

(Published in the Topeka Metro News July 20, 2015)

ORDINANCE NO. 19958

AN ORDINANCE introduced by City Manager Jim Colson, terminating the Eastgate Redevelopment Project Plan, the Eastgate Redevelopment District, the Redevelopment Agreement, terminating tax increment financing (TIF) for the District, and distributing the remaining TIF funds to the various taxing entities pursuant to law.

WHEREAS, the City of Topeka (City) adopted tax increment financing by creating the Eastgate Redevelopment District (District) and adopting a Project Plan pursuant to the tax increment financing statutes, K.S.A. 12-1770 *et seq.* (TIF Act) and Ordinance Nos. 18923 and 19089, enacted on July 10, 2007 and May 20, 2008, respectively; and

WHEREAS, the Developer, J & J Developments, Inc. has completed some but not all of the redevelopment activities in the Redevelopment Project Plan (Project Plan); and

WHEREAS, on July 7, 2012, the Developer filed for bankruptcy and is no longer in operation; and

WHEREAS, the Redevelopment Agreement authorizes the governing body to terminate the Agreement if the Developer files for bankruptcy; and

WHEREAS, the redevelopment project costs for the completed redevelopment activities have been paid and there is approximately \$205,800.00 in the TIF Fund which is available to be distributed to various taxing subdivisions; and

WHEREAS, in order to distribute the funds, it is necessary for the governing body to terminate the Project Plan, the District, the Redevelopment Agreement and the tax increment financing associated with the District.

29 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
30 CITY OF TOPEKA:

31 Section 1. Termination of Tax Increment Financing. The City hereby
32 terminates the Project Plan and the Eastgate Redevelopment District created pursuant
33 to Ordinance Nos. 18923 and 19089 and legally described on Exhibit A, which is
34 attached herein and incorporated by reference.

35 Section 2. Termination of the Redevelopment Agreement for East Gate. The
36 2008 Redevelopment Agreement with 15th Street Investments, LLC which, on February
37 5, 2010, was assigned to J & J Developments, Inc. is terminated.

38 Section 3. Termination of Tax Increment Financing/Disbursement of TIF
39 Funds. Tax increment financing for the Project Plan shall terminate on the effective
40 date of this ordinance. Any funds remaining in the District TIF Fund shall be distributed
41 to the respective taxing subdivisions pursuant to law.

42 Section 4. Future Property Tax Distributions. Pursuant to K.S.A. 12-
43 1775(b)(2), all moneys hereafter received from real property taxes within the District
44 should be allocated and paid by Shawnee County to the respective taxing subdivisions
45 in the same manner as are other ad valorem taxes.

46 Section 5. Direction to the City Clerk. The Governing Body hereby directs the
47 City Clerk to file a certified copy of this Ordinance with the Register of Deeds and
48 provide a copy to the County Treasurer, County Clerk and any other appropriate officers
49 of the State of Kansas or Shawnee County.

Section 6. Further Authority. The officers, employees and agents of the City are authorized to take such action, expend such funds, and execute such other documents as may be necessary or desirable to carry out the intent of this ordinance.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body July 14, 2015.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

LOT 1, SKILES SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF; A PORTION OF LOT 1, BLOCK A, EASTACRE SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 87 DEGREES 55 MINUTES 27 SECONDS, 257.50 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF EASTACRE SUBDIVISION AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 21 DEGREES 52 MINUTES 58 SECONDS, 227.24 FEET ALONG THE WEST LINE OF EASTACRE SUBDIVISION TO THE NORTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 108 DEGREES 27 MINUTES 01 SECONDS, 370.00 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 180 DEGREES 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 267 DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID SOUTH LINE; THENCE ON AZIMUTH 180 DEGREES 26 MINUTES 42 SECONDS, 80.82 FEET TO THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE ON AZIMUTH 264 DEGREES 53 MINUTES 26 SECONDS, 255.96 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF SKILES SUBDIVISION; THENCE ON AZIMUTH 272 DEGREES 19 MINUTES 17 SECONDS, 188.10 FEET ALONG THE SOUTH LINE OF SKILES SUBDIVISION TO THE WEST LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 16 DEGREES 24 MINUTES 22 SECONDS, 84.21 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 87 DEGREES 55 MINUTES 27 SECONDS, 10.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

AND

PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 16 CHAINS; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, 6.25 CHAINS; THENCE NORTH, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 16 CHAINS TO SAID NORTH LINE; THENCE WEST 6.25 CHAINS TO THE POINT OF BEGINNING; EXCEPT BEGINNING AT THE NORTHWEST CORNER OF ABOVE DESCRIBED TRACT OF LAND; THENCE SOUTH ON THE WEST LINE OF SAID SOUTHWEST QUARTER, 471 FEET; THENCE EAST, AT RIGHT ANGLES, 25 FEET; THENCE NORTHEASTERLY IN A

STRAIGHT LINE TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER WHICH IS 231 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE WEST TO THE POINT OF BEGINNING; ALSO EXCEPT BEGINNING ON THE NORTH LINE OF SAID SOUTHWEST QUARTER 231 FEET EAST OF SAID NORTHWEST CORNER; THENCE SOUTHWESTERLY 104.04 FEET TO A POINT 95 FEET SOUTHERLY AND 188.57 FEET EAST OF SAID QUARTER SECTION CORNER; THENCE EASTERLY, PARALLEL TO SAID NORTH LINE, 28.92 FEET; THENCE NORTHEASTERLY 99.63 FEET TO A POINT ON SAID NORTH LINE WHICH IS 16.50 FEET EASTERLY FROM THE POINT OF BEGINNING; THENCE WEST 16.50 FEET TO THE POINT OF BEGINNING, AS TAKEN IN CONDEMNATION CASE NO. 94350, ALSO EXCEPT THAT PART OF SAID TRACT DEEDED TO THE CITY OF TOPEKA IN QUITCLAIM DEED RECORDED IN BOOK 2247, PAGE 284, AND ALSO EXCEPT ANY PART OF SAID TRACT TAKEN OR DEDICATED FOR STREET PURPOSES.

AND

BEGINNING AT A POINT ON THE WEST LINE OF BRANNER STREET, WHICH IS 200 FEET SOUTHEASTERLY OF THE SOUTH LINE OF 15TH STREET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO BRANNER STREET 50 FEET; THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF BRANNER STREET 50 FEET; THENCE NORTHEASTERLY 50 FEET TO A POINT ON THE WEST LINE OF BRANNER STREET, WHICH IS 50 FEET SOUTHEASTERLY FROM THE PLACE OF BEGINNING, THENCE NORTHWESTERLY 50 FEET TO THE PLACE OF BEGINNING, IN SHAWNEE COUNTY, KANSAS.

AND

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF 15TH AND BRANNER STREETS; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF BRANNER STREET, 200 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE WEST LINE OF BRANNER STREET, 50 FEET; THENCE WESTERLY PARALLEL TO THE SOUTH LINE OF 15TH STREET, 65.05 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 206.37 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF 15TH STREET, 62.19 FEET TO THE POINT OF BEGINNING, LESS THAT PART DEEDED TO THE CITY OF TOPEKA, FOR ROAD RIGHT OF WAY, AS RECORDED AT BOOK 2242, PAGE 598, BOOK 2247, PAGE 272, BOOK 2247, PAGE 274, AND AT BOOK 2247, PAGE 279.

AND

LOT 1, BLOCK A, JORDAN PATTERSON SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOTS 1, 3 AND 5, YALE STREET AND LOTS 2 AND 4, MARYLAND AVENUE, CAPITOL VIEW ADDITION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

ALL OF LOT 78 AND PART OF LOTS 72, 74, AND 76 ON EDISON STREET, DESCRIBED AS: BEGINNING 15 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 76; THENCE NORTHEASTERLY 129.29 FEET TO A POINT 16.25 FEET SOUTH FROM THE NORTHEAST CORNER OF LOT 72; THENCE SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 78; THENCE WEST TO THE SOUTHWEST CORNER OF LOT 78; THENCE NORTH TO THE POINT OF BEGINNING IN WASHINGTON PARK ADDITION No. 2, TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

ALL THAT PART OF LOT 51 ON BROCK STREET IN WASHINGTON PARK ADDITION No. 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST, TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 51; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID LOT, A DISTANCE OF 16.25 FEET; THENCE NORTHEASTERLY 43.41 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID LOT, SAID POINT BEING 40.00 FEET EASTERLY FROM THE NORTHWEST CORNER THEREOF; THENCE WESTERLY, ALONG SAID NORTH LINE, TO THE PLACE OF BEGINNING.

AND

LOTS 50, 52, 54 AND 56, ON BROCK STREET, IN WASHINGTON PARK ADDITION NO. 2, TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOTS 21, 23, 25 AND 27, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOT 5, DRAKE SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOTS 1, 3, 5, 7, 9, 11, 13, 15, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND LOTS 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 AND 38, MARYLAND AVENUE, FORMERLY BRANNER STREET, EXCEPT THAT PORTION LOT 6, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTERLY 20.0 FEET, ALONG THE NORTH LINE OF SAID LOT 6, THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 6, 25.0 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 6, TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND EXCEPT THAT PART OF LOT 5 AND ALL OF LOTS 7 THRU 15, ODD LOTS ON HUDSON BOULEVARD AND PART OF LOTS 22 THRU 32, EVEN LOTS ON BANNER STREET IN CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 60 DEGREES 32 MINUTES 41 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID LOT 15, 171.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE SOUTH 13 DEGREES 47 MINUTES 08 SECONDS EAST, 27.48 FEET TO THE SOUTHWEST CORNER OF LOT 19; THENCE NORTH 72 DEGREES 59 MINUTES 13 SECONDS WEST, 63.56 FEET; THENCE NORTH 3 DEGREES 10 MINUTES 55 SECONDS WEST 75.03 FEET; THENCE NORTH 43 DEGREES 01 MINUTES 07 SECONDS EAST, 44.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 50 DEGREES 26 MINUTES 51 SECONDS EAST, 121.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 455.00 FEET, A CHORD BEARING OF SOUTH 41 DEGREES 51 MINUTES 29 SECONDS EAST, A CHORD LENGTH OF 124.61 FEET, AN ARC LENGTH OF 125.00 FEET TO THE POINT OF BEGINNING.

AND

LOTS 17 AND 19, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

ALONG WITH ALL ADJACENT ROAD RIGHTS OF WAY FOR SE 15TH STREET, SE EDISON STREET, SE BROCK STREET, SE MARYLAND AVENUE, SE HUDSON BOULEVARD AND SE YALE STREET.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.