ORDINANCE NO. 20137

AN ORDINANCE introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue 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 May 16, 2018, 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. 9043 adopted on August 7, 2018 the City has provided notice that it would hold a public hearing on September 4, 2018, to consider establishing a CID and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on September 4, 2018, 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") 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 remolds; 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. Findings. 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 executed by the City Manager.

Section 3. Estimated Project Cost. The estimated cost of the proposed project within the District is approximately $15,542,573.

Section 4. Legal Description. 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:
PARCEL 1093104014008000: THE SOUTH 7 INCHES OF THE WEST 75 FEET OF
LOT 312, AND ALL OF LOT 314, KANSAS AVENUE, ORIGINAL TOWN IN THE
CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

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

Section 6. **Method of Financing; Sales Tax.** The method of financing the
Project is through a CID sales tax. The proposed amount of the CID sales tax to be
levied is two percent (2%) which shall be levied upon all sales of tangible personal
property at retail or services taxable within the CID district pursuant to the Kansas
Retailers’ Sales Tax Act.

Section 7. **Sales Tax Levy.** The City authorizes and hereby levies a two
percent (2%) CID sales tax as described in Section 6 to commence on January 1, 2019.

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 on
January 1, 2019 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 September 4, 2018.

CITY OF TOPEKA, KANSAS

________________________________________________________________________
Michelle De La Isla, Mayor

ATTEST:

________________________________________________________________________
Brenda Younger, City Clerk