

(Published in the Topeka Metro News October 9, 2017)

ORDINANCE NO. 20085

AN ORDINANCE introduced by Interim City Manager Doug Gerber establishing the SE 29th Street Community Improvement District (CID) 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 ("CID") for economic development purposes; and

WHEREAS, on or about August 17, 2017, 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 SE 29th Community Improvement District 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. 8950 adopted on September 12, 2017 the City has provided notice that it would hold a public hearing on October 3, 2017 to consider establishing a CID and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on October 3, 2017 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. Nature of the Project. The general nature of the proposed project (Project) is the renovation of the former Kmart building at 240 SE 29th Street and retaining the existing businesses of Harbor Freight and Car Toyz Audio as well as

29 redevelopment of remaining space for an affordable storage facility. Improvements will
30 include roof replacement, façade upgrade, as well as electrical/HVAC/utility and
31 landscaping upgrades.

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

36 Section 3. Estimated Project Cost. The estimated cost of the proposed project
37 within the District is approximately \$955,000.

38 Section 4. Legal Description. The legal description of the District is attached as
39 Exhibit A and incorporated herein by reference.

40 Section 5. Map. A map of the District is attached as Exhibit B and
41 incorporated herein by reference.

42 Section 6. Method of Financing; Sales Tax; Pay as You Go. The method of
43 financing the project is through a CID sales tax. The proposed amount of the CID sales
44 tax to be levied is one percent (1%) which shall be levied upon all sales of tangible
45 personal property at retail or services taxable within the District pursuant to the Kansas
46 Retailers' Sales Tax Act.

47 Section 7. Sales Tax Levy. The City authorizes and hereby levies a one
48 percent (1%) CID sales tax as described in Section 6 which shall expire no later than 22
49 years from the date the state director of taxation begins collecting the tax or when the
50 pay-as-you-go costs have been paid.

Section 8. Development Agreement. In accordance with the Governing Body's CID Policy which requires presentation of a development agreement to the governing body, the Development Agreement is approved.

Section 9. Effective Date. 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. Recording. After publication, the City Clerk is hereby directed to file a copy of this ordinance with the Shawnee County Register of Deeds.

Section 11. Kansas Department of Revenue. 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 October 3, 2017.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Tract 1

Address: 210 SE 29th Street, Topeka, Kansas 66605

Parcel Identification #: 089-133-07-0-40-08-009.00-0

A tract of land in the Southeast Quarter of Section 7, 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 said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 597.88 feet; thence North 00 degrees 00 minutes 00 seconds East 300.00 feet; thence North 90 degrees 00 minutes 00 seconds West 145.55 feet; thence North 15 degrees 03 minutes 18 seconds East 375.47 feet to the point of beginning; thence North 15 degrees 03 minutes 18 seconds East 136.38 feet; thence North 89 degrees 59 minutes 16 seconds East 99.97 feet; thence South 01 degree 11 minutes 48 seconds West 131.65 feet; thence South 89 degrees 57 minutes 30 seconds West 132.64 feet to the point of beginning.

Tract 2, 3, and 4

Address: 240 SE 29th Street, Topeka, Kansas 66605

Parcel Identification #: 089-133-07-0-40-08-006.00-0

Tract II: Part of Lot 1, Block A, GREENWOOD SUBDIVISION in part of the Southeast Quarter of Section 7, 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 said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 597.88 feet; thence North 00 degrees 00 minutes 00 seconds East 260 feet; thence North 90 degrees 00 minutes 00 seconds West 145.55 feet; thence North 15 degrees 03 minutes 18 seconds East 375.47 feet; thence North 89 degrees 57 minutes 30 seconds East 132.64 feet; thence North 01 degree 11 minutes 48 seconds East 131.65 feet; thence North 89 degrees 59 minutes 16 seconds East 84.95 feet; thence South 00 degrees 00 minutes 00 seconds West 754.32 feet; thence South 90 degrees 00 minutes 00 seconds West 172.32 feet to the point of beginning.

Tract III: Part of Lot 1, Block A GREENWOOD SUBDIVISION, in part of the Southeast Quarter of Section 7, Township 12 South, Range 16 East of the 6th P.M., in the city of Topeka, Shawnee County, Kansas, described as follows: Beginning at Southwest Corner of said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 1,048.99 feet; thence North 00 degrees 00 minutes 00 minutes 00 seconds East 40.00 feet to the point of beginning; thence North 01 degree 11 minutes 48 seconds East 623.09 feet; thence South 89 degrees 57 minutes 30 seconds West 214.50 feet; thence North 01 degree 11 minutes 48 seconds East 131.57 feet; thence North 89 degrees 59 minutes 16 seconds East 464.26 feet; thence South 01 degree 08 minutes 17 seconds West 560.54 feet; thence South 90 degrees 00 minutes 00 seconds West 203.85 feet; thence South 00 degrees 00 minutes 00 seconds West 194.00 feet thence South 90 degrees 00 minutes 00 seconds West 50.53 feet to the point of beginning.

Tract IV: Part of Lot 1, Block A, GREENWOOD SUBDIVISION in part of the Southeast Quarter of Section 7, 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 said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 770.20 feet; thence North 00 degrees 00 minutes 00 seconds East 754.32 feet; thence North 89 degrees 59 minutes 16 seconds East 80.05 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 57 minutes 30 seconds East 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 623.09 feet; thence South 90 degrees 00 minutes 00 seconds West 278.79 feet to the point of beginning.

EXHIBIT B
BOUNDARY MAP OF THE PROPOSED DISTRICT

District Boundary



May 19, 2017
Parcels

