

(Published in the Topeka Metro News February 3, 2014)

**ORDINANCE NO. 19878**

AN ORDINANCE introduced by Jim Colson, City Manager, establishing a community improvement district (CID) located at 12<sup>th</sup> and Wanamaker Road (Crosswinds Common) levying a CID sales tax of one percent (1%) within the CID, and issuing, upon request, special obligation bonds.

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, on or about November 6, 2013 and January 3, 2014, the City received a petition from the owners of record of more than 55% of the land within a proposed CID district ("District") generally described as Crosswind Commons at 12<sup>th</sup> and Wanamaker Road and the persons collectively owning more than 55% by assessed value of the land area within the proposed District; and

WHEREAS, pursuant to Resolution No. 8576 adopted on December 17, 2013, the City has provided notice that it would hold a public hearing on January 7, 2014 to consider establishing a District and make findings necessary therefore; and

WHEREAS, the public hearing was continued until January 28, 2014; and

WHEREAS, the Governing Body conducted a public hearing on January 28, 2014 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:

28           Section 1.   The general nature of the project is to provide construction,  
29 improvements and maintenance to the properties located within the District. Proposed  
30 improvements include construction, maintenance, and procurement of certain  
31 improvements, costs and services within the District, including, but not limited to, land  
32 acquisition, infrastructure related items, sidewalks, parking lots, drainage improvements,  
33 buildings, tenant improvements, utilities, landscaping, lighting, signage, soft costs of the  
34 Project and the City's and the administrative costs in establishing and maintaining the  
35 District and any other items permitted to be financed with the District under the Act and  
36 authorized in a Development Agreement.

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

41           Section 3.   The estimated cost of the proposed project within the District is  
42 approximately \$22,600,000.

43           Section 4.   The legal description of the District includes two tracts as described  
44 herein:

45           Tract 1: MDR Subdivision, Block A, Lot 1, Blk A Lot 1 MDR Sub, Also LT 1,  
46 Blk A MDR Sub #2, Section 32, Township 11, Range 15, City of Topeka,  
47 Shawnee County, Kansas

48  
49           Tract 2: Vitt Acres, Lot 5, N 105' of Lot 5, Vitt Acres, Also Blk A, Lt 1, Ruth  
50 Sub, Section 32, Township 11, Range 15, City of Topeka, Shawnee County,  
51 Kansas

52  
53           Section 5.   A map of the District is attached as Exhibit A.

54           Section 6.   The method of financing the project is through a CID sales tax and,  
55   upon request of the Developer, Topeka Crosswinds, LLC, issuance of special obligation  
56   bonds. The proposed amount of the CID sales tax to be levied is one percent (1%)  
57   which shall be levied upon all sales of tangible personal property at retail or services  
58   taxable within the CID district pursuant to the Kansas Retailers' Sales Tax Act. If  
59   issued, the special obligation bonds shall be payable solely from a pledge of the CID  
60   sales tax and any sales tax reimbursement fund established pursuant to a Development  
61   Agreement. Any bonds issued shall not be a general obligation of the City.

62           Section 7.   The City authorizes and hereby levies a one percent (1%) CID  
63   sales tax as described in Section 6. The City may also issue special obligation bonds  
64   as described in Section 6.

65           Section 8.   Upon establishment of this District and prior to the expenditure of  
66   any CID revenues the City shall execute a Development Agreement with the Developer  
67   setting forth the terms and conditions for implementation of the District. If the parties fail  
68   to execute such Development Agreement within thirty (30) days of establishing the  
69   District, the City shall commence action to repeal this ordinance establishing the CID.

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

73           Section 10. After publication, the City Clerk is hereby directed to file a copy of  
74   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 tax.

PASSED AND APPROVED by the Governing Body on January 28, 2014.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A  
DISTRICT MAP

