ORDINANCE NO. 20182

AN ORDINANCE introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) at SW 17th Street and SW Wanamaker Road 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, the City has 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 SW 17th and SW Wanamaker Road 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. 9090 adopted on March 19, 2019, the City has provided notice that it would hold a public hearing on April 16, 2019, to consider establishing a CID and make findings necessary therefore; and

WHEREAS, a public hearing was held on April 16, 2019 and continued to May 7, 2019; and

WHEREAS, the Governing Body conducted and concluded the public hearing on May 7, 2019, 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 CID Project is to promote the redevelopment and revitalization of a shopping center located at the southeast corner of 17th Street and Wanamaker Road, including filling a former K-Mart space with multiple tenants.

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 $31,400,000.00.

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

Section 5. Legal Description. The legal description of the District is described in Exhibit B which is adopted by reference and incorporated herein.

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 one percent (1%) 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 one percent (1%) CID sales tax as described in Section 6 which shall expire no later than 22 years from the date the state director of taxation begins collecting the tax or when the pay-as-you-go costs have been paid.
Section 8. Effective Date. This ordinance shall be in full force and effect on from and after its passage by a majority of the Governing Body and publication once in the official City newspaper.

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

Section 10. Kansas Department of Revenue. The City Clerk will 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 to commence at a date indicated in the development agreement.

PASSED AND APPROVED by the Governing Body on May 7, 2019.

CITY OF TOPEKA, KANSAS

________________________________________
Michelle De La Isla, Mayor

ATTEST:

____________________
Brenda Younger, City Clerk
EXHIBIT B (Legal Description)

TRACT I:
Lot 1, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas.

TRACT II:
Lot 2, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas.

TRACT III:
Lot 3, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas, with the following exceptions:

EXCEPT Commencing at the Southwest corner of said Lot 3; thence on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 40.00 feet to the POINT OF BEGINNING; thence continuing on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 234.45 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 199.21 feet; thence on a bearing of South 72 degrees 07 minutes 16 seconds East, a distance of 89.19 feet; thence on a bearing of South 45 degrees 16 minutes 47 seconds West, a distance of 52.75 feet; thence on a bearing of South 01 degree 59 minutes 10 seconds East, a distance of 168.35 feet; thence on a bearing of South 88 degrees 00 minutes 50 seconds West, a distance of 244.35 feet to the point of beginning,
AND ALSO EXCEPT Commencing at the Southwest corner of said Lot 3; thence on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 340.45 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 20.82 feet to the POINT OF BEGINNING; thence on a bearing of North 01 degree 59 minutes 10 seconds West, a distance of 192.31 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 260.00 feet to the point of beginning.

TRACT IV:
Lot 1, Block A, TOPEKA CROSSING SUBDIVISION in the City of Topeka, Shawnee County, Kansas.

TRACT V: The East 8.59 feet of the North 211.66 feet of Lot 2 and the South 26 feet of said Lot 2 and the North 26 feet of Lot 3, Block A, TOPEKA CROSSING SUBDIVISION in the City of Topeka, Shawnee County, Kansas.

TRACT VI:
Non-Exclusive Easements for the passage (including ingress/egress to public streets) and parking of vehicles and for the passage and accommodation of pedestrians over and across the Common Area (as defined in said instrument), including the parking, driveways, roadways and sidewalk areas as created in the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements recorded December 3, 1992, in Book 2767, Page 792, subject, however, to the terms and provisions thereof.