

(Published in the Topeka Metro News November 20, 2017)

ORDINANCE NO. 20096

AN ORDINANCE introduced by City Manager Brent Trout establishing a Community Improvement District (CID) for the Wheatfield Village District at 29th and Southwest Fairlawn Road levying a CID sales tax of two percent (2%) 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 3, 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 Wheatfield Village and the persons collectively owning more than 55% by assessed value of the land area within the proposed District; and

WHEREAS, on or about August 31, 2017 the City received an amended petition changing the amount of the requested sales tax levy from 1.5% to 2%; and

WHEREAS, pursuant to Resolution No. 8948 adopted on September 5, 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:

28 Section 1. Nature of the Project. The general nature of the proposed project
29 (Project) will promote the redevelopment and revitalization of the Wheatfield Village
30 mixed-use development, located at the northwest corner of Southwest 29th Street and
31 Southwest Fairlawn Road within the City, by providing community improvement district
32 financing for the demolition, construction, maintenance, and procurement of certain
33 improvements, costs, and services within the district, including, but not limited to: land
34 acquisition, infrastructure related items, streets, sidewalks, parking lots and/or
35 structures, buildings, facilities, tenant improvements, water management and drainage
36 related items, utilities, landscaping, lighting, art, water features and other cultural
37 amenities, ongoing maintenance of the district, marketing, advertisement and economic
38 development, promotion of activities and special events, training, cleaning and
39 maintenance, and administrative costs in establishing and maintaining the district and
40 the Project, and any other items permitted to be financed within the district under the
41 Act.and authorized in the Development Agreement.

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

46 Section 3. Estimated Project Cost. The estimated cost of the proposed project
47 within the District is approximately \$93,222,834.

48 Section 4. Map. A map of the District is attached as Exhibit A and
49 incorporated herein by reference.

50 Section 5. Legal Description. The legal description of the District is attached
51 as Exhibit B and incorporated herein by reference.

52 Section 6. Method of Financing; Sales Tax; Pay as You Go. The method of
53 financing the project is through a CID sales tax. The proposed amount of the CID sales
54 tax to be levied is two percent (2%) which shall be levied upon all sales of tangible
55 personal property at retail or services taxable within the District pursuant to the Kansas
56 Retailers' Sales Tax Act.

57 Section 7. Sales Tax Levy. The City authorizes and hereby levies a two
58 percent (2%) CID sales tax as described in Section 6 which shall expire no later than 22
59 years from the date the state director of taxation begins collecting the tax or when the
60 pay-as-you-go costs have been paid.

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

64 Section 9. Effective Date. This ordinance shall be in full force and effect from
65 and after its passage by a majority of the Governing Body and publication once in the
66 official City newspaper.

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

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

PASSED AND APPROVED by the Governing Body on November 14, 2017.

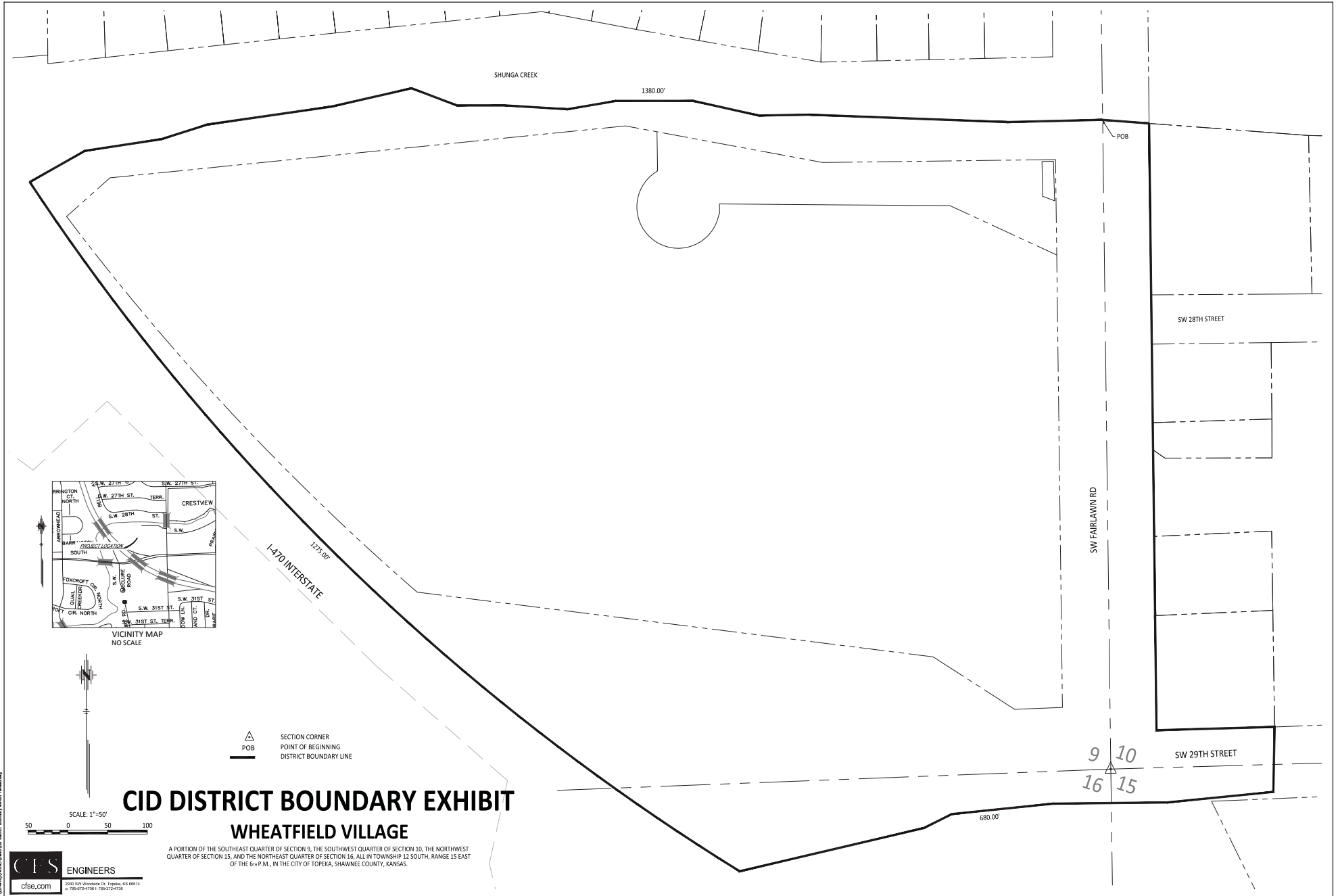
CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A



WHEATFIELD VILLAGE

Project 14-5195

July 26, 2017

CID DISTRICT BOUNDARY

A portion on the Southeast Quarter of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 12 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas described as follows:

Beginning at a point on the West line of said Southwest Quarter of Section 10, at a point 813.39 feet North of the Southwest corner of said Quarter Section, said point being on the extension of the North line of Shunga Plaza Subdivision and in the center of Shunga Creek; thence Southeasterly on the extension of the North line of said Shunga Plaza Subdivision to the East Right of Way line of Southwest Fairlawn Road; thence Southerly on said East Right of Way line to the intersection with the North Right of Way line of Southwest 29th Street; thence Easterly on the North Right of Way of Southwest 29th Street a distance of 150 feet more or less; thence Southerly to a point 20 feet South of the South curb line of Southwest 29th Street; thence Westerly and Southwesterly parallel with said South curb line and its extension a distance of 680 feet more or less to a point 100 feet measured at right angles to the center of the west-bound lanes of Interstate-470; thence Northwesterly and Northerly along a line being parallel with of 100 feet Northeasterly of said center of the west-bound lanes, a distance of 1,275 feet more or less to the center of Shunga Creek; thence Easterly on the center of said Shunga Creek a distance of 1,380 feet more or less to the point of beginning.