

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
CHARLES and KIMBERLY SMITH,	)	
minor children, by their mother	)	
and next friend, LINDA BROWN	)	
SMITH, et al.,	)	
	)	
	)	
	)	Intervening
	)	Plaintiffs,
	)	
vs.	)	
	)	
BOARD OF EDUCATION OF TOPEKA,	)	
SHAWNEE COUNTY, KANSAS, et al.,	)	
	)	
	)	
	)	Defendants.
	)	
	)	

No. T-316

ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501  
TO PLAINTIFF-INTERVENORS' INTERROGATORY NO. 3

3. If your school district is a successor, in whole or in part, to a prior school district or school districts, provide the following information for each such immediate predecessor:

a. The name, description or title of each such immediate predecessor school district.

ANSWER: Topeka School District No. 23, Shawnee County, Kansas.

b. Describe the geographical boundaries of each such immediate predecessor school district.

ANSWER: The geographical boundaries of Topeka School District No. 23 are described in part of the Resolution and Petition referred to in answer to Interrogatory No. 2(a). A copy of that description is attached hereto.

c. State the manner in which each immediate predecessor was created and specify the legal authority for its creation.

ANSWER: While Topeka has had public schools since at least 1867, the first known Board of Education consisting of six board

members was apparently created pursuant to 1911 Kansas Session Laws, Ch. 267. According to "Forty Years of History in the Topeka High School," p. 9 (1910), when "Kansas Territory" was admitted to the Union, Topeka was surveyed as School District Number 23 of Shawnee County. In view of the various legislative enactments since statehood concerning schools in cities of the first and second class, an inability to pinpoint the specific time and manner in which the "immediate predecessor" of Unified School District No. 501 was created exists.

This answer was prepared under the direction and supervision of Wayne Warner, Assistant Superintendent for Business Services, Unified School District No. 501, with the assistance of Kay Oliver, Secretary.

V E R I F I C A T I O N

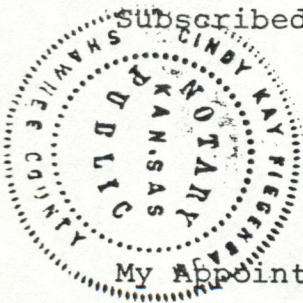
The undersigned, of lawful age, being first duly sworn upon his oath, deposes and states:

That he is Assistant Superintendent for Business Services for Unified School District No. 501, that he has read the answer to Interrogatory No. 3 of Intervening Plaintiffs' Interrogatories-- First Set which was prepared under his general direction and supervision and such answer is true and correct to the best of his knowledge and belief.

Further Affiant saith not.

Wayne Warner  
Wayne Warner

Subscribed and sworn to before me this 3rd day of April, 1981.

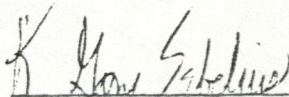


Cindy Kay Siegenbauer  
Notary Public

My Appointment Expires: July 15, 1984

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501 TO PLAINTIFF-INTERVENORS' INTERROGATORY NO. 3 was served by hand delivering the same this 3rd day of April, 1981, to attorneys for Intervening Plaintiffs by serving Richard Jones, Jones & Jones, 724 1/2 Kansas Avenue, Topeka, Kansas 66603.



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K. Gary Sebelius  
of Eidson, Lewis, Porter & Haynes  
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Attorneys for Unified  
School District No. 501

The District Boundary of the Topeka School District No. 23, proposed for unification is described as follows:

Beginning at the Southeast corner of the West one-half ( $\frac{1}{2}$ ) of Section 34, Township 11 South, Range 16 East of the 6th Principal Meridian; the same being the Northeast corner of the West one-half of Section 3, Township 12 South, Range 16 East of the 6th P.M.; thence South along the East line of the West one-half of said Section 3 to the Southeast corner thereof; thence West to the Southwest corner of Section 3; thence South along the East line of Section 9, Township 12 South, Range 16 East of the 6th P.M. to the Northerly Right-of-Way line of the Kansas Turnpike as now established; thence Southwesterly along said Northerly Right-of-Way line of the Kansas Turnpike to its intersection with the East line of the West one-half of the West one-half of Section 16, Township 12 South, Range 16 East of the 6th P.M.; thence South to the South line of said Section 16; thence continuing South on the East line of the West one-half of the West one-half of Section 21, Township 12 South, Range 16 East of the 6th P.M. to a point 1650 feet South of the North line of said Section 21; thence West 1320 feet to the West line of said Section 21; thence North on said West line a distance of 330 feet more or less to the Southeast corner of the Northeast Quarter ( $\frac{1}{4}$ ) of the Northeast Quarter ( $\frac{1}{4}$ ) of Section 20, Township 12 South, Range 16 East of the 6th P.M.; thence West on the South line of the North one-half ( $\frac{1}{2}$ ) of the North one-half ( $\frac{1}{2}$ ) of said Section 20 to the Southerly Right-of-Way line of the Kansas Turnpike; thence Southwesterly along the Southerly Right-of-Way line of the Kansas Turnpike a distance of 1570 feet more or less; thence in a Southeasterly direction 30 feet; thence in a Southwesterly direction along the Southerly Right-of-Way line of the Kansas Turnpike 360 feet more or less; thence North 30 feet more or less; thence in a Southwesterly direction along the South Right-of-Way line of the Kansas Turnpike to the East Right-of-Way line of Adams Street; thence North along the East Right-of-Way line of Adams Street to a point which is 1320 feet more or less South of the North line of Section 20, Township 12 South, Range 16 East of the 6th P.M.; thence West 30 feet along the South line of the North one-half ( $\frac{1}{2}$ ) of the North one-half ( $\frac{1}{2}$ ) of said Section 20 to the West line of said Section; thence continuing West on the same described line a distance of 1315 feet more or less, to a point on the East line of Lot 2, Block G of Southern Hills Subdivision "B" as now recorded, thence South along the East line of Southern Hills "B", the same being the East line of the West one-half ( $\frac{1}{2}$ ) of the East one-half ( $\frac{1}{2}$ ) of said Section 19; to the North Right-of-Way line of Kansas Turnpike; thence West along the North Right-of-Way line of the Kansas Turnpike to the West Right-of-Way line of U.S. 75 Highway; thence North along the West Right-of-Way line of U.S. 75 Highway to the South line of the Northeast Quarter ( $\frac{1}{4}$ ) of Section 24, Township 12 South, Range 15 East of the 6th P.M.; thence West on the South line of said Northeast Quarter ( $\frac{1}{4}$ ) to the Southwest corner thereof; thence North on the West line of said Northeast Quarter ( $\frac{1}{4}$ ) to the South line of the North one-half ( $\frac{1}{2}$ ) of the North one-half ( $\frac{1}{2}$ ) of said Section 24; thence West on the South line of said North one-half ( $\frac{1}{2}$ ) of the North one-half ( $\frac{1}{2}$ ) to the Southeast corner of the Northwest Quarter ( $\frac{1}{4}$ ) of the Northwest Quarter ( $\frac{1}{4}$ ) of said Section 24; thence North on the East line of said Northwest Quarter ( $\frac{1}{4}$ ) of the Northwest Quarter ( $\frac{1}{4}$ ) to the Northerly Right-of-Way line of U.S. Interstate 470 By-Pass; thence Northwesterly along said Northerly Right-of-Way line to a point which is 82.5 feet East of the West line of Section 24, Township 12 South Range 15 East of the 6th P.M. also being the East line of Burlingame Road; thence continuing Northwesterly along the Northerly Right-of-Way line of U. S. Interstate 470 for a distance of 840 feet, thence Northerly for a distance of 148.5 feet; thence East a distance of 270.8 feet; thence South 30 feet; thence East 301.53 feet; thence North 200 feet; thence East 108.97 feet; thence North 160 feet to the North line of Section 23, Township 12 South, Range 15 East of the 6th P.M.; thence West along the North line of said Section 23 to the Northeast corner of the Northwest one-quarter ( $\frac{1}{4}$ ) of said Section 23; thence South 260 feet to the Southeast corner of Heinsohn Subdivision "A"; thence West along the South line thereof a distance of 1297.9 feet to the Southwest corner thereof; thence South 240 feet; thence West 262 feet to the East line of Greensboro Subdivision, thence South along the East line of Greensboro Subdivision 1314.12 feet more or less to the Southeast corner of said Subdivision, thence West along the South line of said Subdivision a distance of 1094.71 feet to the Southwest corner thereof, thence North 1614 feet more or less to the Northwest corner of Section 23, Township 12 South, Range 15 East, thence West along the South line of Section 15 to the Southeast corner of the West one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 15; thence North along the East line of said West one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) to the Northeast corner thereof; thence West along the North line of said West one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) of Section 15 to the West line thereof; thence continuing West along the South line of the East one-half ( $\frac{1}{2}$ ) of the Northeast one-quarter ( $\frac{1}{4}$ ) of Section 16, Township 12 South, Range 15 East of the 6th P.M. to the Southwest corner thereof; thence North along the West line of said East one-half ( $\frac{1}{2}$ )

of the Northeast one-quarter ( $\frac{1}{4}$ ) to the intersection of said line with the South Right-of-Way line of West 29th Street, said point being 118.36 feet more or less South of the South line of Section 9, Township 12 South, Range 15, East of the 6th P.M., thence Northwesterly and West along the South Right-of-Way line of West 29th Street to a point 25 feet South and 60 feet East of the Southwest corner of the Southwest Quarter of Section 9, Township 12 South, Range 15 East of the 6th P.M., thence North along a line 60 feet East of and parallel with the West line of said Section a distance of 2671.10 feet to a point 60 feet East of the Northwest corner of the Southwest Quarter of said Section, thence East a distance of 2587.05 feet to the Northeast corner of the Southwest Quarter of said Section, thence North on the West line of the Northeast one-quarter ( $\frac{1}{4}$ ) of said Section 9 to the North line thereof; thence West on the South line of Section 4, Township 12 South, Range 15 East of the 6th P.M. to the Southwest corner of the East one-half ( $\frac{1}{2}$ ) of the East one-half ( $\frac{1}{2}$ ) of the West one-half ( $\frac{1}{2}$ ) of said Section 4; thence North on the West line of said East one-half ( $\frac{1}{2}$ ) of the East one-half ( $\frac{1}{2}$ ) of the West one-half ( $\frac{1}{2}$ ) to its intersection with the Easterly Right-of-Way line of I-470 Highway; thence Northerly along the Easterly Right-of-Way line of I-470 Highway to its intersection with the North Right-of-Way line of West Seventeenth (W. 17th) Street; thence East along the North Right-of-Way line of West Seventeenth (W. 17th) Street to its intersection with the West line of the East one-half ( $\frac{1}{2}$ ) of the East one-half ( $\frac{1}{2}$ ) of the West one-half ( $\frac{1}{2}$ ) of Section 4, Township 12 South, Range 15 East of the 6th P.M.; thence continuing North along the West line of the East one-half ( $\frac{1}{2}$ ) of the East one-half ( $\frac{1}{2}$ ) of the West one-half ( $\frac{1}{2}$ ) of Section 4, Township 12 South, Range 15 East and Section 33, Township 11 South, Range 15 East of the 6th P.M. to a point on the North line of the South one-half ( $\frac{1}{2}$ ) of said Section 33, said point being 2014 feet West of the Northeast corner of the West one-half ( $\frac{1}{2}$ ) of the Southeast one-quarter ( $\frac{1}{4}$ ) of said Section 33; thence East along the North line of the South one-half ( $\frac{1}{2}$ ) of said Section 33 to the center of said Section 33; thence North along the West line of the Northeast one-quarter ( $\frac{1}{4}$ ) of Section 33 to the Northwest corner of the Northeast Quarter; thence East to the Northeast corner of said Section 33; thence North along the West line of Section 27, Township 11 South, Range 15 East of the 6th P.M. to a point 3,853.47 feet North of the Southwest corner thereof; said point being also the Northwest corner of West Hills Subdivision # 2; thence Northeasterly on a line described as follows: Beginning at a point which is 661.2 feet North of the South line of the Northwest Quarter ( $\frac{1}{4}$ ) of Section 20, Township 11 South, Range 16 East of the 6th P.M. and 433.21 feet West of the Westerly Right-of-Way line of U. S. Highway 75, as now established, measured along the South line of said Quarter ( $\frac{1}{4}$ ) Section, and terminating at a point which is described as being on the West line of Section 27, Township 11 South, Range 15 East of the 6th P.M., 3853.47 feet North of the Southwest corner of Section 27, Township 11 South, Range 15 East of the 6th P.M. to the North bank of the Kansas River; thence Easterly along the North bank of the Kansas River to the Southwest corner of Railroad Street Addition; thence North along the West line of Railroad Street Addition and the extension of said West line to the Southwest corner of Hentig Addition; thence Northerly along the West line of Hentig Addition, and continuing along the West line of North Park Addition in Kaw Reserve No. 2 to the North line of Lower Silver Lake Road (North 4th Street); thence East along the North line of Lower Silver Lake Road to the Southwest corner of Lot 4, Block 14, North Park Addition, Kaw Reserve No. 2; thence North along the West line of Lots 4 and 1, Block 14, and continuing North along the West line of Lots 4 and 1, Block 11, Lots 4 and 1, Block 6, and Lots 4 and 1, Block 3 to the Northwest corner of North Park Addition, Kaw Reserve No. 2; thence East along the North line of North Park Addition; to a point which is the Northeast corner of said North Park Addition, said point occurring on the East line of Kaw Half-Breed Reserve No. 2; thence South along the East line of Kaw Half Breed Reserve No. 2 to its Junction with the North bank of the Kansas River; thence Southeasterly along said North bank to a point where the West line of Philbins Subdivision extended South meets the North Kansas River bank; thence North along West boundary of Philbins Subdivision extended South; to a point 50 feet North of the center of the main track of the Union Pacific Railway; thence East and parallel with said main track to the West line of the East half of Kaw Reserve No. 3; thence North along the West line of the East half of Kaw Reserve No. 3 to the North line of Gordon Avenue; thence Southeasterly along the North line of Gordon Avenue to the West line of the Morris Addition; thence North along said West line to the Northwest corner of the Morris Addition; thence Southeasterly along the North line of said Addition to the Northeast corner of the Morris Addition; thence South along the East line of the Morris Addition to the North line of Grant Street; thence East along the North line of Grant Street to the West line of Western Avenue; thence North to the North line of St. John Street; thence East to the East line of Kaw Half Breed Reserve No. 3; thence North along the East line of Kaw Half Breed Reserve No. 3 to the North line of Leflers Addition; thence East along the North line of the Leflers Addition to the West line of North Tyler Street; thence North to a point where the West line of North Tyler Street meets an extension of the North line of Rambo's Addition; thence East along said North line to a point 205 feet West of the West line of Harrison Street; then North parallel to the West line of Harrison Street for a distance of 380.5 feet; thence East along a line 380.5 feet North of the

North line of Rambo's Addition extended East to its Junction with the West line of U. S. Highway 75 and its Junction with the center line of Soldier Creek; thence Northerly up and along the center of Soldier Creek to a point 60 rods, more or less, South of the North line of said Section 19; thence East to the East line of said Section 19; thence continuing East on the North line of Suburban Homes Place Addition to a point in the Right-of-Way of U.S. 75 Highway, said point being 989.0 feet South and 1,529.5 feet West of the Northeast corner of the Northwest Quarter ( $\frac{1}{4}$ ) of Section 20, Township 11 South, Range 16 East of the 6th P.M.; thence North 476.5 feet; thence East to the East line of U. S. 75 Highway; thence North along said East line to the Northwest corner of Commonwealth Subdivision, said Subdivision being described as the South half ( $\frac{1}{2}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 17, Township 11 South, Range 16 East of the 6th P.M.; thence East along the North line of said Subdivision to the Northeast corner thereof; said point being the center of Kansas Avenue; thence South along said center line of Kansas Avenue to a point on the center line of Lyman Avenue, said point also being the Northwest corner of the Northeast Quarter ( $\frac{1}{4}$ ) of Section 20, Township 11 South, Range 16 East of the 6th P.M.; thence East along the North line of said Northeast Quarter ( $\frac{1}{4}$ ) 1013.8 feet to the Northwest corner of Roter Tract; thence South along the West line of Roter Tract, the same being the West line of Kaw Reserve Number 5, 1056 feet to the Southwest corner of said Tract; thence East along the South line of said Roter Tract parallel with the North line of Kaw Reserve # 5, 866.5 feet to the Southeast corner of said Tract, thence North along the East line of said Roter Tract parallel with the West line of the Kaw Reserve # 5, 1058 feet, more or less, to the North line of said Section 20, the same being the center line of Lyman Avenue; thence West along said center line 140.9 feet to the Southwest corner of Atteberry Acres; thence North 248 feet to the Northwest corner of said Atteberry Acres; thence East along the North line of said Atteberry Acres 663.95 feet to the Northeast corner of said Atteberry Acres; the same being a point on the East line of Adams Street; thence South 248 feet to the Southeast corner of said Atteberry Acres, the same being the center of Lyman Avenue; thence East along the center of said Lyman Avenue 399.96 feet to its intersection with the center line of Meriden Road; the same being 1762 feet East of the intersection of the West line of Kaw Reserve # 5, and the North line of Section 20, Township 11 South, Range 16 East of the 6th P.M.; thence South along the center of said Meriden Road 1445 feet, more or less, to its intersection with the center line of Grantville Road as now established; thence Southwesterly along the center line of said Grantville Road to its intersection with the North line of the Rohrig Tract; thence West along the North line of the Rohrig Tract 907.5 feet to the East line of Kaw Reserve Number 4; said point being 148.5 feet South of the Northeast corner of Kaw Reserve Number 4; thence North 33 feet; thence Southwesterly through an interior angle of 44 degrees and 50 minutes to the center of Soldier Creek; the same being the Easterly boundary line of Garfield Park property; thence Southeasterly along said boundary line to its intersection with the center line of Soldier Street, said point being 1173 feet Easterly from the center line of Kansas Avenue and 570.4 feet Westerly from the East line of Kaw Reserve Number 4; thence East along the center line of Soldier Street to the East line of Kaw Reserve Number 4; thence South along the East line of said Kaw Reserve Number 4 to the Southeast corner of Addition "A" to Garden Place; thence West along the South line of said Addition "A" to Garden Place to the prolongation Northerly of a line 420 feet Easterly of and parallel with the center line of Jefferson Street; thence Southerly along said line to its intersection with the North bank of the Kansas River; thence Northeasterly along the North bank of said Kansas River to a point which is due North from the Northeast corner of Earnest's Addition; thence South to the Northeast corner of said Earnest's Addition; thence continuing South along the East boundary line of said Earnest's Addition to the Northeast corner of Bradford Miller's Addition, said point being on the center line of Chase Avenue; thence Northeasterly along the center line of Chase Avenue to a point which is 33.10 chains North and 4.50 chains West of the Southeast corner of Section 29, Township 11 South, Range 16 East of the 6th P.M.; thence South to the South line of Chase Avenue; thence Northeasterly along the South line of said Chase Avenue to the East line of said Section 29; thence North along the East line of said Section 29 to the North line of Sardou's Second Addition; thence Northeasterly along the East and South bank of the Kansas River to a point where the East line of the Oakland Addition extended North meets the South bank of the Kansas River; thence South along said extension of the East line of Oakland Addition to the Northeast corner of said Addition, the same being a point on the West line of Section 22, Township 11 South, Range 16 East of the 6th P.M.; thence continuing South along the West line of said Section 22 to a point which is 1,320 feet more or less North of the Southwest corner of said Section 22; thence East on a line 1,320 feet, more or less, North of and parallel with the South line of said Section 22, a distance of 2,659 feet more or less, to the Northeast corner of the South one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 22; thence South a distance of 1320 feet, more or less, to the Southeast corner of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 22; thence East along the North line of Section 27, Township 11 South, Range 16 East of the 6th P.M. to the Northeast corner of said Section; thence South along the East line of said Section 27, a distance of 2650.13 feet to the Southwest corner of the Northwest one-quarter ( $\frac{1}{4}$ ) of Section 26, Township 11, South, Range 16 East of the 6th

P.M.; thence East 35 rods to the East bank of the Shunganunga Creek (old channel); thence Northwesterly along said East bank a distance of 35 rods; thence Northwesterly at right angles to the East bank, to the center line of said creek; thence Northwesterly and Southeasterly down the center line of said creek and along its meanderings to its intersection with the North line of the South one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 26; thence West along the North line of the South one-half ( $\frac{1}{2}$ ) of the Southwest one-quarter ( $\frac{1}{4}$ ) to the Northwest corner thereof, said corner being 1329.06 feet North of the Southwest corner of said Section 26; thence continuing West on the North line of the South one-half ( $\frac{1}{2}$ ) of the Southeast one-quarter ( $\frac{1}{4}$ ) of Section 27, Township 11 South, Range 16 East of the 6th P.M., a distance of 726.00 feet; thence South 644.53 feet to the North line of the South one-half ( $\frac{1}{2}$ ) of the South one-half ( $\frac{1}{2}$ ) of the Southeast one-quarter ( $\frac{1}{4}$ ) of said Section 27; thence West 200 feet; thence Southwesterly 640 feet, more or less, to a point 332 feet, more or less, North of the South line of Section 27; thence West on a line 332 feet, more or less, North of and parallel with the South line of said Section 27 a distance of 750 feet, more or less; thence South to the North line of Section 34, Township 11 South, Range 16 East of the 6th P.M.; thence West 464.21 feet to the center line of Rice Avenue; thence South to the point of beginning.

Explanatory Note:

The following Described Area is surrounded on all sides by the Topeka School District No. 23; but has never legally become a part of the Topeka District. This area is the site of the Topeka Township Fire Station.

Inner corporate limits and boundaries as follows, to-wit:

Beginning at the Southwest corner of Section 9, Township 12 South, Range 16 East of the 6th P.M.; thence North 230 feet; thence East 200 feet to the West line of a North-South alley in Schellcrest Subdivision; thence South along the West line of said alley 50 feet to the North line of Lot 18 Schellcrest Subdivision, thence West to the Northwest corner of said Lot 18; thence South along the West line of Lot 18 Schellcrest Subdivision and an Extension South of said Lot 18 a distance of 180 feet to the South line of Section 9, Township 12 South, Range 16 East of the 6th P.M.; thence West along the South line of said Section 9 to the place of beginning, all in Shawnee County, Kansas.

Warren V. Heusted

TOPEKA BOARD OF EDUCATION

RECEIVED

DEC 23 1935

CHIEF CLERK  
OF PUBLIC INSTRUCTION