ORDINANCE NO. 12623

AN ORDINANCE introduced by Mayor Joan Wagonl and Council members Samuel Carkhuff and James McClinton, amending City of Topeka Ordinance No. 17557 which exempts certain property, more specifically property owned by Co-Nect-It Frame Corporation from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 1100 SE Rice Road and specifically repealing said original ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. In accordance with § 13 of Article 11 of the Kansas Constitution, and pursuant to the Code of the City of Topeka Chapter 138, Article III, a percentage of the assessed valuation of the following described property, collectively referred to as the Co-Nect-It Frame Corporation, to wit: building and improvements to real property, and tangible personal property as listed in amended Attachment A, attached hereto and incorporated by reference as if fully set forth herein, is used by Co-Nect-It Frame Corporation exclusively for exempt purposes and is therefore exempt from ad valorem taxation for a maximum term of ten (10) calendar years. Said building, improvements, and tangible personal property are owned by:

Owners: The outstanding shares of Co-Nect-It Frame Corporation are held as follows: Robert W. Victor, Sr. 50.5%; Jo Ann Victor, 48.5%; Robert W. Victor, Jr., .5% and Nancy Victor, .5%.

Section 2. The annual amount of the tax payment required of the owners of said property shall not be less than the amount that is determined under Topeka City Code §§ 138-84 and 138-86 and such additional amount that may be set forth in any other
ordinance or resolution. Said amounts shall be paid to the County Treasurer at the same time as any ad valorem taxes on such property would be payable.

Section 3. Eligibility for successive years shall be redetermined annually. If Co-Nect-It Frame Corporation (hereinafter the Company) fails to meet eligibility requirements for any one (1) year, no exemption shall be granted for that year. However, this will not jeopardize eligibility for the remaining years.

In order to continue eligibility for the exemption granted herein, the following criteria shall be met by the company:

(a) Continuation of at least one of the new jobs created.

(b) Continue to be a manufacturer.

(c) Continuation of original ownership (exemption is not transferable).

(d) Company remains current on tax payments.

(e) Exemption is contingent upon approval from State Board of Tax Appeals.

(f) Eligibility for successive years shall be redetermined annually.

(g) If company fails to meet eligibility requirements in any one year, no exemption shall be granted for that year. However, this would not jeopardize eligibility for the remaining years.

Section 4. Determination of exemption.

(a) The actual percentage of assessed valuation exempted shall be determined by the City in accordance with the Code of the City of Topeka, Chapter 138, Article III.

(b) In determining the actual percentage exemption, the City shall require the Company to provide the following:

(1) Certification as to the number of new full time equivalent jobs created.
(2) Certification as to the overall wage rate for the new full time equivalent jobs created.

(3) Any other documentation the City may deem necessary.

Section 5. Responsibilities of the Company:

(a) Submission of complete annual renewal application and payment of annual renewal application fee of One Hundred Dollars ($100.00) by January 15 of each year.

(b) Submission of information as required by the City.

(c) Must file claim of exemption with County Appraiser by March 1 of each year.

Section 6. Responsibilities of City.

Review and make determination of application by February 1 of each year.

Section 7. Disclaimer.

City does not guarantee Co-Nect-It Frame Corporation will receive an exemption of any amount for any or all years that it is eligible.

Section 8. Original City of Topeka Ordinance No. 17557 is hereby specifically repealed.

Section 9. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council March 27, 2001.

Joan Wagon, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE: 3/27/01 BY: 702
TO BE CODIFIED: X
NOT TO BE CODIFIED: 

LMORD/CO-NECT-IT  3/02/01 - 3 -
Co-Nect-It Frame Corporation, owner, 1100 SE Rice Road, Topeka, Kansas 66607; Commerce Bank and Trust, mortgage interest holder, address unknown; Reser’s Fine Foods, Inc., easement interest holder, 15570 SW Jenkins Road, Beaverton, OR 97006.

(a) A PERMANENT EASEMENT for controlled access highway right of way and removal of borrow material over and upon a tract of land in Lot 1, Block "A", TOPEKA TURNPIKE INDUSTRIAL SUBDIVISION, in the City of Topeka, Shawnee County, Kansas, according to the recorded plat thereof, described as follows: BEGINNING at the Northwest corner of said Lot; FIRST COURSE, thence on an assumed bearing of North 88 degrees 31 minutes 55 seconds East, 400.11 feet along the North line of said Lot; SECOND COURSE, thence South 00 degrees 07 minutes 39 seconds East, 75.56 feet; THIRD COURSE, thence South 86 degrees 59 minutes 52 seconds West, 35.04 feet; FOURTH COURSE, thence South 83 degrees 22 minutes 22 seconds West, 276.78 feet; FIFTH COURSE, thence South 20 degrees 00 minutes 31 seconds West, 159.77 feet; SIXTH COURSE, thence South 00 degrees 09 minutes 44 seconds East, 214.89 feet; SEVENTH COURSE, thence North 80 degrees 32 minutes 01 second East, 369.77 feet; EIGHTH COURSE, thence South 00 degrees 07 minutes 39 seconds East, 142.78 feet to the South line of said Lot; NINTH COURSE, thence South 89 degrees 34 minutes 23 seconds West, 370.37 feet along said South line to the West line of said Lot; TENTH COURSE, thence North 24 degrees 22 minutes 37 seconds West, 72.15 feet along said West line; ELEVENTH COURSE, thence North 00 degrees 07 minutes 39 seconds West, 483.11 feet along said West line to the point of beginning. The above described tract contains 95,560 square feet, more or less. Lands abutting said highway shall have no right or easement of access thereto.

(b) ALL RIGHT OF ACCESS to and from the abutting public highway over and across a line in the tract of land in Lot 1, Block "A", TOPEKA TURNPIKE INDUSTRIAL SUBDIVISION, in the City of Topeka, Shawnee County, Kansas, according to the recorded plat thereof, described as follows: Commencing at the Northwest corner of said Lot; thence on an assumed bearing of North 88 degrees 31 minutes 55 seconds East, 400.11 feet along the North line of said Lot; thence South 00 degrees 07 minutes 39 seconds East, 260.31 feet to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 00 degrees 07 minutes 39 seconds East, 40.00 feet. Except and reserving, however, unto owner of abutting land, their heirs or assigns, the right of access to said highway for the purpose of an entrance over and across the following described course: ALL of said "FIRST" course, which shall abut upon and have access to a frontage road which will be connected to the highway only at such points as may be established by public authority.

(c) A TEMPORARY EASEMENT for construction of an entrance over and upon a tract of land in Lot 1, Block "A", TOPEKA TURNPIKE INDUSTRIAL SUBDIVISION, in the City of Topeka, Shawnee County, Kansas, according
to the recorded plat thereof, described as follows: BEGINNING at a point that is South 59 degrees 29 minutes 37 seconds East, 464.88 feet from the Northwest corner of said Lot, the North line of said Lot having an assumed bearing of North 88 degrees 31 minutes 55 seconds East; FIRST COURSE, thence South 00 degrees 07 minutes 39 seconds East, 66.08 feet; SECOND COURSE, thence North 80 degrees 17 minutes 31 seconds West, 60.89 feet; THIRD COURSE, thence North 05 degrees 06 minutes 17 seconds East, 54.83 feet; FOURTH COURSE, thence North 88 degrees 45 seconds 09 seconds East, 55.01 feet to the point of beginning. The above described tract contains 3,481 square feet, more or less.

This easement expires four years after legal possession through condemnation or ninety days after completion of the highway construction for which this easement is acquired, or whichever comes first.

PERSONAL PROPERTY

Humidifier # VLC48-3
Make-up Air Unit # Greenheck TSU-115B-HZ-3-75
Cooling Coil Greenheck # sn1006B801313/30
Cooling Coil Bryant CK5AXW030
Air Cooled Condensing Unit Carrier 38AXS024-5
Air Cooled Condensing Unit Bryant 561CUX030
Furnace 350MAV036060

(1) Pao Macc 4 Head Hot Stamp Foil Machine (1) Wheel Shaper