ORDINANCE NO. 18923

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. establishing a Redevelopment District at or about the area of 15th and Adams in Topeka, Kansas pursuant to K.S.A. 12-1773, et seq., as amended.

WHEREAS, the Council of the City of Topeka, Kansas did hold a public hearing on the advisability of establishing a Redevelopment District at or about the area of 15th and Adams in Topeka, Kansas, said public hearing was held on July 10, 2007, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by K.S.A. 12-1770, et seq., as amended; and

WHEREAS, said public hearing was adjourned on the July 10, 2007; and

WHEREAS, notice of said public hearing was duly provided as required by K.S.A. 12-1772, as amended.

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

Section 1. That it finds the following described development district to be advisable and does hereby authorize and order said Redevelopment District to be made established with its findings as follows:

The legal description of the Redevelopment District is set forth as Exhibit “A,” which is attached hereto and specifically incorporated herein. Additionally, the area contained therein is specifically established as the East Gate Redevelopment District.

Section 2. The East Gate Redevelopment District is a “blighted area” as defined under K.S.A. 12-1770a, as amended, in that the following factors are present in the District:

A. A substantial number of deteriorating structures;
Section 3. That the presence of the aforementioned factors in the East Gate Redevelopment District substantially impairs or arrests the development and growth of the City of Topeka, constitutes an economic or social liability of the City of Topeka, or is a menace to the public health, safety, morals or welfare in its present condition and use.

Section 4. That because the East Gate Redevelopment District is a “blighted area,” it constitutes an eligible area for redevelopment under K.S.A. 12-1770, et seq., as amended.

Section 5. That the redevelopment of the East Gate Redevelopment District is necessary to promote the general and economic welfare of the City of Topeka.

Section 6. That the East Gate Redevelopment District Plan is hereby approved and described as follows:

The plan for the District would permit the City of Topeka to issue full faith and credit tax increment bonds (“TIF”) to finance all or a portion of the acquisition of the real estate and improvements thereon, such as demolition, site work, parking lots and lighting, as more specifically permitted by Kansas statute, to allow the Developer to then construct buildings and other improvements in said District.

Section 7. That the Clerk is hereby directed to forthwith after the effective date of this Ordinance to provide a copy of this Ordinance by certified mail, return receipt requested,
to the Board of Commissioners of Shawnee County, Kansas and Board of Education of
Unified School District 501.

Section 8. 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 July 10, 2007.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk
EXHIBIT “A”

LEGAL DESCRIPTION:

LOT 1, SKILES SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF; A PORTION OF LOT 1, BLOCK A, EASTACRE SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 87 DEGREES 55 MINUTES 27 SECONDS, 257.50 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF EASTACRE SUBDIVISION AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 21 DEGREES 52 MINUTES 58 SECONDS, 227.24 FEET ALONG THE WEST LINE OF EASTACRE SUBDIVISION TO THE NORTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 108 DEGREES 27 MINUTES 01 SECONDS, 370.00 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 180 DEGREES 26 MINUTES 42 SECONDS, 80.82 FEET TO THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE ON AZIMUTH 264 DEGREES 53 MINUTES 26 SECONDS, 255.96 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF SKILES SUBDIVISION; THENCE ON AZIMUTH 272 DEGREES 19 MINUTES 17 SECONDS, 188.10 FEET ALONG THE SOUTH LINE OF SKILES SUBDIVISION TO THE WEST LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 16 DEGREES 24 MINUTES 22 SECONDS, 84.21 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 87 DEGREES 55 MINUTES 27 SECONDS, 10.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

AND

PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 16 CHAINS; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, 6.25 CHAINS; THENCE NORTH, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 16 CHAINS TO SAID NORTH LINE; THENCE WEST 6.25 CHAINS TO THE POINT OF BEGINNING; EXCEPT BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, 471 FEET; THENCE EAST, AT RIGHT ANGLES, 25 FEET; THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER WHICH IS 231 FEET EAST OF THE
NORTHWEST CORNER THEREOF; THENCE WEST TO THE POINT OF
BEGINNING; ALSO EXCEPT BEGINNING ON THE NORTH LINE OF SAID
SOUTHWEST QUARTER 231 FEET EAST OF SAID NORTHWEST CORNER;
THENCE SOUTHWESTERLY 104.04 FEET TO A POINT 95 FEET SOUTHERLY AND
188.57 FEET EAST OF SAID QUARTER SECTION CORNER; THENCE EASTERLY,
PARALLEL TO SAID NORTH LINE, 28.92 FEET; THENCE NORTHEASTERLY 99.63
FEET TO A POINT ON SAID NORTH LINE WHICH IS 16.50 FEET EASTERLY FROM
THE POINT OF BEGINNING; THENCE WEST 16.50 FEET TO THE POINT OF
BEGINNING, AS TAKEN IN CONDEMNATION CASE NO. 94350, ALSO EXCEPT
THAT PART OF SAID TRACT DEEDED TO THE CITY OF TOPEKA IN QUITCLAIM
DEED RECORDED IN BOOK 2247, PAGE 284, AND ALSO EXCEPT ANY PART OF
SAID TRACT TAKEN OR DEDICATED FOR STREET PURPOSES.

AND

BEGINNING AT A POINT ON THE WEST LINE OF BRANNER STREET, WHICH IS
200 FEET SOUTHEASTERLY OF THE SOUTH LINE OF 15TH STREET; THENCE
SOUTHWESTERLY AT RIGHT ANGLES TO BRANNER STREET 50 FEET; THENCE
SOUTHERLY PARALLEL WITH THE WEST LINE OF BRANNER STREET 50 FEET;
THENCE NORTHEASTERLY 50 FEET TO A POINT ON THE WEST LINE OF
BRANNER STREET, WHICH IS 50 FEET SOUTHEASTERLY FROM THE PLACE OF
BEGINNING, THENCE NORTHEASTERLY 50 FEET TO THE PLACE OF
BEGINNING, IN SHAWNEE COUNTY, KANSAS.

AND

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12
SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE
COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST
CORNER OF 15TH AND BRANNER STREETS; THENCE SOUTHEASTERLY ALONG
THE WEST LINE OF BRANNER STREET, 200 FEET; THENCE WESTERLY AT
RIGHT ANGLES TO THE WEST LINE OF BRANNER STREET, 50 FEET; THENCE
WESTERLY PARALLEL TO THE SOUTH LINE OF 15TH STREET, 65.05 FEET;
THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHWEST
QUARTER, 206.37 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF 15TH
STREET, 62.19 FEET TO THE POINT OF BEGINNING, LESS THAT PART DEEDED
TO THE CITY OF TOPEKA, FOR ROAD RIGHT OF WAY, AS RECORDED AT BOOK
2242, PAGE 598, BOOK 2247, PAGE 272, BOOK 2247, PAGE 274, AND AT BOOK
2247, PAGE 279.

AND

LOT 1, BLOCK A, JORDAN PATTERSON SUBDIVISION IN THE CITY OF TOPEKA,
SHAWNEE COUNTY, KANSAS.

AND
LOTS 1, 3 AND 5, YALE STREET AND LOTS 2 AND 4, MARYLAND AVENUE,
CAPITOL VIEW ADDITION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
KANSAS.

AND

ALL OF LOT 78 AND PART OF LOTS 72, 74, AND 76 ON EDISON STREET,
DESCRIBED AS: BEGINNING 15 FEET SOUTH OF THE NORTHWEST CORNER OF
LOT 76; THENCE NORTHEASTERLY 129.29 FEET TO A POINT 16.25 FEET SOUTH
FROM THE NORTHEAST CORNER OF LOT 72; THENCE SOUTHERLY TO THE
SOUTHEAST CORNER OF LOT 78; THENCE WEST TO THE SOUTHWEST
CORNER OF LOT 78; THENCE NORTH TO THE POINT OF BEGINNING IN
WASHINGTON PARK ADDITION No. 2, TO THE CITY OF TOPEKA, SHAWNEE
COUNTY, KANSAS.

AND

ALL THAT PART OF LOT 51 ON BROCK STREET IN WASHINGTON PARK
ADDITION No. 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST, TOPEKA,
SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
NORTHWEST CORNER OF SAID LOT 51; THENCE SOUTHERLY, ALONG THE
WEST LINE OF SAID LOT, A DISTANCE OF 16.25 FEET; THENCE
NORTHEASTERLY 43.41 FEET, MORE OR LESS, TO A POINT ON THE NORTH
LINE OF SAID LOT, SAID POINT BEING 40.00 FEET EASTERLY FROM THE
NORTHWEST CORNER THEREOF; THENCE WESTERLY, ALONG SAID NORTH
LINE, TO THE PLACE OF BEGINNING.

AND

LOTS 50, 52, 54 AND 56, ON BROCK STREET, IN WASHINGTON PARK ADDITION
NO. 2, TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOTS 21, 23, 25 AND 27, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO
THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

AND

LOT 5, DRAKE SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
KANSAS.

AND

LOTS 1, 3, 5, 7, 9,11, 13, 15, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO
THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND LOTS 6, 8, 10, 12, 14,
16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 AND 38, MARYLAND AVENUE, FORMERLY
BRANNER STREET, EXCEPT THAT PORTION LOT 6, DESCRIBED AS FOLLOWS;
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTERLY
20.0 FEET, ALONG THE NORTH LINE OF SAID LOT 6, THENCE SOUTHWESTERLY
TO A POINT ON THE WEST LINE OF SAID LOT 6, 25.0 FEET SOUTHERLY OF THE
NORTHWEST CORNER OF SAID LOT 6; THENCE NORTHERLY, ALONG THE WEST
LINE OF SAID LOT 6, TO THE NORTHWEST CORNER THEREOF AND THE POINT
OF BEGINNING, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE
COUNTY, KANSAS; AND EXCEPT THAT PART OF LOT 5 AND ALL OF LOTS 7
THRU 15, ODD LOTS ON HUDSON BOULEVARD AND PART OF LOTS 22 THRU 32,
EVEN LOTS ON BANNER STREET IN CAPITOL VIEW ADDITION TO THE CITY OF
TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING
AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 60 DEGREES 32
MINUTES 41 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF
SAID LOT 15, 171.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15;
THENCE SOUTH 13 DEGREES 47 MINUTES 08 SECONDS EAST, 27.48 FEET TO
THE SOUTHWEST CORNER OF LOT 19; THENCE NORTH 72 DEGREES 59
MINUTES 13 SECONDS WEST, 63.56 FEET; THENCE NORTH 3 DEGREES 10
MINUTES 55 SECONDS WEST 75.03 FEET; THENCE NORTH 43 DEGREES 01
MINUTES 07 SECONDS EAST, 44.70 FEET TO THE NORTHWEST CORNER OF
SAID LOT 5; THENCE NORTH 50 DEGREES 26 MINUTES 51 SECONDS EAST,
121.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE
SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 455.00
FEET, A CHORD BEARING OF SOUTH 41 DEGREES 51 MINUTES 29 SECONDS
EAST, A CHORD LENGTH OF 124.61 FEET, AN ARC LENGTH OF 125.00 FEET TO
THE POINT OF BEGINNING.

AND

LOTS 17 AND 19, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO THE CITY
OF TOPEKA, SHAWNEE COUNTY, KANSAS.

ALONG WITH ALL ADJACENT ROAD RIGHTS OF WAY FOR SE 15TH STREET, SE
EDISON STREET, SE BROCK STREET, SE MARYLAND AVENUE, SE HUDSON
BOULEVARD AND SE YALE STREET.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF
ANY, NOW OF RECORD.