

(Published in the Topeka Metro News September 12, 2016)

**ORDINANCE NO. 20020**

AN ORDINANCE introduced by City Manager Jim Colson, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue 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 ("CID") for economic development purposes; and

WHEREAS, on or about August 2, 2016, 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 the Cyrus Hotel located at 912-924 S. Kansas Avenue 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. 8802 adopted on August 16, 2016 the City has provided notice that it would hold a public hearing on September 6, 2016, to consider establishing a CID and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on September 6, 2016, 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 CID and project therein.

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

Section 1. The general nature of the proposed project (Project) to be constructed within the District shall be known as the Cyrus Hotel, which will include a

109 room boutique hotel, an event space, restaurant, bar and catering services. Proposed improvements include façade improvements; storefronts; canopy lighting and sign band lighting; asbestos abatement; interior remodels; mechanical plumbing; fire suppression systems; electrical upgrades; HVAC and ductwork replacements and repair; roof replacements; utility upgrades; repair/replacement of existing sidewalks/curbs; landscaping; design and engineering legal fees; construction management, vertical construction, administrative costs in establishing and maintaining the District and any other items permitted to be financed within the District under the Act and authorized in a Development Agreement.

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 \$24,400,000, the developer has submitted CID eligible costs of \$13,026,086.00.

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

TRACT 1:

PARCEL 1093104014005000: ORIGINAL TOWN, LOTS 302, 304, 306, 912 S KANSAS AVENUE, TOPEKA, SHAWNEE COUNTY, KANSAS; AND

TRACT 2:

PARCEL 1093104014007000: ALL OF LOTS 308 AND 310 AND 312 EXCEPT THE SOUTH 7 INCHES OF THE WEST 75 FEET THEREOF, ON KANSAS AVENUE, (ORIGINAL TOWN), IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND

TRACT 3:

57 PARCEL 1093104014008000: THE SOUTH 7 INCHES OF THE WEST 75 FEET OF  
58 LOT 312, AND ALL OF LOT 314, KANSAS AVENUE, ORIGINAL TOWN, IN THE CITY  
59 OF TOPEKA, SHAWNEE COUNTY, KANSAS.

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

61 Section 6. The method of financing the project is through a CID sales tax. The  
62 proposed amount of the CID sales tax to be levied is one percent (1%) which shall be  
63 levied upon all sales of tangible personal property at retail or services taxable within the  
64 CID district pursuant to the Kansas Retailers' Sales Tax Act.

65 Section 7. The City authorizes and hereby levies a one percent (1%) CID  
66 sales tax as described in Section 6.

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

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

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

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

PASSED AND APPROVED by the Governing Body on September 6, 2016.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk

EXHIBIT A

MAP OF PROJECT LOCATION

