

(Published in the Topeka Metro News September 30, 2013)

ORDINANCE NO. 19853

AN ORDINANCE introduced by City Manager Jim Colson, relating to the Topeka Metropolitan Transit Authority; granting a franchise to operate a bus system within the limits of the City of Topeka, prescribing the terms thereof and relating thereto, pursuant to the provisions of K.S.A. 12-2001 et seq., and specifically repealing Ordinance No.16640.

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

Section 1. **Franchise grant.**

In consideration of the benefits to be derived by the City of Topeka, Kansas, a municipal corporation, and its inhabitants from the maintenance and operation of a bus transportation system in the City of Topeka, there is hereby granted to the Topeka Metropolitan Transit Authority, hereinafter referred to as "Authority," its successors and assigns, the authority for a period of twenty (20) years from the effective date of this ordinance, to maintain and operate a bus transportation system conveying passengers for hire within the limits of said City as the same now exists; and for said purpose there is hereby further granted to said Authority, permission to operate its buses upon, over and along the streets, avenues, alleys, bridges and other public ways of said City.

Section 2. **Bus routes; filed with city clerk.**

The Authority shall operate its buses initially over routes as shown on a map provided to the City Clerk and, as changes are made in said routes, the Authority shall provide notice to the City Clerk of route changes and a map showing the route changes.

Section 3. **Rates; file with city clerk.**

The rates charged customers for transportation furnished by the Authority shall be in accordance with the schedule of rates filed with the City Clerk within ten (10) days

31 after the effective date of this ordinance. Authority shall provide to the City Clerk notice
32 of any changes to the rate schedule within ten (10) days of such change.

33 Section 4. **Hold harmless.**

34 Authority, its successors and assigns, shall save and hold the City of Topeka
35 harmless for all liability, damages, costs and expenses of every kind for the payment of
36 which said City may become liable to any person, firm, company, or corporation by
37 reason of the rights and privileges herein granted and, if any action either at law or in
38 equity, be brought against the City for damages or for any cost to the City for any fault
39 or negligence of the Authority, its servants, agents or employees, in the operation of its
40 transportation system, Authority, its successors and assigns, shall pay all costs,
41 damages and expenses for which said City may be held liable.

42 Section 5. **Acceptance.**

43 Within thirty (30) days from and after the passage and approval of this ordinance,
44 said Authority shall file with the City Clerk its unconditional written acceptance of this
45 ordinance.

46 Section 6. **Termination.**

47 Notwithstanding Section 1, City may terminate this franchise at any time by
48 repeal of this ordinance.

49 Section 7. **Repeal.**

50 That City of Topeka Ordinance No. 16640 is hereby specifically repealed.

Section 8. Effective date.

This ordinance shall take effect and be in force on October 7, 2013 after its passage, approval and publication in the official City newspaper.

PASSED and APPROVED by the Governing Body on September 24, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk