Use	(2,100,205.32)
Special Revenue	488,538.16
Utilities	(125,498.70)
Internal Service	5,206,372.20
Capital Projects	2,707,166.79
B&I	2,773,710.50

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 1, 2026, with Mayor Smith presiding and Commissioners Duncan, Harter, Ogle and Steinkuhler present. Also present were City Manager Cocking, Deputy City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Kevin Hanlin, Director of Public Lands & Facilities and Amanda Gutierrez, Executive Director Emporia Recreation Center, were in attendance to accept a proclamation declaring July 17, 2026, as “Parks and Recreation Professionals Day” in Emporia. They stated parks and recreation programs are an integral part of communities throughout this country, including Emporia, Kansas. Parks and recreation are vital to establishing and maintaining quality of life, promoting physical and mental well-being, fostering community connections, and contributing to the economic and environmental strength of a community and region. Parks and recreation professionals daily maintain our pools, beaches, campsites, marinas, picnic areas, athletic fields, skate parks, dog parks, festival venues, gardens, visitor centers, historic and cultural attractions, and many other recreational facilities and amenities. There are over 8,000 programmers, managers, maintainers, landscapers, facilitators, lifeguards, coaches, event organizers and caretakers who plan, provide, operate and enhance the experience of our parks, recreation programs and facilities in the State of Kansas. They urged all residents of Emporia to join the rest of America in celebrating our Parks & Recreation Professionals.

Mayor Smith then presented the proclamation.

CITY COMMISSION
(Public Comment)

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

Leslie Smith, 915 Neosho Street, Emporia, Ks
Kathy Lamb, 1706 E. 10th Avenue, Emporia, Ks
Brenda Thompson, 1442 Road 130, Emporia, Ks
Jay Vehige, 1319 Lawrence Street, Emporia, Ks
Doris Smith, 417 Commercial, Emporia, Ks
Isabella Rawley, 1019 W. 7th Avenue, Emporia, Ks
Ivye Montgomery, 1019 W. 7th Avenue, Emporia, Ks
Elexa Dawson, 12 S. Sylvan, Emporia, Ks
Sarah Bryan, 1850 Road S, Emporia, Ks
Monika Markus, 1318 Neosho Street, Emporia, Ks
Virginia Eddy, 1883 Road N, Emporia, Ks
Angela Baker, 714 Sheridan Court, Emporia, Ks
Leah Green, 2215 N. Highway 99, Emporia, Ks
Anna Delong, 1674 Road 235, Emporia, Ks

All spoke in opposition to a potential data center.

Jerry Campbell, 1201 Presby Drive, Emporia, Ks – Spoke about data centers and the possible benefits for a community.

Victoria Partridge, Street Cats Club, 902 Union Street, Emporia, Ks – Spoke about the need for funding for stray and injured cats.

CITY COMMISSION
(Board Appointment)

Emporia Enterprises:

It was moved by Commissioner Duncan seconded by Commissioner Ogle that Jon Geitz be appointed to Emporia Enterprises to fill the unexpired term ending on December 31, 2027. The vote follows: Commissioner Duncan, aye; Commissioner Ogle, aye; Commissioner Harter, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

Emporia Human Relation Commission:

It was moved by Commissioner Ogle seconded by Mayor Smith that Lenia Goekler be appointed to the Emporia Human Relation Commission for a term ending June 1, 2029. The vote follows: Commissioner Ogle, aye; Mayor Smith, aye; Commissioner Duncan, aye; Commissioner Harter, aye; and Commissioner Steinkuhler, aye.

PUBLIC WORKS DEPARTMENT
(Underground Utilities – Utility Truck Purchase)
(Bids)

Scott Grogg, Underground Utilities Manager, was recognized and addressed the Governing Body. He stated underground utilities currently use a repurposed 2003 ambulance. It does not have the configuration to carry tools, parts or pumps needed to do jobs properly. It often takes multiple trips to get necessary supplies and tools on site. The proposed new utility truck will replace the converted ambulance in the fleet. Specifications requested for a new utility truck were for a heavy-duty utility truck cab and chassis with sufficient payload and towing capacity to support municipal field operations. The chassis is to be fitted with a utility bed and emergency lighting package by American Equipment Co. The bids follow:

BID TABULATION FOR 2026 UTILITY TRUCK CAB AND CHASSIS

Vendor	Cab & Chassis		Utility Bed	Total
Longbine Autoplaza Emporia, KS	2026 Chevrolet 3500	$59,070.00	$16,853.00	$75,923.00
Nashville Automotive LLC Madison, TN	2026 Chevrolet 3500	$57,477.38	$16,853.00	$74,330.38
Suncoast Chrysler Jeep Dodge Ram Seminole, FL	2026 Dodge Ram 3500	$62,259.00	$16,853.00	$79,112.00
One Nation Distribution LLC Volant, PA	2026 Ford F450	$64,136.00	$16,853.00	$80,989.00
Ed Morse Automotive Lebanon. MO	2027 Ford F550	$68,340.00	$ 16,853.00	$85,193.00

Freight costs from Tennessee exceed the price difference of the next lowest bid, submitted by local vendor Longbine AutoPlaza. The purchase of a utility truck was included in the 2026 budget and will be equally paid from the water and wastewater funds. Staff recommend authorizing the purchase of a 2026 Chevrolet 3500 cab chassis in the amount of $59,070.00 to Longbine Autoplaza and authorize the vehicle to be outfitted with a CM Truck bed from American Equipment Co. in the amount of $16,853.00 for a total purchase of $75,923.00.

Commissioner Harter made a motion to award the purchase of a 2026 Chevrolet 3500 cab chassis in the amount of $59,070.00 from the bid submitted by Longbine Autoplaza and authorize the vehicle to be outfitted with the CM Truck bed from American

Equipment Co., in the amount of $16,853.00 for a total purchase price of $75,923.00. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

ENGINEERING
(Permanent Sanitary Sewer Easement)
(Cedarbrook Meadows Addition)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Cedarbrook Meadows is proposing to extend sanitary services from the City's 24" main on the west side of Americus Road and north side of 18th Avenue to the Frontier Farm Credit property and then north along Americus Road to serve their Phase One and beyond. The placement of the permanent easement is outside the existing Americus Road right-of-way due to the size and depth of the main for current construction and future maintenance. He stated Frontier Farm Credit provided this permanent easement at no cost to the City. Staff recommend accepting the permanent sanitary sewer easement for Cedarbrook Meadows Addition.

Commissioner Duncan made a motion to accept the permanent sanitary sewer easement. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Duncan, aye; Commissioner Steinkuhler, aye; Commissioner Harter, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

Consent Agenda

It was moved by Commissioner Harter, seconded by Commissioner Steinkuhler that the Consent Agenda listed below be ratified as a whole:

a. Minutes of Regular Commission Meeting Held on June 17, 2026.

The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

CITY COMMISSION
(City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR JULY 15, 2026, MEETING.

- Resolution for Adoption of Large Volume Water User Policy.
- Resolution for Adoption of Large Volume Wastewater User Policy.
- DeBauge Soccer Complex Bids.
- 2025 Audit Report.

STUDY SESSION

- Discuss Budget.
- Discuss Revenue Neutral Rate.

CITY COMMISSION
Reschedule Commission Meeting

City Manager Cocking stated Kansas Municipal Utilities is hosting a Data Center, Large Load and Comprehensive Utility Planning Summit in Topeka on July 15 & 16. Commissioners and staff have an interest in attending and the next regular Commission Meeting will need to be rescheduled in order to attend. Commissioner Harter made a motion to reschedule the Commission Meeting for July 15, 2026, to July 22, 2026, at 11:00 a.m. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye Commissioner Ogle, and Mayor Smith, aye.

CITY COMMISSION
(Governing Body Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Commissioners asked additional clarifying questions to City Manager Cocking related to data center discussion.

Commissioner Duncan made a motion to recess the meeting until 12:27 p.m. at the Evora Wheeler Conference Room. Commissioner Harter seconded the motion. The vote follows: Commissioner Duncan, aye; Commissioner Harter aye; Commissioner Ogle, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

The following items were discussed at the Study Session:

1. Discuss Large Volume Water User Policy.
2. Update on Large Volume Wastewater User Policy.
3. Budget Discussion.

CITY COMMISSION
Exceeding the Revenue Neutral Rate

Janet Harrouff, Director of Finance, stated the legislation requires on or before July 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. A letter will be sent out by the County Clerk to all taxing entities notifying them of the proposed tax levies. The City's RNR is 44.528 as calculated by the County Clerk. A public hearing with the intention of exceeding the revenue neutral rate is set for September 16, 2026, at 11:00 a.m. in the Commission Meeting Room. The proposed mill levy is 46.007. The final mill levy can be lower as the final budget numbers are determined in the next several weeks. Exceeding the RNR provides additional revenue to fund essential city services.

Commissioner Harter made a motion to establish a public hearing to exceed the revenue neutral rate. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

4. CIP Budget Review.
5. Discuss Engineering Fees.
6. Discuss Meeting on July 15, 2026.

Previously discussed and voted on during City Manager's Report portion of the meeting.

EXECUTIVE SESSION

Commissioner Harter made a motion to recess for a break and into Executive Session for 1 hour and 1 minute inviting pertinent city staff to discuss confidential data of

a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of a third party. The open meeting will resume in the City Commission Chamber at approximately 2:45 p.m. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 2:45 p.m., this same date, in the City Commission Meeting Room, Commissioner Harter made a motion to continue the executive session for the reason stated previously with all the same pertinent city staff and resume the open meeting at approximately 2:57 p.m. Commissioner Duncan seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Duncan, aye; Commissioner Ogle, aye and Commissioner Steinkuhler, aye. Mayor Smith was not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 2:57 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Commissioner Duncan then made a motion to adjourn. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Duncan, aye; Commissioner Steinkuhler, and Mayor Smith, aye. Commissioner Ogle and Commissioner Harter were not present at the time of the vote.

_____
Becky Smith, Mayor

ATTEST:

_____
Kerry Sull, City Clerk

Title:	Application to Federal Home Loan Bank of Topeka's Affordable Housing Program
Agenda Date:	July 22, 2026
Presented By:	Jeff Lynch, Community Development Coordinator

Background:
Since 2000 the city has obtained and completed many Affordable Housing Program grants from the Federal Home Loan Bank of Topeka for the rehabilitation of low-income, owner-occupied homes.

Discussion:
The grant would continue the city's efforts to improve housing by utilizing $540,000 in grant funding to make the needed repairs to 30 qualified, owner-occupied homes located within the city limits, with no other restricted target area. Eighteen (18) units will need to be occupied by residents whose income is less than 50% of the Area Median Income (AMI), and twelve (12) units will need to be within the 80% AMI limits. Other requirements include real estate property taxes must be current, no rentals are allowed, and no delinquent loans may exist on the property. Liens are not required to be put on the homes improved in this program.

Financial considerations:
Staff time by the city's community development coordinator, and some office supplies.

Recommended action:
Approve the request to submit the application and necessary attachments.

Attachments:
Letter of Authorization to Submit AHP Application

July 15, 2026

Federal Home Loan Bank of Topeka
Affordable Housing Program
P.O. Box176
Topeka, KS 66601-0176

Dear Federal Home Loan Bank of Topeka,

The City of Emporia hereby confirms the authorization for Jeff Lynch, Community Development Coordinator, to prepare and submit applications on behalf of the city for the Affordable Housing Program grant funding from the Federal Home Loan Bank of Topeka. Mr. Lynch has submitted various grant applications and has successfully managed many grants for the city since 1996.

Your consideration of our application is appreciated.

Sincerely,

Becky Smith
Mayor, City of Emporia

Title: KDOT ITS Fiber Agreement – Prairie Street at I35 Highway

Agenda Date: July 22, 2026

Presented By: Jim Ubert, City Engineer

Background:
The Kansas Department of Transportation (KDOT) has requested placement of a fiber optic line (from Olathe to Emporia) within Prairie Street right of way due to obstructions from two (2) bridges (pedestrian and vehicular). The telecommunication fiber optic line will connect KDOT's message boards along I35 Highway.

Discussion:
Due to right of way constraints KDOT has requested an encroachment into Prairie Street right of way with this fiber optic line.

Financial considerations:
None

Recommended action:
Authorize the Mayor to sign the KDOT Agreement.

Attachments:
KDOT Agreement & Plan Sheet

PROJECT NO. KA-7459-01
FIBER INSTALLATION
EMPORIA, KS

AGREEMENT

This Agreement is entered into by and between the **Secretary of Transportation** (the "Secretary"), Kansas Department of Transportation (KDOT), and the **City of Emporia, Kansas** (the "City"), a duly organized municipal corporation, collectively referred to as the "Parties."

RECITALS

A. The Secretary is undertaking project number KA-7459-01 (the "Project") for the installation of KDOT Fiber Optic Infrastructure in Emporia, Kansas within City Right of Way.

B. The City desires to authorize the Secretary to undertake the Project within the City's Right of Way.

C. The Secretary and the City are empowered by the laws of Kansas to enter into agreements for projects incident to the construction, improvement, reconstruction, and maintenance of the state highway system for the construction of transportation projects in the state of Kansas.

NOW THEREFORE, in consideration of these promises and the mutual covenants set forth herein, the Parties agree to the following terms and provisions.

ARTICLE I: DEFINITIONS

The following terms as used in this Agreement have the designated meanings:

1. **"Agreement"** means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the Agreement between the Parties.

2. **"City"** means the City of Emporia, Kansas, with its place of business at 104 E 5th Avenue, Emporia, KS 66801.

3. **"Effective Date"** means the date the Secretary or the Secretary's designee signs this Agreement.

4. **"Fiber Optic Infrastructure"** means fiber optic cable ("fiber"), conduit, patch cords, splice vaults, electric service, cabinets, and other miscellaneous devices or components installed by KDOT for its use as part of the Project.

5. **"KDOT"** means the Kansas Department of Transportation, an agency of the state of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS 66603-3745.

6. **"Parties"** means the Secretary of Transportation and KDOT, individually and collectively, and the City.

7. **"Project"** means all phases and aspects of the endeavor that is the subject of this Agreement to be undertaken by the Secretary being the installation of Fiber Optic Infrastructure in City Right of Way in Emporia, Kansas. The design plans for the Project are incorporated into this Agreement by this reference.

8. **"Project Limits"** means that area of construction for the Project, including all areas between and within the Right of Way boundaries as shown in the Project Limits Attachment, which is attached to and incorporated into this Agreement by this reference.

9. **"Right of Way"** means the real property and interests therein necessary for construction of the Project, including fee simple title, dedications, permanent and temporary easements, and access rights.

10. **"Secretary"** means the Secretary of Transportation of the state of Kansas, and the Secretary's successors and assigns.

ARTICLE II: SECRETARY'S RESPONSIBILITIES

1. **Initial Installation Costs and Repairs.** The Secretary will be responsible for the initial installation of the KDOT Fiber Optic Infrastructure and agrees to be responsible for all costs related to the initial construction and installation of the KDOT Fiber Optic Infrastructure, including, but not limited to, the cost of construction of all facilities related to the Project. The Secretary further agrees to be responsible for the costs of repair and reconstruction of all City streets, sidewalks, land, utility systems, and City public infrastructure damaged as a result of the initial construction and installation of the KDOT Fiber Optic Infrastructure, this includes, but is not limited to, labor, materials, equipment, and any other related expenses necessary to complete the repairs or reconstruction.

2. **Maintenance and Repairs.** The Secretary agrees to maintain and repair KDOT Fiber Optic Infrastructure located on City Right of Way and installed as part of the Project and be responsible for One-Call locates of conduit and fiber on City Right of Way to be installed as part of the Project.

3. **Operation.** The Secretary agrees to operate the Fiber Optic Infrastructure located in City Right of Way installed as part of the Project in a reasonable manner.

4. **Relocation and Repair Expenses.** The Secretary agrees to be responsible for any expenses incurred for any necessary relocation of any portion or segment of Fiber Optic Infrastructure located in City Right of Way installed as part of the Project. The Secretary agrees to be responsible for any costs associated with damage to sidewalks, streets, land, utility systems, public infrastructure, or any other City property that results from the installation, maintenance, or repair of the Fiber Optic Infrastructure installed as part of the Project, this includes, but is not limited to, labor, materials, equipment, and any other related expenses necessary to complete the repairs or

reconstruction.

5. **Reimbursement Process.** Upon completion of any repair or reconstruction of City sidewalks, streets, land, utility systems, or any City public infrastructure or property that occurred as a result of the relocation or removal of the KDOT Fiber Optic Infrastructure, or upon City's removal or relocation of the KDOT Fiber Optic Infrastructure as outlined in Article III, Section 2 of this Agreement, the City shall issue an invoice to the Secretary for the costs incurred for such repair, reconstruction, removal or relocation. The Secretary shall remit payment to the City for the full amount of the invoice within thirty (30) days following receipt of said invoice.

ARTICLE III: CITY'S RESPONSIBILITIES

1. **Access to City Right of Way.** The City shall grant the Secretary reasonable access to any City Right of Way for purposes that include, but may not be limited to, maintenance, repairs, and operation of any Fiber Optic Infrastructure installed as part of the Project.

2. **Notice of Relocation.** If any portion or segment of Fiber Optic Infrastructure, located in City Right of Way and installed as part of the Project must be relocated, the City shall give KDOT ninety (90) days' notice in writing prior to any such relocation. If KDOT does not relocate the requested portion or segment of the Fiber Optic Infrastructure within the ninety (90) days, the City shall remove or relocate such portion or segment with no compensation due the Secretary for the removal of the Fiber Optic Infrastructure or loss of use of the Right of Way, and the City shall have no duty to replace the Fiber Optic Infrastructure. The Secretary agrees to be responsible for the reasonable costs incurred by the City in removing or relocating the Fiber Optic Infrastructure including, but not limited to, labor, materials, and supplies. Should the Secretary remove the Fiber Optic Infrastructure, the City's permission for use of the Right of Way shall be null and void and no other encroachment on the Right of Way shall be permitted.

ARTICLE IV: GENERAL PROVISIONS

1. **Acceptance.** No contract provision shall constitute acceptance or relieve the City of liability with respect to any expressed or implied warranties.

2. **Amendment.** Any amendment to this Agreement shall be in writing and signed by the Parties.

3. **Arbitration, Damages, and Warranties.** Notwithstanding any language to the contrary, no interpretation shall be allowed to find the Secretary and City or any department or division either, subject to binding arbitration. Further, City shall not be subject to attorney fees, and no provision shall be given effect that attempts to exclude, modify, disclaim, or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.

4. **Assignment.** No assignment or transfer of this Agreement shall be permitted to any other entity, nor the respective rights or duties thereof without prior written approval of the Parties.

5. **Binding Agreement.** This Agreement and all contracts entered into under the provisions

of this Agreement shall be binding upon the Secretary and the City and their successors in office.

6. **Civil Rights Act.** The "Civil Rights Act Attachment" pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.

7. **Contractual Provisions.** The provisions found in the current version of the "Contractual Provisions Attachment (Form DA-146a)," which is attached, are hereby incorporated into, and made a part of this Agreement.

8. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute the same agreement.

9. **Disclaimer of Liability.** No provision of this Agreement will be given effect that attempts to require City or its agencies to defend, hold harmless or indemnify any contractor or third party for City's acts or omissions. City's liability is limited to the liability established in the Kansas Tort Claims Act, K.S.A. 75-6101, *et seq*.

10. **Entire Agreement.** This Agreement, with all attached exhibits, expresses the entire agreement between the Parties with respect to the Project. No representations, promises, or warranties have been made by the Parties that are not fully expressed or incorporated by reference in this Agreement.

11. **Headings.** All headings in this Agreement have been included for convenience of reference only and are not to be deemed to control or affect the meaning or construction or the provisions herein.

12. **Independent Contractor Relationship.** The relationship of the Secretary and the City shall be that of an independent contractor, and nothing in this Agreement shall be construed to create a partnership, joint venture, or employee-employer relationship. The City is not the agent of the Secretary and is not authorized to make any representation, contract, or commitment on behalf of the Secretary. It is expressly understood that any individual performing services under this Agreement on behalf of the City shall not be deemed to be an employee or independent contractor of the Secretary, and such individual shall not be entitled to tax withholding, workers' compensation, unemployment compensation or any employee benefits, statutory or otherwise, from the Secretary. This provision shall survive the expiration or termination of this Agreement.

13. **Insurance.** The City shall not be required to purchase any insurance against loss or damage for any property or service to which this Agreement relates. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, et seq.), the contractor or state shall bear the risk of any loss or damage to any property to which the contractor or state holds title.

14. **Indemnification by Contractors.** The Secretary will require any contractors associated with the Project to indemnify, hold harmless and save the City from personal injury and property damages claims arising out of the act or omission of the contractor, the contractor's agents, subcontractors, or supplies. If the City defends a third party's claim, the contractor shall indemnify the City for damages paid to the third party and all related expenses the City incurs in defending

the claim.

15. **No Third-Party Beneficiaries.** No third-party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

16. **No Transfer of Ownership.** It is understood by the Parties hereto that the permission granted by the City herein shall in no way be deemed a relinquishment of title to the Right of Way and Secretary, KDOT, or any third party, shall not acquire title of any easement interest by either adverse possession or prescription.

17. **Notices.** Any notice required or submitted under this Agreement shall be deemed given if personally delivered or mailed by registered or certified mail, return receipt requested and postage prepaid, to the following addresses of the Parties or such other addresses as either party shall from time to time designate by written notice.

The Secretary:
Kansas Department of Transportation
Attn: ITS Engineer
Bureau of Intelligent Transportation Systems
700 SW Harrison Street
Topeka, KS 66603-3754

The City:
Emporia, KS
Attn: City Clerk
104 E 5th Avenue
Emporia, KS 66801

18. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected, and each provision of this Agreement shall be enforced to the fullest extent permitted by law.

19. **Termination.** If, in the judgment of the Secretary, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, the Secretary may terminate this Agreement at the end of its current fiscal year. The Secretary will participate in all costs approved by the Secretary incurred prior to the termination of the Agreement.

20. **Waiver.** A Party's failure to exercise or delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver. Further, no single or partial exercise of any right, power, or privilege shall preclude any other or further exercise thereof.

IN WITHESS WHEREOF the Parties have caused this Agreement to be signed by their duly authorized officers as of the Effective Date.

The signature page immediately follows this paragraph.

ATTEST:

CITY OF EMPORIA, KANSAS

City Clerk

Becky Smith, Mayor (Date)

(SEAL)

KANSAS DEPARTMENT OF TRANSPORTATION
SECRETARY OF TRANSPORTATION

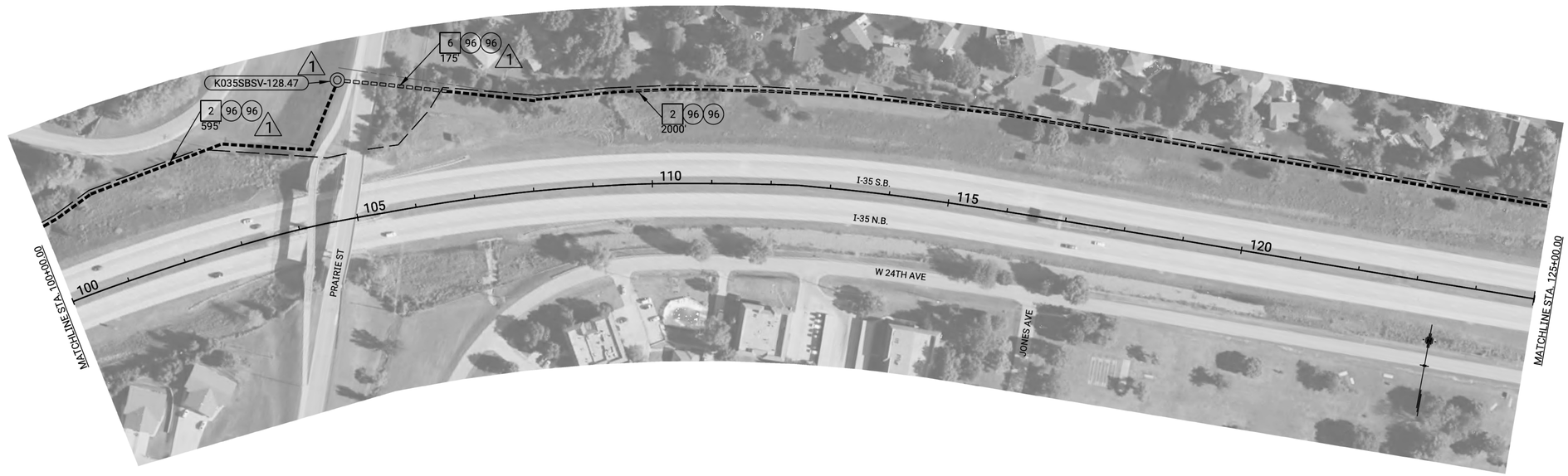
Greg M. Schieber, P.E. (Date)
Deputy Secretary and
State Transportation Engineer

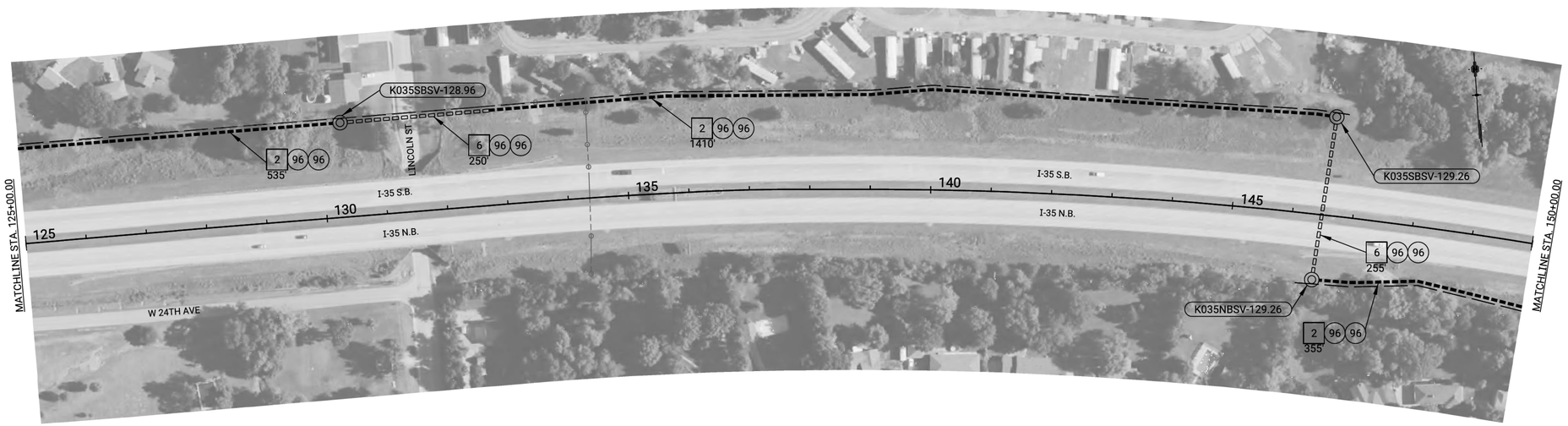
INDEX OF EXHIBITS AND ATTACHMENTS

☒Project Limits Attachment
☒Civil Rights Act Attachment
☒Contractual Provisions Attachment (Form DA-146a)

STATE	PROJECT NO.	YEAR	SHEET NO.	TOTAL SHEETS
KANSAS	KA 6180-02	2026	15	268

1	5/11/2026	REROUTE 7-WAY MICRODUCT TO AVOID CROSSING UNDER THE WALKWAY BRIDGE AND ROAD BRIDGE STRUCTURE.





KANSAS DEPARTMENT OF TRANSPORTATION

SITE 3
I-35 CORRIDOR

APP'D			
DESIGNED	DETAILED	DESIGN CK.	DETAIL CK.

KDOT Graphics Certified 01-29-2026

KDOT Graphics Certified

Drawn By : JBAILEY
File : H:\Projects\16000\16105\CAD\plan\ka618002rpl-01_200 scale.dgn
Plotted : 5/12/2026

KANSAS DEPARTMENT OF TRANSPORTATION

CIVIL RIGHTS ACT ATTACHMENT

PREAMBLE

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (LEP).

CLARIFICATION

The term "Contractor" is understood to include the Contractor, the Contractor's assignees and successors in interest, consultants, and all other parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Attachment shall govern should this Attachment conflict with provisions of the Document to which it is attached.

ASSURANCE APPENDIX A

During the performance of this contract, the Contractor, for itself, its assignees and successors in interest, agrees as follows:

1. **Compliance with Regulations**: The Contractor will comply with the Acts and the Regulations relative to nondiscrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination**: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment**: In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, FTA, or FAA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:

    a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
    b. cancelling, terminating or suspending a contract, in whole or in part.

6. **Incorporation of Provisions**: The Contractor will include the provisions of the paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE APPENDIX E

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-259), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and Contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, (prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities), (42 U.S.C. §§12131-12189as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38);
- The Federal Aviation Administration's nondiscrimination statute (49 U.S.C. § 47123), (prohibits discrimination on the basis of race, color, national origin, and sex);
- Title IX of the Education Amendments of 1972, as amended (prohibits you from discriminating because of sex in education programs or activities), (20 U.S.C. § 1681).

State of Kansas
Department of Administration DA-146a
(Rev. 05-25)

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the non-State Agency Contracting Party's standard contract form, that form must be altered to contain the following provision:

The provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 05-25), which is attached hereto, are hereby incorporated in this Contract and made a part thereof.

The Parties agree that the following provisions are hereby incorporated into the Contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____**.**

1. **Terms Herein Controlling Provisions**: It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the Contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.

2. **Kansas Law and Venue**: This Contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this Contract shall reside only in courts located in the State of Kansas.

3. **Termination Due to Lack of Funding Appropriation or Funding Source**: If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated or no longer exist to continue the function performed in this Contract and for the payment of the charges hereunder due to the loss of the funding source, the Contracting State Agency may terminate this Contract immediately or at the end of its current fiscal year. The Contracting State Agency agrees to give written notice of termination to the non-State Agency Contracting Party at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this Contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. The non-State Agency Contracting Party shall have the right, at the end of such fiscal year, to take possession of any equipment provided to the Contracting State Agency under the contract. The Contracting State Agency will pay to the non-State Agency Contracting Party all regular contractual payments incurred prior to the period of notification or through the end of the fiscal year as determined by period of notification given by the Contracting State Agency, plus contractual charges incidental to the return of any such equipment. Upon termination of the Contract by the Contracting State Agency, title to any such equipment shall revert to the non-State Agency Contracting Party at the end of the Contracting State Agency's current fiscal year. The termination of the Contract pursuant to this paragraph shall not cause any penalty to be charged to the Parties.

4. **Disclaimer of Liability**: No provision of this contract will be given effect that attempts to require the Contracting State Agency to defend, hold harmless, or indemnify any non-State Agency Contracting Party or third party for any acts or omissions. The liability of the Contracting State Agency is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).

5. **Anti-Discrimination Clause**: The non-State Agency Contracting Party agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the non-State Agency Contracting Party is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the Contract may be cancelled, terminated or suspended, in whole or in part, by the Contracting State Agency or the Kansas Department of Administration; (f) the non-State Agency Contracting Party agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) the non-State Agency Contracting Party agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if is determined that the non-State Agency Contracting Party has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the Contract may be canceled, terminated, or suspended, in whole or in part, by the Contracting State Agency or the Kansas Department of Administration.

6. **Acceptance of Contract**: This Contract shall not be considered accepted, approved, or otherwise effective until the statutorily required approvals and certifications have been given.

7. **Arbitration, Damages, Warranties**: Notwithstanding any language to the contrary, no interpretation of this Contract shall find that the Contracting State Agency has agreed to binding arbitration, or the payment of damages or penalties. Further, the Contracting State Agency does not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the Contracting State Agency at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.

8. **Representative's Authority to Contract**: By signing this contract, the representative of the non-State Agency Contracting Party thereby represents that such person is duly authorized by the non-State Agency Contracting Party to execute this Contract on behalf of the non-State Agency Contracting Party and that the non-State Agency Contracting Party agrees to be bound by the provisions thereof.

9. **Responsibility for Taxes**: The Contracting State Agency shall not be responsible for, nor indemnify a contractor for, any federal, state, or local taxes which may be imposed or levied upon the subject matter of this Contract.

10. **Insurance**: The Contracting State Agency shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this Contract, nor shall this Contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the non-State Agency Contracting Party shall bear the risk of any loss or damage to any property in which the non-State Agency Contracting Party holds title.

11. **Information**: No provision of this Contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq*.

12. **The Eleventh Amendment**: The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the Contracting State Agency to reiterate that nothing related to this Contract shall be deemed a waiver of the Eleventh Amendment.

13. **Campaign Contributions / Lobbying**: Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this Contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

14. **Restricted Funding Source**: The non-State Agency Contracting Party acknowledges and understands the Contracting State Agency's share of the Contract's total, actual, and eligible costs may be funded through the receipt of or reimbursement through federal funds. The Contracting State Agency does not assume any liability in connection with the Contract's total, actual, and eligible costs which may be paid through the receipt of or reimbursement through federal funds. The non-State Agency Contracting Party shall reimburse the Contracting State Agency for any funds approved for this Contract and expended by the Contracting State Agency for which the Contracting State Agency is not reimbursed by the Federal Government or for which such funds are determined by the Federal Government to no longer be available to be used by the Contracting State Agency for said Contract.

STATE	PROJECT NO.	YEAR	SHEET NO.	TOTAL SHEETS
KANSAS	KA 6180-02	2026	15	268

1 5/11/2026 REROUTE 7-WAY MICRODUCT TO AVOID CROSSING UNDER THE WALKWAY BRIDGE AND ROAD BRIDGE STRUCTURE.

KANSAS DEPARTMENT OF TRANSPORTATION

SITE 3
I-35 CORRIDOR

APP'D			
DESIGNED	DETAILED	DESIGN CK.	DETAIL CK.

KDOT Graphics Certified 01-29-2026

KDOT Graphics Certified

Drawn By : JBAILEY Plotted : 5/12/2026
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Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: July 22, 2026

Presented By: Trey Cocking, City Manager

Background:
This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight the organization's accomplishments.

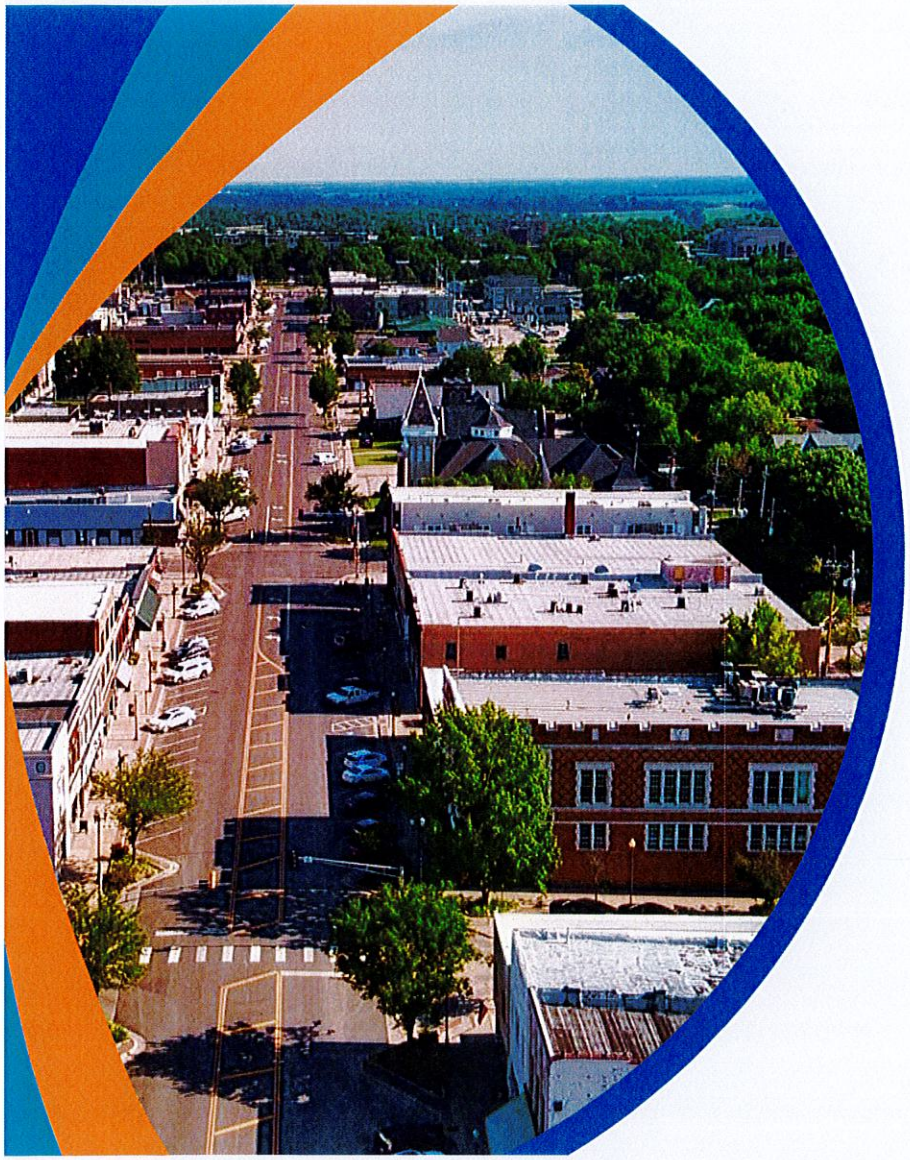
Discussion:
At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on Wednesday, August 5, 2026.

Commission Meeting:

- DeBauge Soccer Bids
- Ordinance for Standard Traffic Ordinance
- Ordinance Adopting Uniform Public Offense Code
- Bids on Copiers and Copy Services

Study Session:

- Budget Discussion



Emporia
Kansas

2027 Budget Discussion

General Fund Overview

July 22, 2026

General Fund
Budget Summary

	2025 Actual	2026 Budget	2026 Projection	2027 Budget
Beginning Cash Balance	$6,741,570	$4,993,036	$6,362,307	$3,942,942
Total Receipts	$28,949,215	$28,611,077	$28,748,396	$29,378,605
Total Expenditures	$29,112,909	$33,604,111	$31,167,761	$31,979,167
Ending Cash Balance	**$6,362,307**	**$0**	**$3,942,942**	**$1,342,460**

Fund	Budget Year Tax Requirements	Add 3.0% for Delinquent Taxes	Total Tax Requirement	Budget Year Levy	Previous Year Mill Levy	Difference
General Fund	$7,888,640.00	$236,659.20	$8,125,299.20	32.114	32.115	0
Library	$1,228,325.50	$36,849.77	$1,265,175.27	5.000	5.000	0
Bond and Interest	$2,184,280.60	$65,528.42	$2,249,809.02	8.892	8.892	0
TOTAL	**$11,301,246.10**	**$339,037.38**	**$11,640,283.48**	**46.007**	**46.007**	**0**

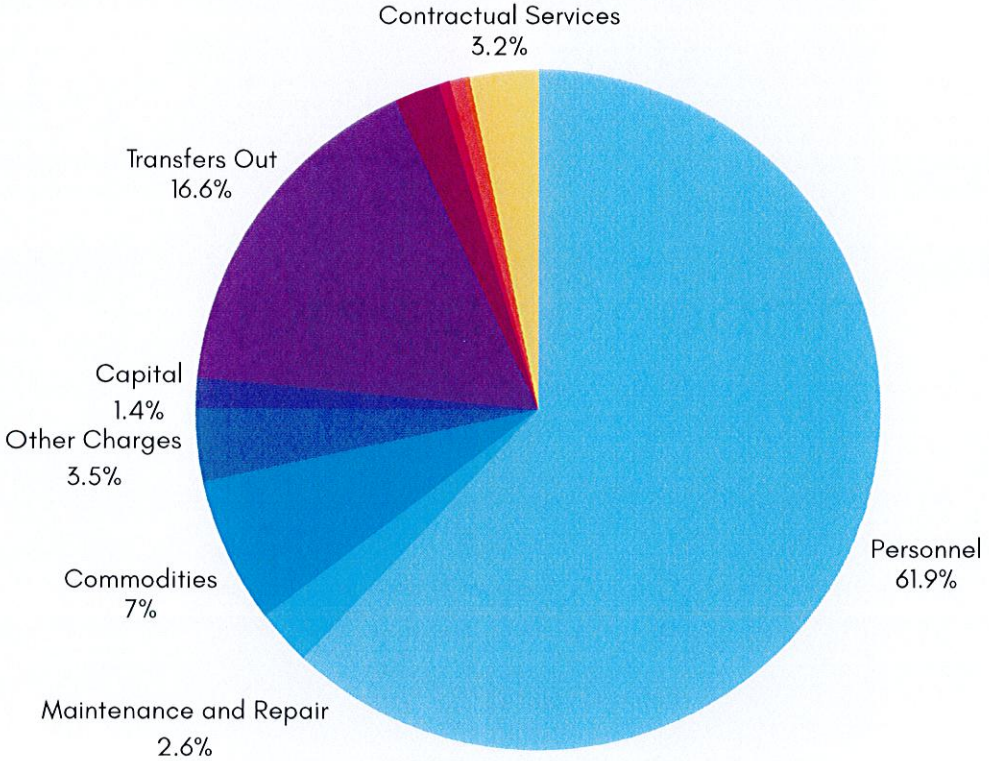
General Fund Overview

Expenditures by Department 2025-2027

Department	2025 Actual	2026 Projection	2027 Budget
Administration	$1,556,681	$1,338,262	$1,190,606
Internal Operations	$1,063,310	$1,449,363	$1,546,241
Police	$6,542,342	$6,479,881	$6,700,730
Fire/EMS	$7,191,011	$7,968,778	$8,301,184
Municipal Court	$829,621	$672,975	$764,580
Engineering	$849,727	$807,419	$770,886
Street	$76,727	$73,000	$108,000
Golf/Golf Course Shop	$1,138,832	$1,151,082	$1,248,319
Park	$1,462,509	$1,773,889	$1,778,459
Zoo	$807,469	$968,921	$991,365
Civic	$1,121,863	$1,249,925	$1,301,428
B.A.N.D.	$942,699	$1,035,117	$1,019,545
Shop	-$27,504	$99,144	$101,110
Appropriations	$100,892	$110,800	$90,000
Airport	$738,684	$879,035	$872,549
Parking Facility/Street Lighting	$335,658	$340,781	$342,776
Transfers	$4,382,388	$4,769,389	$4,851,389
TOTAL	**$29,112,909**	**$31,167,680**	**$31,979,167**

General Fund

2027 Budgeted Expenditures by Category



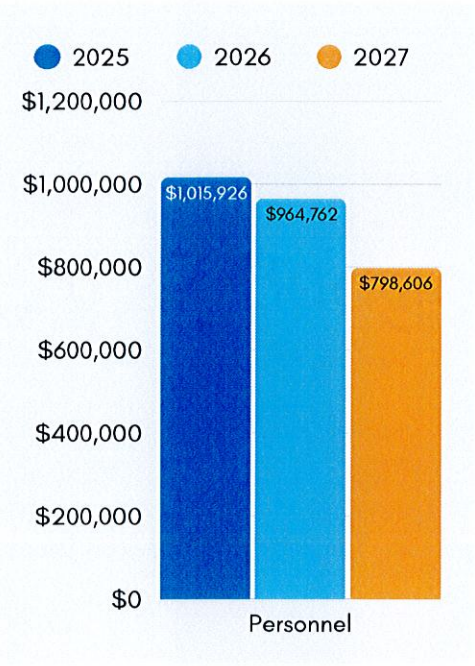
👥 Personnel
- Largest share of General Fund spending
- Impacted by wage study + rising healthcare costs

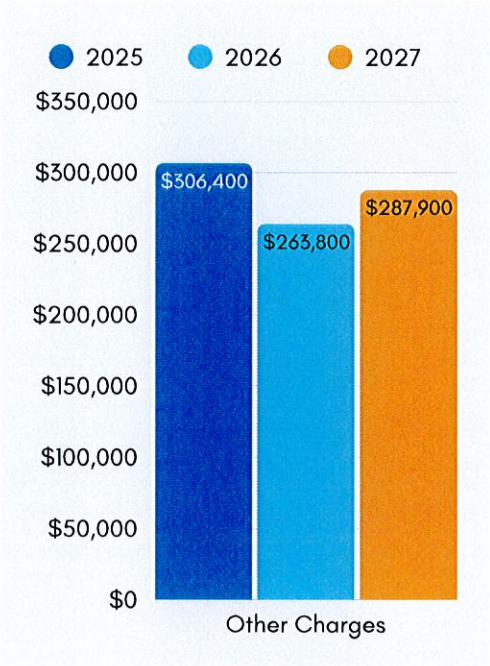
🧪 Commodities
- Supplies, materials, chemicals, and day-to-day essentials
- Costs impacted by inflation and availability

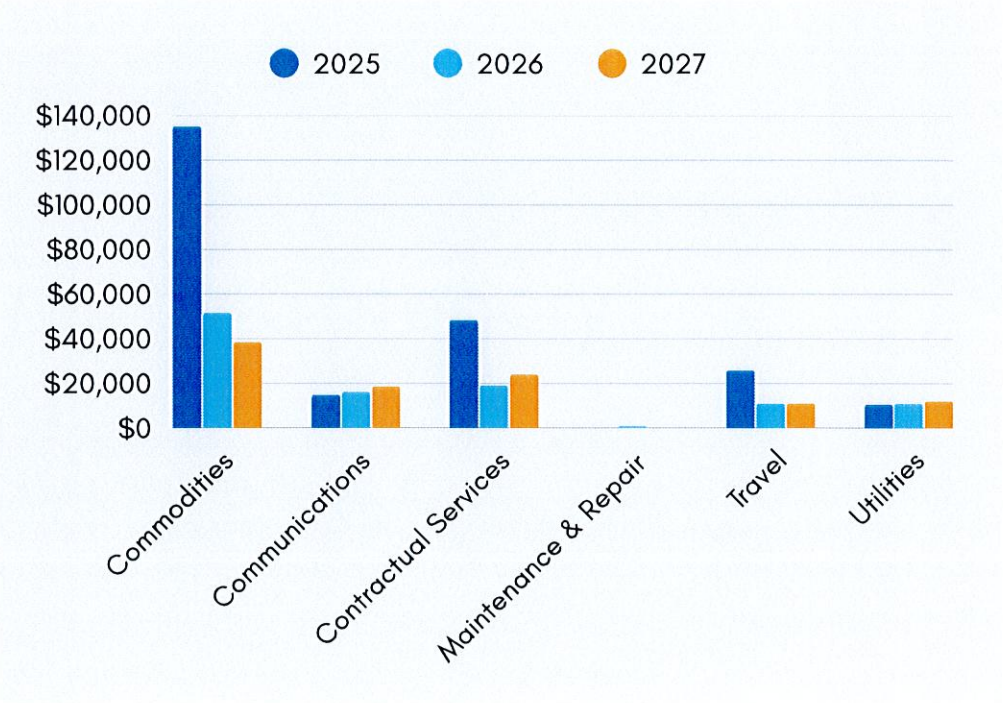
🔁 Transfers
- County Wide Sales Tax
- Eco Devo Fund
- Equipment Reserve
- Special Street

General Fund

Commission/Manager/Clerk

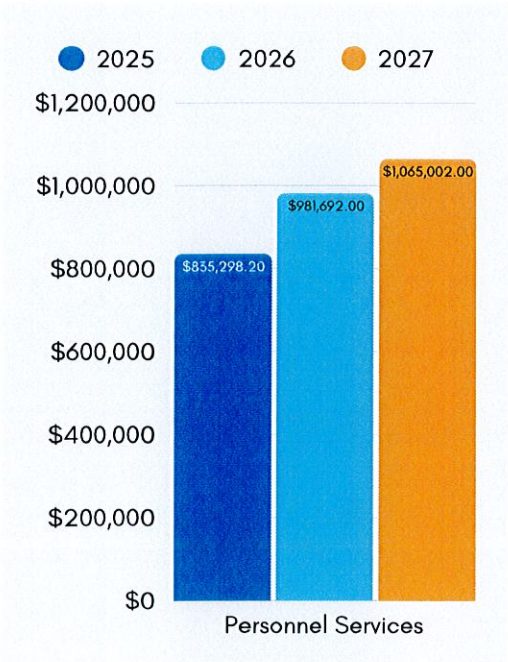


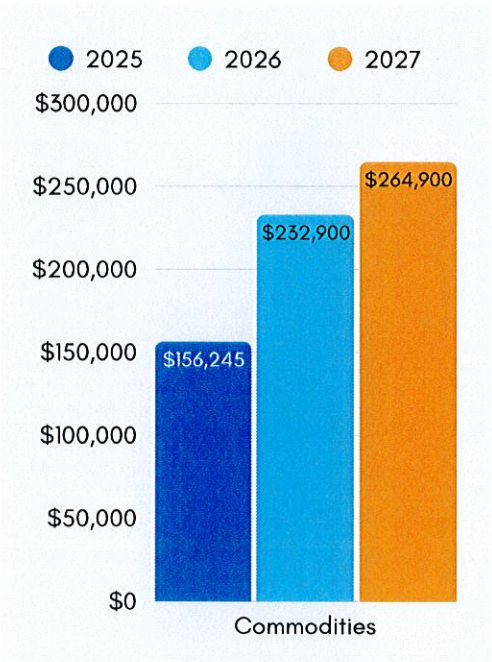


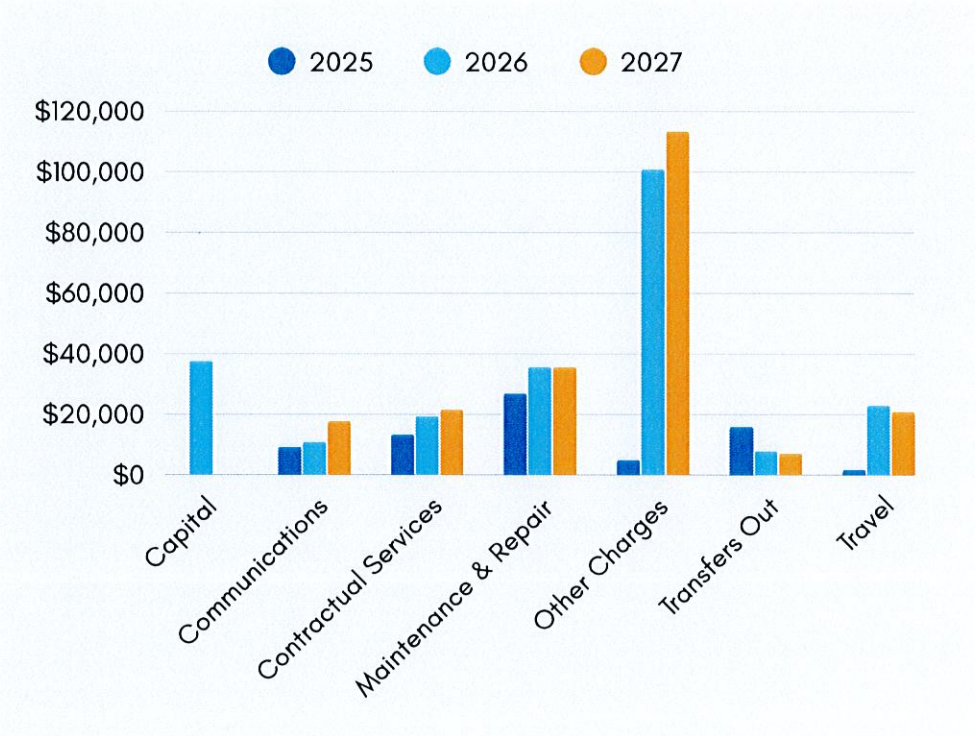


General Fund

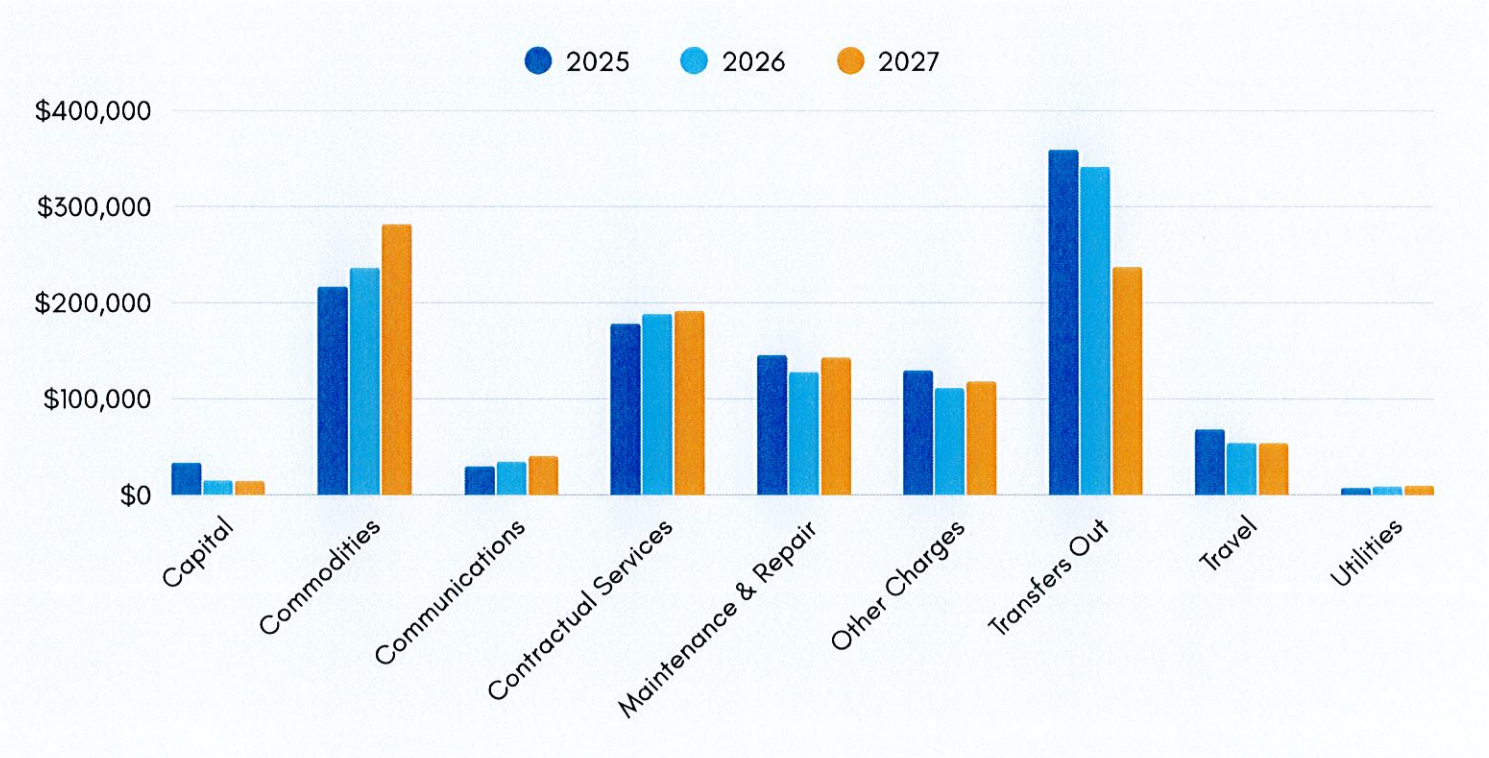
Internal Services (Accounting/HR/IT/Comms)





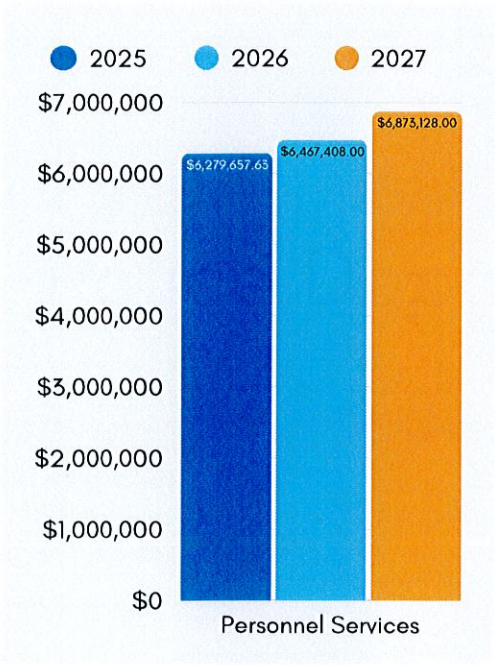


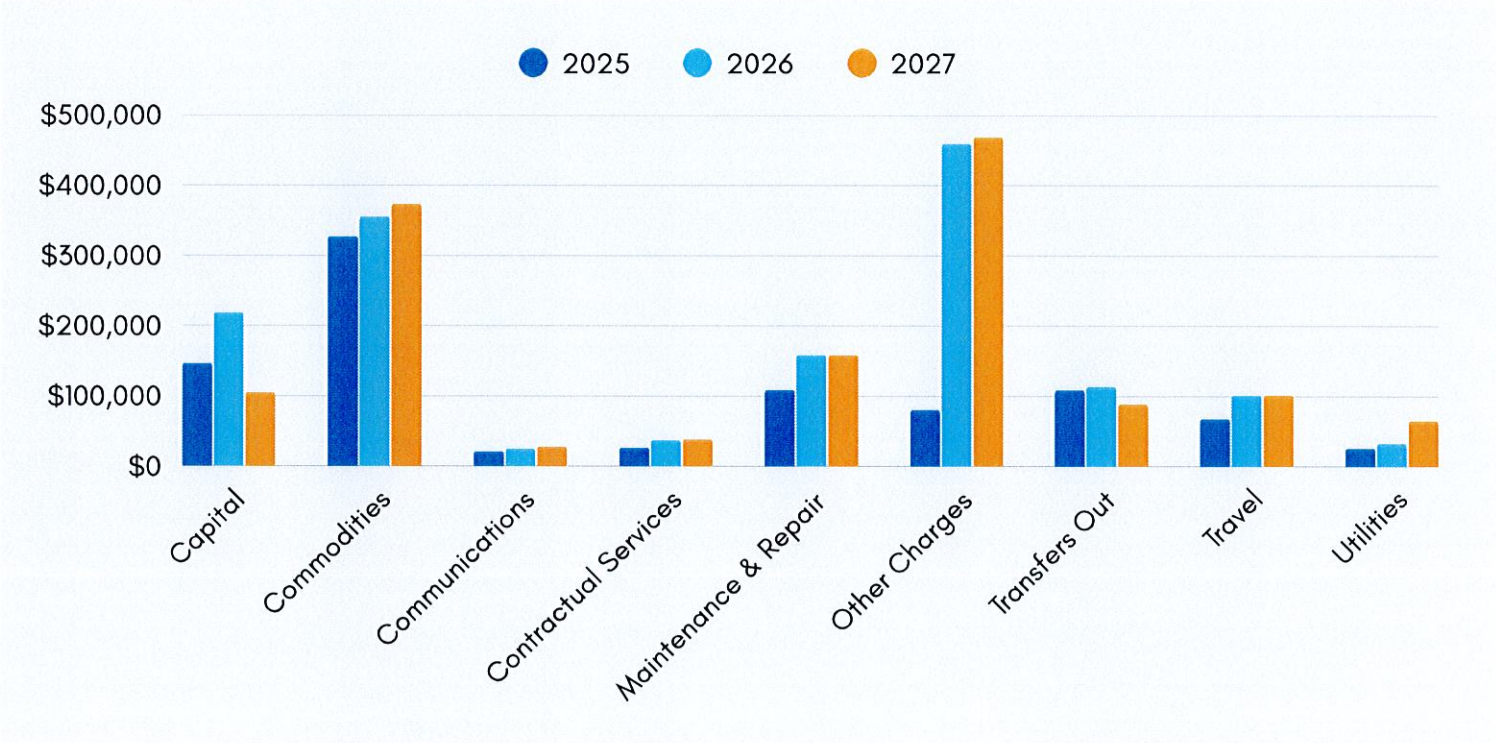
General Fund
Police Department



General Fund

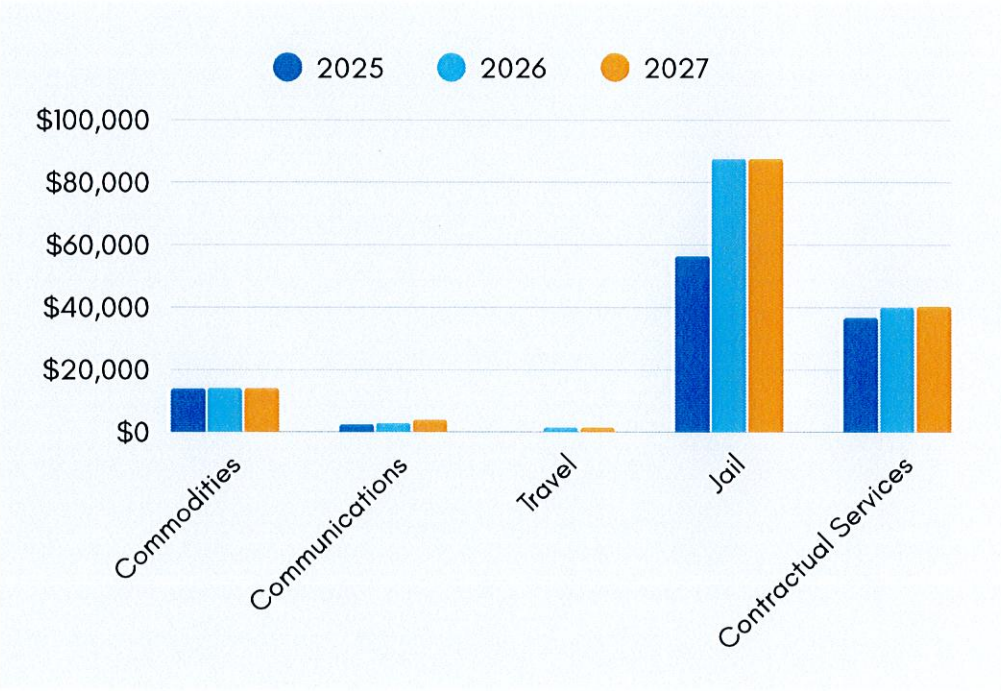
Fire Department





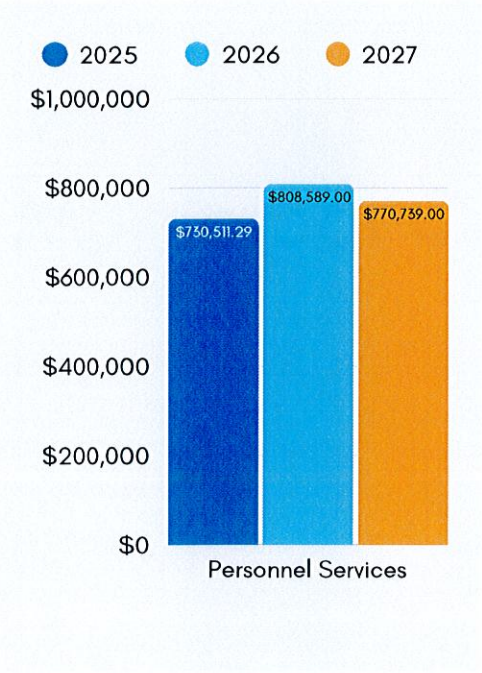
General Fund

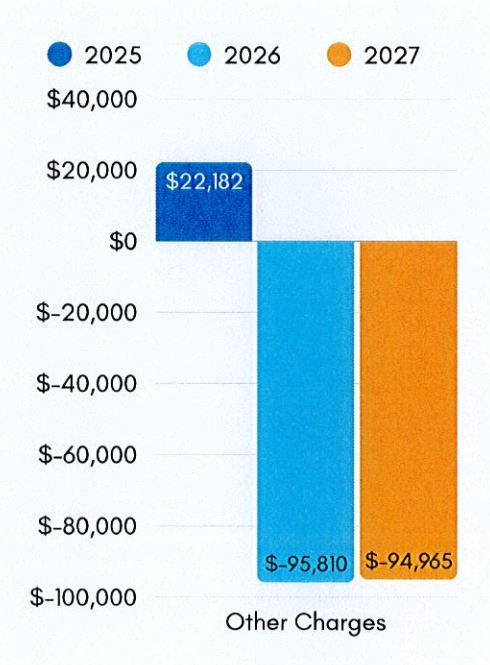
Municipal Court

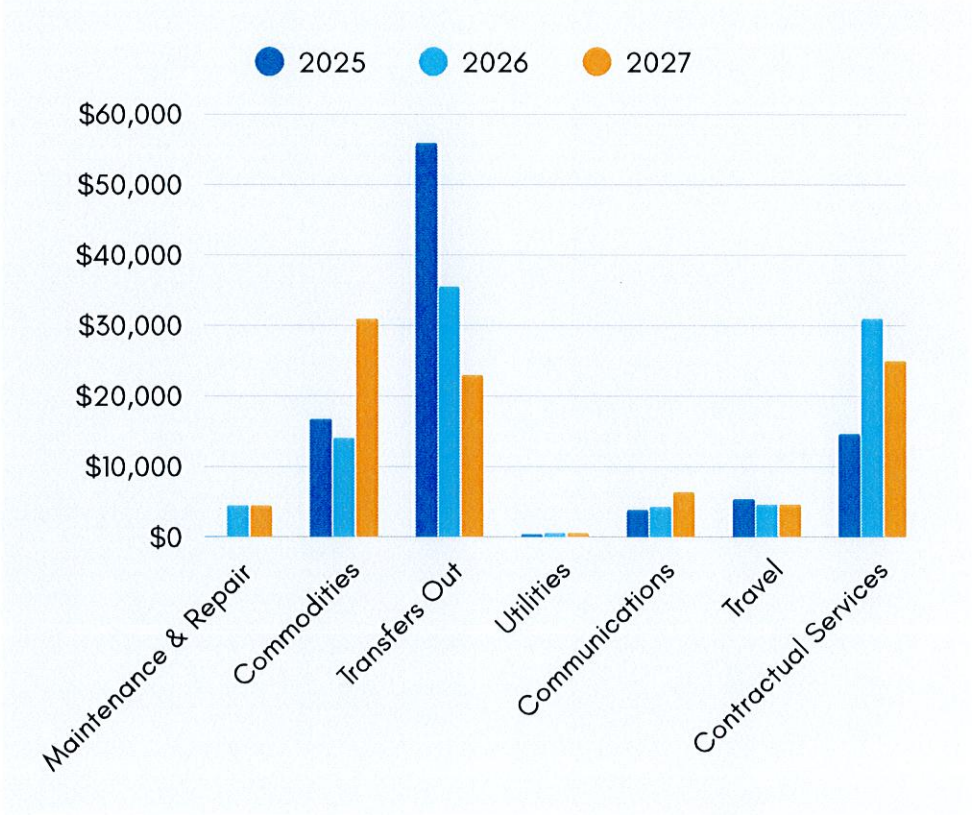


General Fund

Engineering

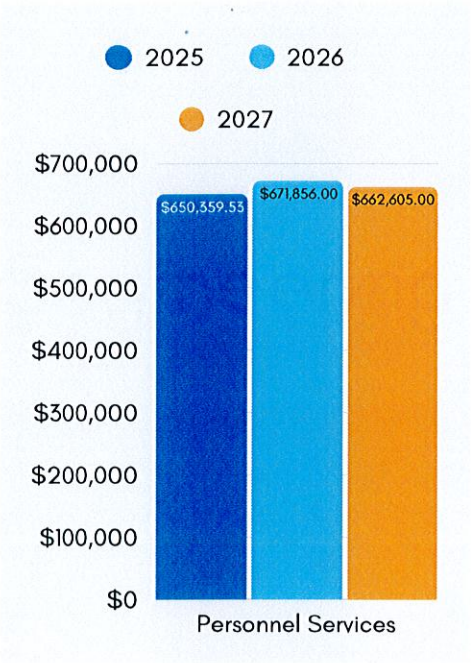


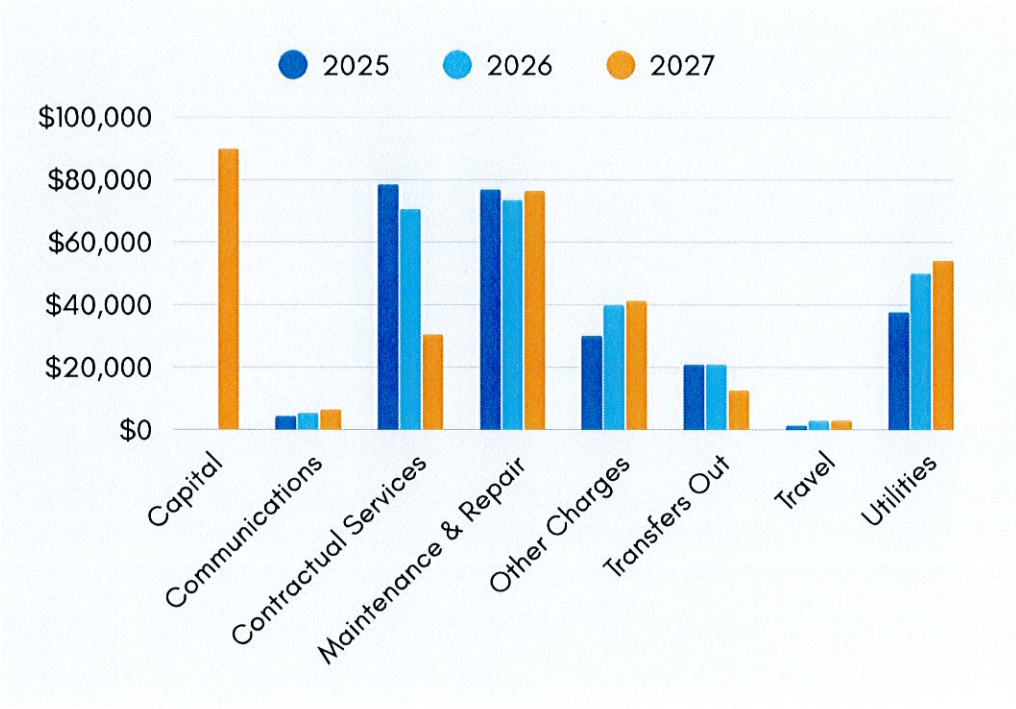




General Fund

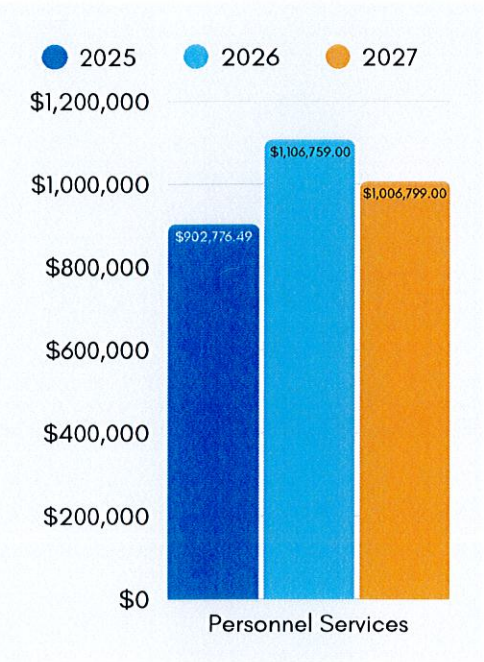
Golf Course and Shop

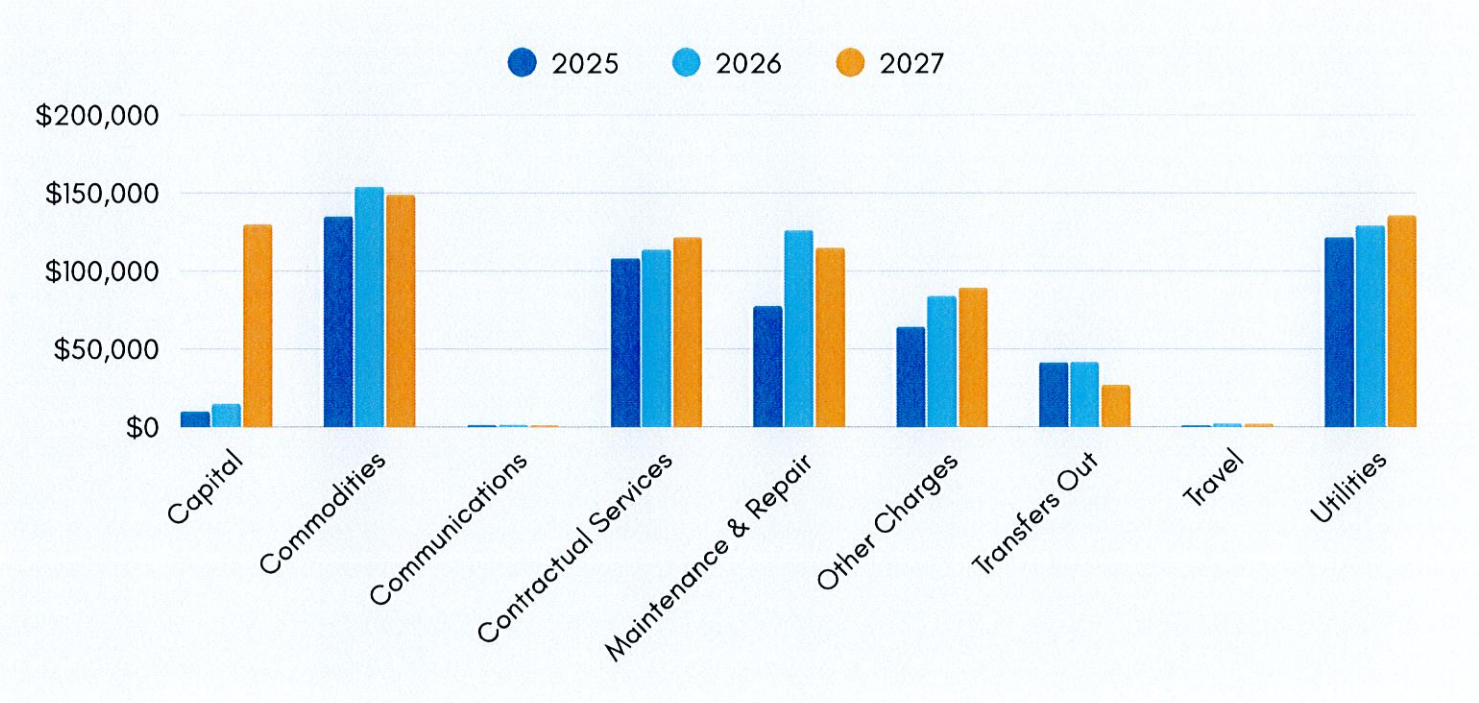




General Fund

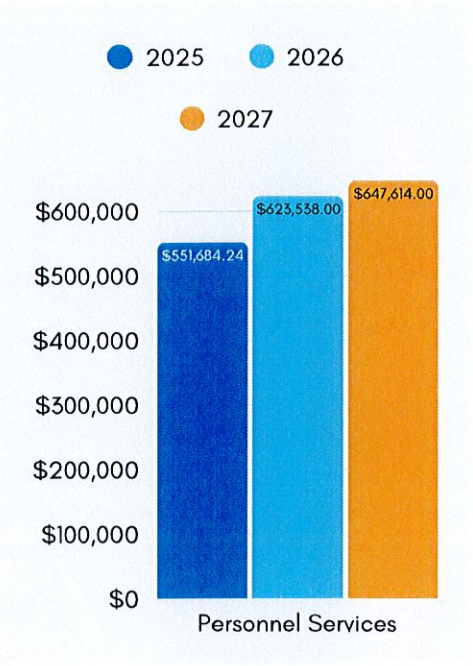
Park Operations and Aquatic Center

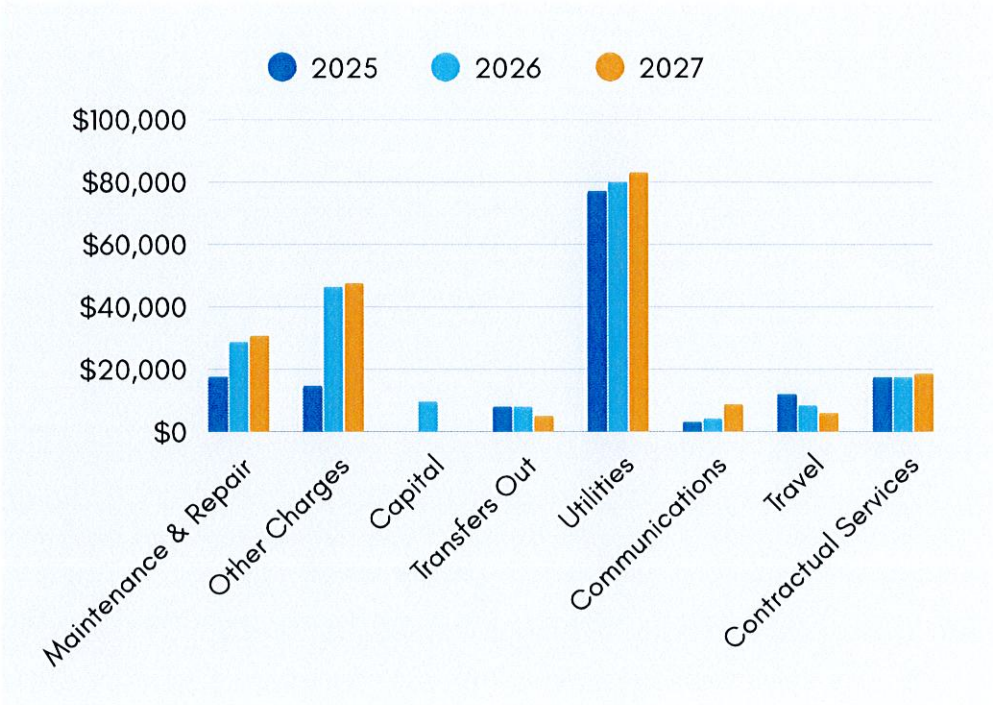




General Fund

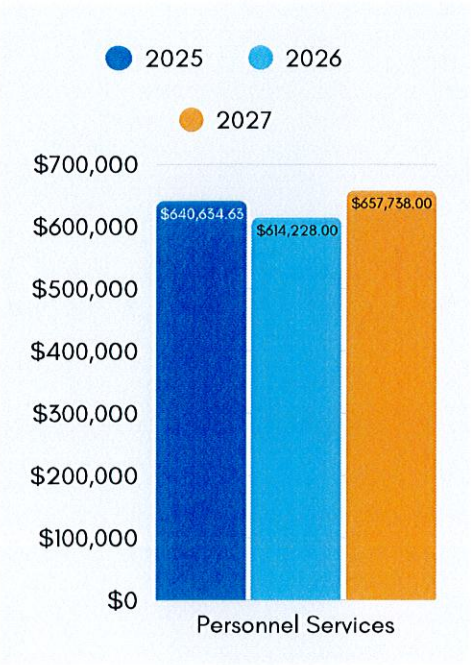
David Traylor Zoo

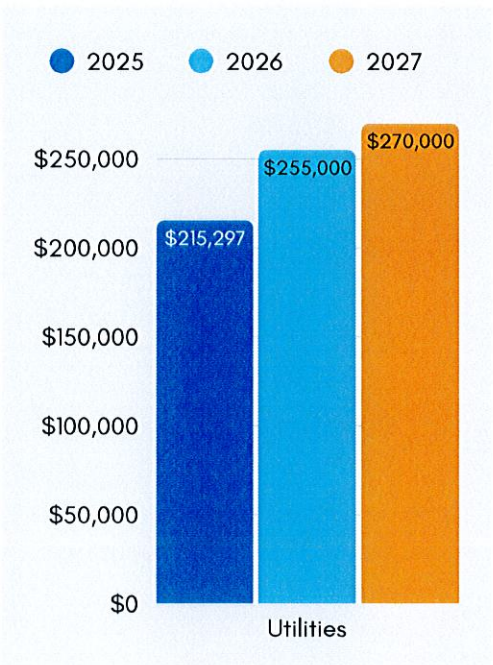


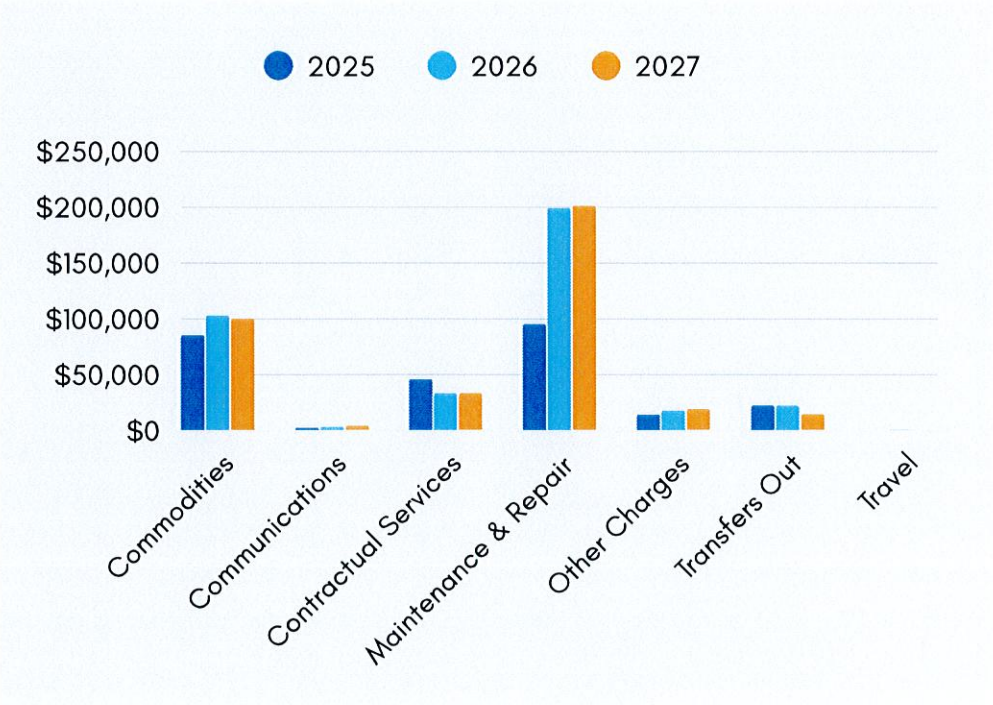


General Fund

Civic Auditorium

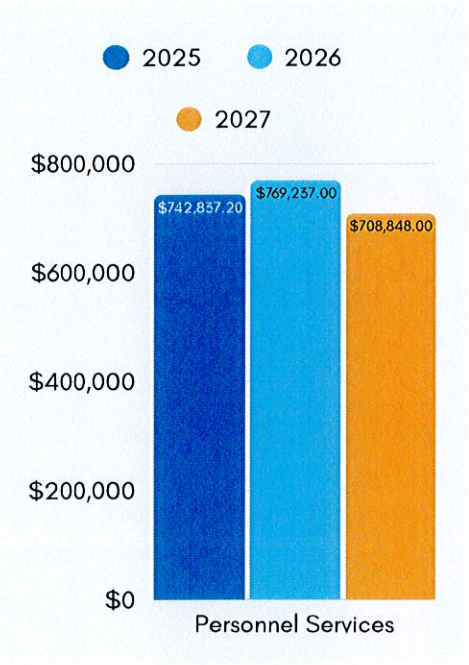


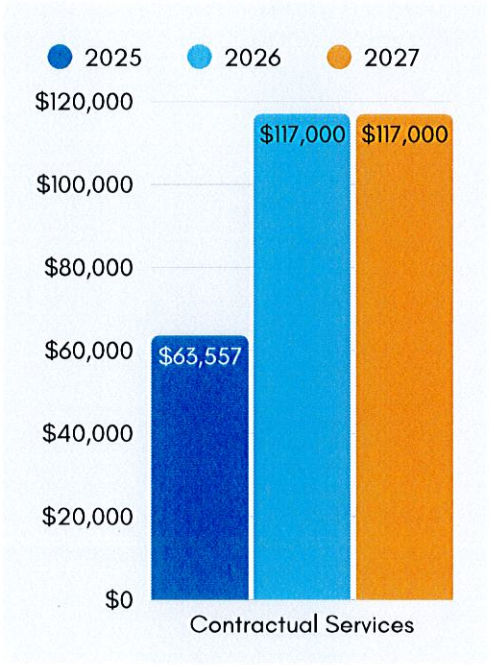


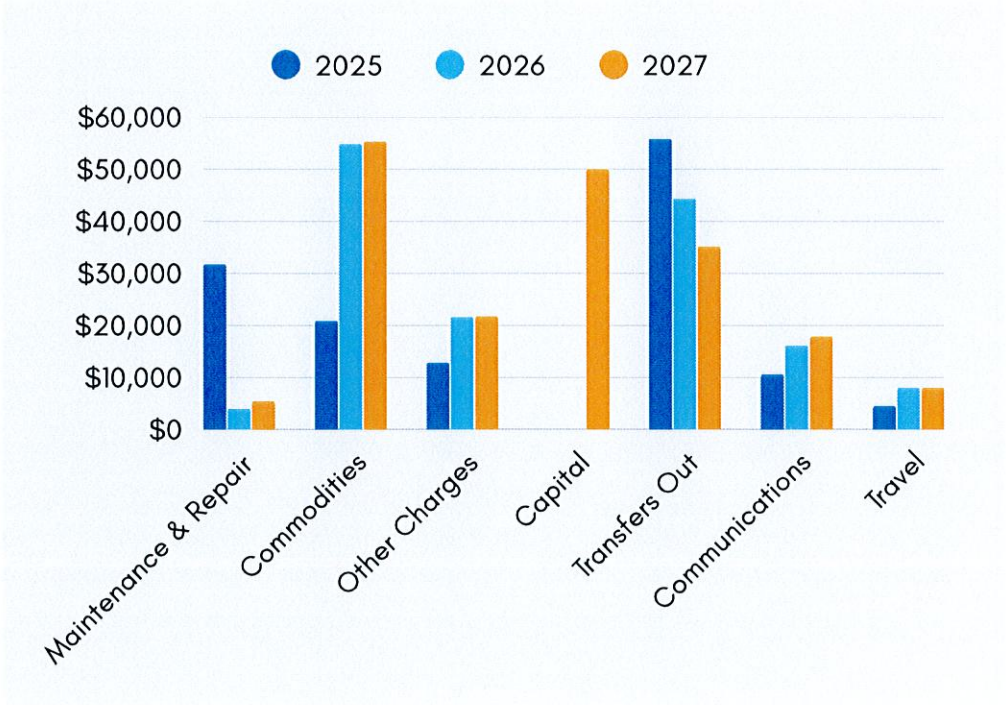


General Fund

Building & Neighborhood Development

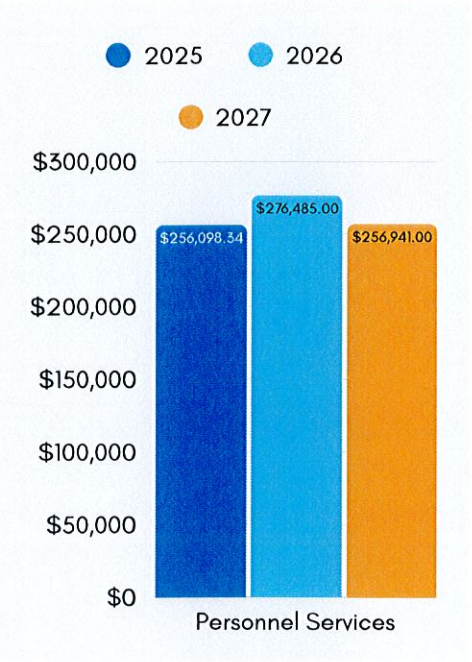


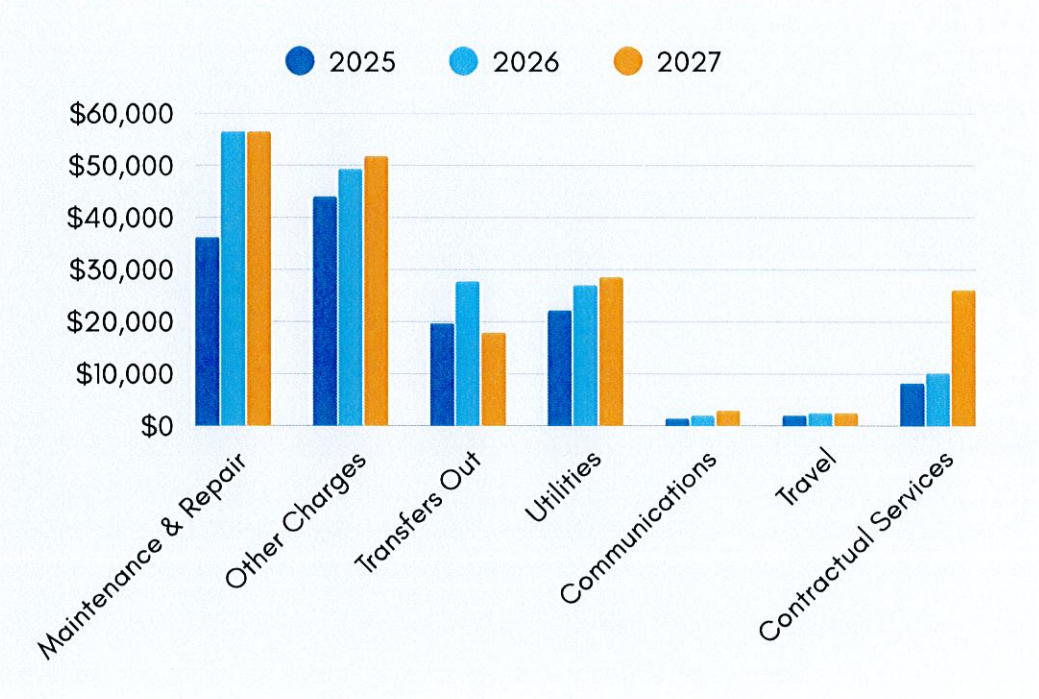




General Fund

Emporia Municipal Airport

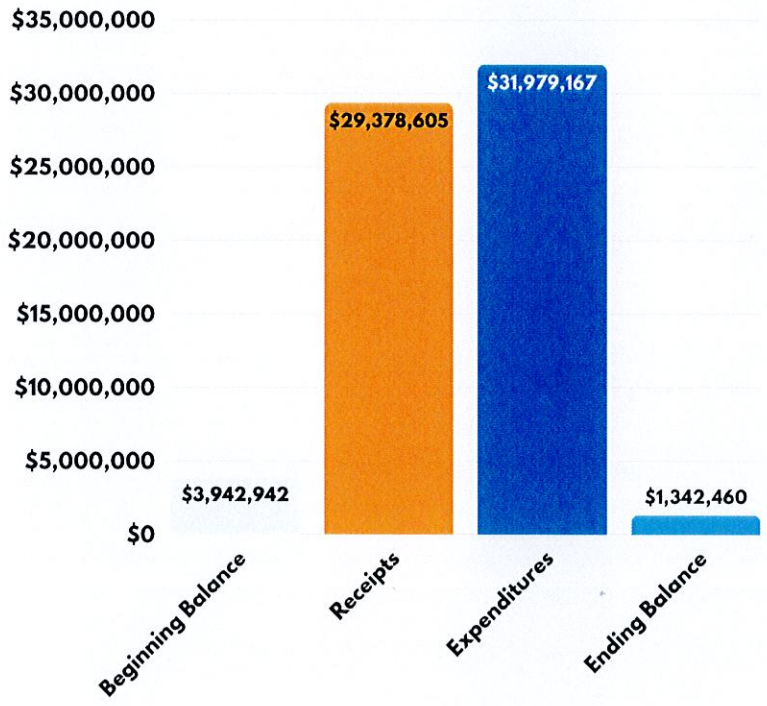




2027 CIP Requests

General Fund

Department	Request	Amount
Park	11 ft Rotary Mower 2016	$100,000
Golf	Chemical Sprayer and Cushman (2001)	$90,000
EMS	Monitor/Defibrillator	$57,000
B.A.N.D.	Comprehensive Plan	$50,000
I.T.	Camera for Parks	$50,000
EMS	Mechanical CPR Devices	$33,000
Park	John Deere Gator UTV	$30,000
Snow	Skidsteer Box Plow	$25,000
Fire	Communication Equipment	$15,000
PD	Communication Equipment	$15,000
Snow	Road Temperature and Weather Stations	$10,000
TOTAL		$475,000



17

Commission Action Report
Executive Session

Title: Executive Session

Agenda Date: July 22, 2026

Recommended Action:
Recess into executive session for 30 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately __:_____ a.m./p.m.