ORDINANCE NO. 18370

AN ORDINANCE introduced by Mayor James A. McClinton relating to the Capital City Downtown Business Improvement District, establishing the method of raising revenue, amending City of Topeka Code § 42-38 and specifically repealing said original section.

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

Section 1. City of Topeka Code § 42-38, Method of raising revenue, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district. For the purposes of this article, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees assessed shall be as follows:

<table>
<thead>
<tr>
<th>Number of Square Feet</th>
<th>Rate Per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 999</td>
<td>$.00</td>
</tr>
<tr>
<td>1,000 plus</td>
<td>$.049</td>
</tr>
</tbody>
</table>

However, the maximum service fee per business shall be eleven thousand dollars ($11,000.00) regardless of the number of square feet.

(c) For the purposes of this article, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. In the case of leased property, square feet of floor
area occupied is considered that area for which tenants pay rent. In no event shall square
feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical
equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall
square feet of floor area occupied include area which is unusable, is not occupied due to
applicable city codes, or is not in active use by a tenant. In the case of a building occupied
by a single business, the gross floor area may be reduced by subtracting the actual
measured square footage of excluded areas as defined in this section or by subtracting 15
fifteen percent (15%) of the gross floor area, whichever is greater.

(d) Service fees under this section shall be levied for the year 2004 and shall be
due and payable in two semiannual installments. Service fees shall be deemed delinquent
if not paid within thirty (30) days of the due date provided for the second semiannual
installment.

Section 2. Original City of Topeka Code § 42-38 is hereby specifically repealed.

Section 3. 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 JAN 18 2005.

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 12/31/04 BY JBC
TO BE CODIFIED X
NOT TO BE CODIFIED