

(Published in the Topeka Metro News June 19, 2023)

**ORDINANCE NO. 20430**

AN ORDINANCE introduced by Acting City Manager Richard U. Nienstedt, establishing the South Topeka Community Improvement District (911 Walnut, Inc.) (CID) at the corner of SW 32<sup>nd</sup> Terrace and SW Topeka Boulevard and levying a CID sales tax of two percent (2%) within the CID pursuant to K.S.A. 12-6a26 *et seq.*

WHEREAS, pursuant to the Community Improvement District Act, K.S.A. 12-6a26 through 12-6a36, as amended (the "Act") cities are authorized to establish Community Improvement Districts ("CID") for economic development purposes; and

WHEREAS, the City received a petition from the owners of record of 100% of the land within a proposed CID generally described as the South Topeka Community Improvement District (911 Walnut, Inc.); and

WHEREAS, pursuant to Resolution No. 9407 adopted on May 2, 2023, the City has provided notice that it would hold a public hearing on June 6, 2023, to consider establishing a CID and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on June 6, 2023; and

WHEREAS, the Act provides that upon the conclusion of the public hearing the Governing Body may authorize the CID and project therein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:

Section 1. Nature of the Project. The general nature of the proposed CID is to facilitate commercial redevelopment and revitalization at the corner of SW 32<sup>nd</sup> Terrace and SW Topeka Boulevard by constructing two new pad restaurants and a strip retail

center, collectively comprising approximately 20,000 square feet of newly constructed commercial space.

Section 2. Findings. The Governing Body finds that the CID furthers economic development within the City and further finds it advisable and in the City's best interest to establish the CID and authorize the project as proposed, subject to a Development Agreement executed by the City Manager.

Section 3. Estimated Project Cost. The estimated cost of the proposed project within the District is approximately \$15,093,890.

Section 4. Legal Description. The legal description of the CID is identified on Exhibit A which is attached herein and incorporated by reference.

Section 5. Map. A map of the CID is depicted in Exhibit B which is attached herein and incorporated by reference.

Section 6. Method of Financing; Sales Tax. The method of financing the CID is through a CID sales tax. The proposed amount of the CID sales tax to be levied is two percent (2%) which shall be levied upon all sales of tangible personal property at retail or services taxable within the CID district pursuant to the Kansas Retailers' Sales Tax Act.

Section 7. Sales Tax Levy. The City authorizes and hereby levies a two percent (2%) CID sales tax as described in Section 6 which shall expire no later than 22 years from the date the state director of taxation begins collecting the tax or when the pay-as-you-go costs have been paid.

Section 8. Effective Date. This ordinance shall be in full force and effect on from and after its passage by a majority of the Governing Body and publication once in the official City newspaper.

Section 10. Recording. After publication, the City Clerk is hereby directed to file a copy of this ordinance with the Shawnee County Register of Deeds.

Section 11. Kansas Department of Revenue. The City Clerk will provide the Kansas Department of Revenue with a certified copy of this ordinance notifying the Department of the establishment of the CID and the levy of the CID sales tax to be collected pursuant to K.S.A. 12-16a31(b) with a commencement date of January 1, 2025.

PASSED AND APPROVED by the Governing Body on June 13, 2023.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

**Brenda Younger, City Clerk**

## EXHIBIT A

### LEGAL DESCRIPTION

C- Part of Lot 1, Nellie M. Mays Subdivision, located In the Northeast Quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, written by Michael A. Adams, P.S. 1126 on this 8th day of June, 2022, described as follows:

Beginning at the Southwest corner of said Lot 1, thence North 00 degrees 29 minutes 37 seconds East a distance of 413.46 feet to a point of curvature; thence on a curve to the left, having a radius of 360.00 feet, a chord which bears North 14 degrees 47 minutes 16 seconds West a distance of 189.77 feet, an arc distance of 192.04 feet to the Southwest corner of a property described in City of Topeka Ordinance No. 15830, Book 2445, Page 071, filed at the Office of the Shawnee County Clerk; thence on the South line of said property described in Book 2445, Page 071 for the following three courses: South 89 degrees 58 minutes 44 seconds East a distance of 41.92 feet; thence North 42 degrees 30 minutes 24 seconds East a distance of 36.17 feet; thence South 89 degrees 58 minutes 34 seconds East a distance of 340.00 feet to the West line of Lot 3, Arlan's Subdivision in the City of Topeka; thence South 00 degrees 34 minutes 47 seconds West a distance of 158.76 feet to the Southwest corner of said Lot 3; thence North 90 degrees 00 minutes 00 seconds East a distance of 127.32 feet to the Southeast corner of said Lot 3; thence South 00 degrees 32 minutes 51 seconds West a distance of 30.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 29.71 feet; thence South 00 degrees 28 minutes 11 seconds West a distance of 209.22 feet to the North line of Lot 1, Block 'A', Perkins Subdivision in the City of Topeka; thence South 89 degrees 58 minutes 44 seconds West a distance of 126.50 feet to the Northwest corner of said Lot 1; thence South 00 degrees 27 minutes 50 seconds West a distance of 225.17 feet to the Southwest corner of said Lot 1; thence South 89 degrees 57 minutes 42 seconds West a distance of 386.59 feet to the point of beginning. This tract contains 6.16 acres of land more or less. Said tract to be recorded as Lot 1, Block A, Nellie M. Mays Subdivision No. 2, City of Topeka, Shawnee

County, Kansas,

Part of lot 1, Nellie M. Mays Subdivision, a Replat, located in the Northeast Quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, written by Travis L. Haizlip, P.S. 1724 on this 31st day of October, 2022, described as follows:

Beginning on the Northeast corner of lot 1, Nellie M. Mays Subdivision, a Replat; thence South 00 degrees 28 minutes 11 seconds West on the East line of said Lot 1 a distance of 209.06 feet to the Northeast corner of Lot 1, Block 'A', Perkins Subdivision, thence South 89 degrees 58 minutes 44 seconds West on the North line of Lot 1, Perkins Subdivision a distance of 438.52 feet; thence North 00 degrees 28 minutes 11 seconds East a distance of 209.22 feet to the North line of Lot 1, Nellie M. Mays Subdivision, a Replat; thence North 90 degrees 00 minutes 00 seconds East on said North line a distance of 438.52 feet to the point of beginning. This tract contains 2.11 acres of land more or less. Said tract to be platted as Lot 2, Block A, Nellie M. Mays Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

Lot 1, Block A, Perkins Subdivision, in the City of Topeka, Shawnee County, Kansas.

EXHIBIT "B"

GENERAL DEPICTION OF  
PROPOSED DISTRICT

