

(Published in the Topeka Metro News April 30, 2012)

ORDINANCE NO. 19722

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, establishing a community improvement district (CID) located within the Holliday Square Shopping Center and levying a CID sales tax of one percent (1%) within the CID.

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 (a "CID") for economic development purposes; and

WHEREAS, on or about December 5, 2011, the City received a petition from the owners of record of more than 55% of the land within a proposed CID for the Holliday Square Shopping Center at 29th and Topeka Boulevard (the "District") and the persons collectively owning more than 55% by assessed value of the land area within the proposed District (the "Petitioner"); and

WHEREAS, pursuant to Resolution No. 8405 adopted on March 20, 2012, the City has provided notice that it would hold a public hearing on April 10, 2012 to consider establishing a District and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on April 10, 2012 to consider establishing the proposed District, all in accordance with the Act; and

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

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

Section 1. The general nature of the project is to provide construction, improvements and maintenance to the properties located within the District. Proposed improvements include installation of new curbing, landscaping, site lighting (canopy and

site), construction of select sidewalks and installation of handicap parking for ADA accessibility, replacement/repair of asphalt parking lots, replacement of roofs, paint and exterior building façade repairs including replacement or reinforcement of structural canopy columns, and replacement or repair of mechanical and electrical systems for buildings within the District.

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

Section 3. The estimated cost of the proposed project within the District is approximately \$2.7 million.

Section 4. The legal description of the District includes multiple tracts as described herein:

TRACT 1: Part of the Northeast quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, describes as follows: The North 47 ½ rods of the east 40 rods of said quarter section, except the north 40 feet thereof, and except the east 70.9 feet thereof, more or less, taken for highway

AND

TRACT 2: Part of the Northeast quarter of the Northeast quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, described as follows: beginning 4.365 chains north and 381.08 feet west of the Southeast corner thereof; Thence West 391.08 feet; thence North 248.16 feet; Thence East 391.08 feet; Thence South 248.16 feet to the point of beginning.

Section 5. A map of the District is attached as Exhibit A.

Section 6. The method of financing the project is through private financing ("pay-as-you-go") with project costs reimbursed with the proceeds of a 1 percent (1%) CID sales tax. The sales tax shall be imposed only within the District on sales of

tangible personal property at retail and services taxable under the Kansas Retailers' Sales Tax Act.

Section 7. The City authorizes and hereby levies a one percent (1%) CID sales tax as described in Section 6. Such CID Sales Tax shall be effective October 1, 2012.

Section 8. Upon establishment of this District and prior to the expenditure of any CID revenues the City and Petitioner shall enter into a Development Agreement setting forth the terms and conditions for implementation of the District. If the parties fail to enter into such Development Agreement within thirty (30) days of establishing the District, the City shall commence action to repeal this ordinance establishing the CID.

Section 9. This ordinance shall be in full force and effect from and after its passage by a majority of the Governing Body and publication once in the official City newspaper.

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

Section 11. The City Clerk is directed to provide the Kansas Department of Revenue with a certified copy of this ordinance notifying the Department of the establishment of the District and the levy of the CID Sales.

PASSED AND APPROVED by the Governing Body on April 17, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

Exhibit A

