

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	)	No. T-316
	Plaintiffs,	)	
		)	
vs.		)	
		)	
BOARD OF EDUCATION OF TOPEKA,		)	
SHAWNEE COUNTY, KANSAS,		)	
et al.,	Defendants.	)	

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ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501  
TO PLAINTIFF-INTERVENORS' INTERROGATORY NO. 2

2. State the date on which your school district was created as it presently exists, with its present name and administrative/governing organization.

a. State the manner (e.g., petition, referendum, etc.) in which it was created and specifically the legal authority for its creation.

ANSWER:

Unified School District No. 501 was created effective July 1, 1966, under the authority of the Kansas School Unification Acts by petition filed on December 21, 1965, with the State Superintendent of Public Instruction under authority contained in the 1965 Session Laws, Ch. 420, particularly sections 4, 5 and 8(f) thereof. Attached hereto are copies of the Resolution and Petition for establishment of Unified School District No. 501 and the Order of the State Department of Public Instruction organizing Unified School District No. 501.



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

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

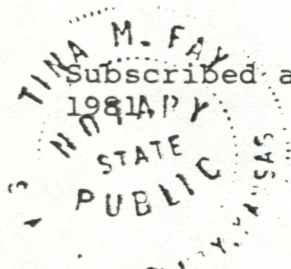
STATE OF KANSAS        )  
                                  )    ss:  
COUNTY OF SHAWNEE    )

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. 2 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 29 day of January,

Tina M Fay  
Notary Public

my appointment expires:  
4-24-83

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. 2 was served by ~~depositing same in the United States mail, first class postage~~ <sup>hand-delivered</sup> ~~same prepaid~~, this 29<sup>th</sup> day of January, 1981, to attorneys for Intervening Plaintiffs by serving Richard Jones, Scott, Scott, Scott & Scott, 724 1/2 Kansas Avenue, Topeka, Kansas 66603.

K. Gary Sebellius  
K. Gary Sebellius  
of Eidson, Lewis, Porter & Haynes  
1300 Merchants National Bank Bldg.  
Topeka, Kansas 66612  
(913) 233-2332

Attorneys for Unified  
School District No. 501



P.M.; thence East 35 rods to the East bank of the Shunganunga Creek (old channel); thence Northeasterly 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 Northeasterly 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 664.53 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. Heustad

TOPEKA BOARD OF EDUCATION

RECEIVED

DEC 23 1935

CHIEF CLERK  
OF PUBLIC INSTRUCTION



Resolution and Petition

for

Establishment of Unified District

RESOLUTION

BE IT RESOLVED by the governing body (board of education, school board, or board of trustees) of The Topeka School District No. 23, Shawnee County, Kansas,  
(Name of district)

That the below petition, which is set out in full and is hereby made a part of this resolution, expresses the request of this board and \_\_\_\_\_  
(Name of chairman)

Warren V. Heusted, chairman of this board, is hereby authorized and directed to execute the same on behalf of this board and shall cause the same to be duly certified and transmitted to the State Superintendent of Public Instruction, Topeka, Kansas, forthwith.

Adopted by roll call vote this 21st day of December, 1965.

_____		_____
(Names of members)		
<u>Warren V. Heusted</u>	aye	_____
<u>Bob Hurt</u>	aye	voting "aye"; and
<u>Fred W. Rausch, Jr.</u>	aye	_____
<u>Robert R. Schendel</u>	aye	_____
<u>Gordon A. Summers</u>	aye	voting "nay".)
<u>R. G. Swenson</u>	aye	

CERTIFICATE

This is to certify that the within resolution was duly adopted by the above-named board on the date first written above.

*[Signature]*  
Clerk of Board

(SEAL)

RECEIVED  
DEC 23 1965  
STATE SUPERINTENDENT  
OF PUBLIC INSTRUCTION



## PETITION

1. The board of education (or school board or board of trustees) of the Topeka School District No. 23 school district of Shawnee County, Kansas, which is a public school district, which offers and teaches at least grades 10 to 12 and which has not been disorganized within the meaning of section 5 of the second unification act, does hereby petition the State Superintendent of Public Instruction for the establishment of a unified school district comprised as described in this petition and in accordance with law.

2. The territory of such proposed unified district is described as follows:  
(Enter description in this blank or attach description as an exhibit and make specific reference to the exhibit in this blank)

The boundaries of the Topeka School District No. 23, of Shawnee County, Kansas are described on the attached Exhibit consisting of 4 Typewritten pages.

3. The following described non-unified school districts join in this petition:

(a) Non-unified school districts offering and teaching at least grades 10 to 12 which join in this petition are:

(b) Non-unified school districts which are not offering and teaching at least grades 10 to 12 and which join in this petition are:

4. Attached to this petition is the description of the territory of each of the petitioning districts listed in paragraph 3 above and also the description of the territory of the district named as petitioner in paragraph 1 above. Also attached to this petition is a diagram showing the following: County boundaries, boundaries of each petitioning district, proposed unified school district boundaries, non-high school territory boundaries, and the boundaries of any other territory which is in the proposed unified district, including a specification of the amount of such other territory and the name of any school district offering at least grades 10 to 12 in which such "other territory" is located. Also attached to this petition is the legal description of territory of the proposed unified district which is not a part of any of the petitioning school districts (divide this description between non-high school territory and territory of districts offering at least grades 10 to 12.). Each of the attachments to this petition referred to in this paragraph is hereby made a part of this petition.



5. None of the area of the within proposed unified district is included in any other unified school district which has heretofore been established or organized as a unified school district under the school unification acts.

6. The unified school district proposed to be established by this petition complies with the requirement of subsection (c) of section 11 of the first unification act (K.S.A. 72-6744(c)) for the following reason:

The School District named in this petition for a unified district, will have an expected enrollment of 22,783 students, one (1) through twelve (12), on September 15, 1966. Estimated Tangible Valuation of the School District No. 23 of Shawnee County, Kansas is \$148,800,000.00. (1965)  
~~\$14,280,000.00~~

7. Careful consideration has been given to the grade and curriculum requirements of K.S.A. 72-6755, as amended by section 16 of the third unification act. This petitioning school board has carefully considered the "Kansas Secondary School Handbook of 1961" established by the State Superintendent of Public Instruction.

8. It is the opinion of the petitioning board that in the proposed unified district it will be practicable to offer and teach at least thirty (30) approved units of instruction in grades nine (9) through twelve (12). It is understood by the petitioning board that such thirty (30) approved units of instruction in grades nine (9) through twelve (12) must be in compliance with the standards for approval thereof established by the State Superintendent of Public Instruction.

(a) With respect to the proposed unified district the following statements are made:

- (1) The proposed unified district will have an expected enrollment on September 15, 1966, in grades nine (9) through twelve (12) of 6437 students.
- (2) The proposed unified district will have the following buildings and facilities available for use of grades nine (9) through twelve (12):  
11 Junior High School buildings (grades 7-9)  
3 Senior High School buildings (grades 10-12)
- (3) The proposed unified district will be able to operate 3 Senior high school(s). The smallest high school of this unified district will have an enrollment of 1100 students on September 15, 1966.
- (4) Designate which high school buildings each high school will use if more than one high school is to be located in the unified district.  
 Highland Park High School      Topeka West High School  
 Topeka High School

9. The above described unified district is comprised of territory which is compact and contiguous. (If the board desires to make a statement or justification of their opinion on this matter, it may be made at this point or attached; if there is any break in continuity of any unified district, justification must be given that is consistent with the terms of said Chapter 393.)



The expected enrollment in the schools of the proposed unified district on September 15, 1966, in grades one (1) to twelve (12), both grades inclusive, is 22,763.

10. The regular members of the unified district board of education of the proposed unified district are recommended to be elected as follows:

- (a) In the proposed unified district board members shall be elected by "election at large".

Board Members to be elected at large

- (b) If in the proposed unified district the "three-district election" method of election is recommended, then the boundaries of the three proposed member-districts are as follows:

The "1-4 member district" should be comprised of the following contiguous compact area: (Description of district)

(Population of this member district is \_\_\_\_\_)

The "2-5 member district" should be comprised of the following contiguous compact area: (Description of district)

(Population of this member district is \_\_\_\_\_)

The "3-6 member district" should be comprised of the following contiguous compact area: (Description of district)

(Population of this member district is \_\_\_\_\_)

- (c) If in the proposed unified district the "six-member election" method of election is recommended, then the following described compact and contiguous districts are recommended:

The boundaries of member district No. 1 should be as follows: (Description)

(Population of this member district is \_\_\_\_\_)

The boundaries of member district No. 2 should be as follows: (Description)

(Population of this member district is \_\_\_\_\_)

The boundaries of member district No. 3 should be as follows: (Description)



(Population of this member district is \_\_\_\_\_)

The boundaries of member district No. 4 should be as follows:  
(Description)

(Population of this member district is \_\_\_\_\_)

The boundaries of member district No. 5 should be as follows:  
(Description)

(Population of this member district is \_\_\_\_\_)

The boundaries of member district No. 6 should be as follows:  
(Description)

(Population of this member district is (a) Approx. 123,263)

11. THE BOARD OF EDUCATION (OR SCHOOL BOARD OR BOARD OF TRUSTEES) FURTHER CERTIFIES THAT THE ABOVE AND FOREGOING RECOMMENDATIONS ARE, IN THE OPINION OF THE BOARD, CONSISTENT WITH THE EXPRESSED AND IMPLIED PROVISIONS OF THE SCHOOL UNIFICATION ACTS.

Dated and signed this 21st day of December, 1965.

Warren V. Skusted  
Chairman or President

ATTEST:

[Signature]  
Clerk of School Board

RECEIVED

DEC 23 1965

STATE SUPERINTENDENT  
OF PUBLIC INSTRUCTION

NOTE: Prepare at least three (3) copies of the above resolution and petition. Send the original and one (1) carbon copy to the State Superintendent of Public Instruction and retain one (1) copy in the board file. Action of the state superintendent will be taken on receipt of the petition without further correspondence or communication unless requested by the state superintendent.



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 601.2 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 2656.13 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