

(Published in the Topeka Metro News December 19, 2016)

ORDINANCE NO. 20041

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2017 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, ~~as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district.~~ "Business" means a fixed place of business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services. The ownership of real estate which is unoccupied and which is held for investment purposes, for sale or lease, shall be considered a business. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees ~~assessed shall be as follows~~ shall be based upon the location of the business in one of the tier areas located in the map which is attached herein and incorporated by reference:

Number of square feet	Rate
0—999	\$60.00

1,000 plus	\$0.0605 per square foot
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However, the maximum service fee per business ~~shall be \$13,000~~ will not exceed \$15,000 regardless of the number of square feet or tier area. The service fees assessed shall be as follows:

<u>Number of square feet</u>	<u>Rate</u>
0-999	\$60 (all tiers)
1,000 plus (tier one)	\$.0805 per square foot
1,000 plus (tier two)	\$.0605 per square foot
1,000 plus (tier three)	\$.0405 per square foot
<u>Unoccupied Real Estate</u>	<u>Rate</u>
Tier One	\$.0405 per square foot
Tier Two	\$.0305 per square foot
Tier Three	\$.0205 per square foot

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable, or is not occupied due to applicable city codes, or is not in active use by a tenant. In the case of a building occupied by a single business, the gross floor area may be reduced by

53 subtracting the actual measured square footage of excluded areas as defined in this
54 section or by subtracting 15 percent of the gross floor area, whichever is greater.

55 (d) Service fees under this section shall be levied for the year ~~2015~~2017 and
56 shall be due and payable in two semiannual installments. Service fees shall be deemed
57 delinquent if not paid within 30 days of the due date provided for the second semiannual
58 installment.

59 Section 2. That original § 3.40.030, of The Code of the City of Topeka,
60 Kansas, is hereby specifically repealed.

61 Section 3. This ordinance shall take effect and be in force from and after its
62 passage, approval and publication in the official City newspaper.

63 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
64 or portions thereof, which are in conflict with the provisions of this ordinance.

65 Section 5. Should any section, clause or phrase of this ordinance be declared
66 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
67 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

68 PASSED AND APPROVED by the Governing Body on December 13, 2016.

69 CITY OF TOPEKA, KANSAS
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Larry E. Wolgast, Mayor

76 ATTEST:
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Brenda Younger, City Clerk