ORDINANCE NO. 19089

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adopting a Redevelopment Project Plan for the East Gate Redevelopment District pursuant to K.S.A. 12-1770 et seq., as amended.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Topeka, Kansas (the "City"), is authorized to establish redevelopment districts within a defined area of the City which is an "eligible area" as said term is defined in the Act; and

WHEREAS, the Council of the City of Topeka, Kansas, adopted Resolution No. 7959 on June 5, 2007, calling for a public hearing considering the establishment of a redevelopment district to be held by the Council of the City of Topeka, Kansas, on July 10, 2007; and

WHEREAS, notice of the public hearing on establishment of a redevelopment district was given as required by the Act; and

WHEREAS, a public hearing on establishment of a redevelopment district was held on July 10, 2007, and closed on the same day; and

WHEREAS, the City, by the adoption of Ordinance No. 18923 on July 10, 2007, determined that the area was an "eligible area" as a blighted area and created a redevelopment district (the "Redevelopment District") consisting of a single redevelopment project area, the boundaries of which are contiguous with the boundaries of the Redevelopment District (the "Project Area"); and

WHEREAS, the City is considering the adoption of the Redevelopment Project Plan for the East Gate Redevelopment District (the "Project Plan"), which provides for the
redevelopment of the Project Area within the Redevelopment District; and

WHEREAS, on March 24, 2008, the Planning Commission of the City made a
finding that the Project Plan is consistent with the intent of the City’s comprehensive plan
for the development of the City; and

WHEREAS, a copy of the Project Plan, and all amendments thereto, was delivered
by the City to the Board of County Commissioners of Shawnee County and to the Board of
Education of Unified School District No. 501; and

WHEREAS, the Council of the City of Topeka adopted Resolution No. 8057 on April
15, 2008, calling for a public hearing considering the adoption of the Project Plan to be
held by the Council of the City of Topeka on May 20, 2008; and

WHEREAS, the Council of the City of Topeka, Kansas did hold a public hearing on
the advisability of the adoption of a Redevelopment Project Plan for the East Gate
Redevelopment District, said public hearing was held on May 20, 2008, 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 20th day of May 2008; 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 adopts the East Gate Redevelopment Project Plan which is
attached hereto as “Exhibit A” and specifically incorporated herein.

Section 2. THE BOUNDARIES OF THE EAST GATE REDEVELOPMENT
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 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 267 DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID SOUTH LINE; 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 ABOVE DESCRIBED TRACT OF LAND; THENCE SOUTH ON THE WEST LINE OF SAID SOUTHWEST QUARTER, 471 FEET; THENCE 

BORD/Adopt East Gate Plan 5/2/08 3
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
NORTHWESTERLY 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 EASTERNLY 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.

Section 3. The Project Plan for the East Gate Redevelopment District shall be
completed within twenty (20) years of the adoption of this Ordinance.

Section 4. That any substantial changes as defined in K.S.A. 12-1770a, and
amendments thereto, to the Project Plan as adopted by this Ordinance, shall be subject to
a public hearing and publication of notice in accordance with K.S.A. 12-1770, *et seq.*, and
amendments thereto.

Section 5. That the East Gate Redevelopment Project Plan shall be governed by
Redevelopment Agreement for East Gate by and between the Developer and the City
which shall be subject to and become effective with the approval of the City Council.

Section 6. This Ordinance shall take effect and be in force from and after its passage and approval by a two-thirds (2/3) majority vote of the governing body, and publication in the official City newspaper.

PASSED and APPROVED by the City Council May 20, 2008.

ATTEST:

Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor
EAST GATE TAX INCREMENT
FINANCING PROJECT
Redevelopment Project Plan
Topeka, Kansas

15th Street Investments, LLC
EAST GATE TAX INCREMENT FINANCING PROJECT

Redevelopment Project Plan

This Project Plan (the “Plan”), together with all exhibits described in and attached to this Plan, is intended by 15th Street Investments, LLC or its assigns (the “Developer”) and the City of Topeka, Kansas (the “City”) to be the “redevelopment project plan” described in K.S.A. 12-1772(a). The Plan generally describes how the East Gate Project (the “Project”) will utilize tax increment financing (“TIF”) to finance or reimburse “redevelopment project costs” incurred during the redevelopment of the Project, as such costs are defined in K.S.A. 12-1770 et seq. (the “TIF Act”). This Plan is intended to be the basis for a redevelopment agreement (the “Redevelopment Agreement”) between the Developer and the City.

I. East Gate Project Procedural History and General Information.

On June 5, 2007, the Council of the City of Topeka, Kansas (the “City Council”) passed Resolution 7959 (the “Resolution”), which scheduled a public hearing on July 10, 2007 to consider the formation of a TIF district for the Project Area, defined below. A copy of the Resolution is attached to and incorporated in this Plan as Exhibit A. The Resolution was adopted as required by the TIF Act. The term “District Area” refers to the real property generally located at S.E. 15th Street and S.E. Adams Street, as legally described in the Resolution. An illustration of the District Area is attached to and incorporated in this Plan as Exhibit B.

On July 10, 2007, the City Council held a public hearing to consider the formation of the District, and passed Ordinance 18923 (the “Ordinance”) establishing the District. The Ordinance is attached to and incorporated in this Plan as Exhibit C. The Ordinance included a description of the district plan and found that the District was a “blighted area,” all in accordance with the TIF Act. In connection with the approval of the Ordinance, a blight study prepared by Caplan & Associates was reviewed by the City Council, a copy of which is available in the office of the City Clerk.

Including all public right-of-ways, the District consists of approximately 18.9 acres of predominantly undeveloped parcels in Topeka, Kansas. Developer intends to develop and enhance the District to serve as a gateway to East Topeka. The District is highly visible from Interstate 70 and the Brown v. Board of Education National Historic Site and Museum is nearby. Within the District, and pursuant to this Plan, Developer and the City intend to construct all necessary infrastructure improvements necessary to build the retail, commercial, and residential buildings generally described in this Plan. An illustration of the proposed improvements is attached to and incorporated in this Plan as Exhibit D. The development will occur in two phases—Phase I will occur first, and will generally be north of S.E. 15th Street, while Phase II will occur second, and will consist of all other developments shown in Exhibit D. The combined areas shown in Exhibit D as Phase I and Phase II are referred to as the “Project Area”.

Page 1 of 4
II. Project Buildings, Facilities and Improvements.

A. Buildings and Structures.

The Project Area will consist of approximately 39,600 square feet of commercial space, as well as approximately 60 new multi-family residential units. Exhibit D shows the proposed location, size, and anticipated use of each building or structure in the Project.

B. Infrastructure Improvements, Site Preparation and Fees.

The total estimate of infrastructure improvements for Phases I and II is $4,671,000.00 plus interest, as described in greater detail in Exhibit E (p. 16) attached to and, by reference, incorporated in this Plan. The infrastructure improvements include the extension of sanitary sewer and storm sewer access to the Project Area, street repair, curb and guttering, sidewalks, erosion control, utility access, lighting, and similar improvements. Prior to the formation of the TIF District on July 10, 2007, Developer incurred site preparation costs, engineering costs, legal fees related to the formation of the District, and architectural costs related to the formation of the District.

III. Summary of East Gate Project Feasibility Study.

The “Feasibility Study” prepared by Caplan & Associates concludes that the East Gate Project, as described by this Plan, is feasible. A copy of the Feasibility Study is attached to and incorporated in this Plan as Exhibit E. The Feasibility Study estimates that the Project will generate approximately $8,267,365.00 (p. 20) in tax increment during the first twenty (20) years of the District. The tax increment will come from the increase in property taxes from the improved properties over the “base year assessed valuation” and the increase in sales taxes collected by the City and Shawnee County, Kansas within the District. The Feasibility Study notes that the real estate taxes collected in year 2007 within the District totals only $3,445.00 (p. 17). By contrast, after the Project Area has been fully constructed, the Feasibility Study estimates a tax increment (including real estate and local sales taxes) of $375,733.00 in 2010, and increasing to $457,337.00 by 2028 (p.20). The tax increment is anticipated to reimburse all of Developer’s eligible expenses, estimated at $8,104,180.00 (Table P). If there is any deficiency in available tax increment to reimburse those expenses, the City will have no obligation to reimburse the Developer from other funds. The Feasibility Study strongly supports the use of tax increment financing for the Project.
IV. Proposed Financing Method.

Tax increment financing will be used to finance or reimburse redevelopment project costs as follows:

1. All redevelopment project costs will be eligible for reimbursement to the fullest extent permitted by Kansas law, including Developer’s interest incurred to finance the redevelopment project costs.

2. The following funds will be collected for a period of twenty (20) years and held in accordance with the TIF Act in a "TIF Fund":
   
a. All incremental real property taxes assessed in the District during the term of the TIF Project; and
   
b. All City and Shawnee County, Kansas sales taxes paid in the District during the term of the TIF Project.

3. The Developer will privately finance all public and private improvements necessary for the redevelopment of the Project, as follows:
   
a. Developer will use private indebtedness and/or equity to finance the construction of all redevelopment project costs; and
   
b. Developer will construct public infrastructure improvements in accordance with a Development Agreement to be executed between Developer and the City.

4. Except as limited by paragraph 5., below, Developer shall be entitled to seek reimbursement for all redevelopment project costs incurred in connection with the Project. Without limiting the generality of the preceding sentence, the following costs are specifically reimbursable to Developer:
   
a. All private interest paid by Developer to finance the construction of redevelopment project costs shall be reimbursable; and
   

5. To the extent that TIF revenues are available and during the term of the TIF Project, Developer may seek reimbursement from the TIF Fund, up to the TIF Cap, but in no event shall Developer receive TIF revenues in excess of Developer’s redevelopment project costs. The term “TIF Cap” shall mean the sum of $5,138,100.00 (e.g. $4,671,000.00 multiplied by ten percent) plus interest thereon at a rate not to exceed the WSJ Prime Rate plus one percent. The term
"WSJ Prime Rate" means the interest rate published in The Wall Street Journal as the prime interest rate for U.S. commercial banks, as adjusted semi-annually on each January 1 and July 1 as such prime interest rate is adjusted.

6. Developer intends to begin construction on the Project immediately upon approval of this Plan and the formation of the Project, and subject to the following deadlines (to be described in greater detail in the Redevelopment Agreement):

   a. Developer shall substantially complete the public infrastructure improvements within two (2) years of the approval of this Plan by the City Council;

   b. Developer shall substantially complete Phase I of the private improvements within three (3) years of the approval of this Plan by the City Council; and

   c. Developer shall substantially complete Phase II of the private improvements within seven (7) years of the approval of this Plan by the City Council.

7. The City shall be entitled to an administrative fee equal to two percent (2%) of annual TIF revenues until substantial completion of the improvements described in paragraph 6, above, and an administrative fee equal to one percent (1%) of TIF revenues thereafter.

8. This Plan does not contain a relocation assistance plan described in K.S.A. 12-1772(a)(4), because no businesses or residences will require relocation under this Plan. Likewise, no eminent domain is requested or required.

V. Conclusion.

The Project will create approximately 39,600 square feet of new commercial development and 60 new residential units in East Topeka. The City will continue to receive all taxes which are currently assessed and paid on the subject properties. All costs of the Project will be initially financed by Developer, and, to the extent of available increment, subsequently reimbursed over time to Developer, up to the TIF Cap. The City will incur no new indebtedness, bear no cost, and have no responsibility to issue bonds. The Project is the result of local investment, and will provide much needed development in East Topeka. The Feasibility Study strongly supports the Project.
Summary of Exhibits

Exhibit A: Resolution 7959
Exhibit B: Ordinance 18923
Exhibit C: Illustration of TIF District Area
Exhibit D: Illustration and Description of TIF Project Buildings and Structures
Exhibit E: Feasibility Study for the East Gate Development
Exhibit A: Resolution 7959
(Published in the Topeka Metro News June 13, 2007)

RESOLUTION NO. 7959

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing for Establishment of a Redevelopment District for the East Gate Project area.

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that a public hearing shall be held by the Governing Body of the City of Topeka, Kansas, on the advisability of the establishment of a redevelopment district for the East Gate Project area; said hearing to be held on July 10, 2007, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as provided by K.S.A. § 12-1770, et seq., as amended.

BE IT FURTHER RESOLVED that the City Clerk shall publish the following notice of such public hearing in the official City newspaper and give notice to all affected persons and entities in the manner provided by K.S.A. § 12-1772, as amended.

NOTICE OF PUBLIC HEARING:

Notice is hereby given that the Council of the City of Topeka, Kansas, will meet for the purpose of holding a public hearing as provided by K.S.A. § 12-1770, et seq., as amended, in the City Council Chambers of City Hall 214 E. 8th Street, at 6:00 p.m. on July 10, 2007, to consider the advisability of the establishment of a redevelopment district for the East Gate Project area described as follows:

A. PROPOSED BOUNDARIES OF THE DISTRICT:

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 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID
EAST LINE TO THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON
AZIMUTH 267 DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID
SOUTH LINE; 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 ABOVE DESCRIBED TRACT OF
LAND; THENCE SOUTH ON THE WEST LINE 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 99.83 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 NORTHWESTERLY 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, 82.19 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

EASTACRES TIF DISTRICT HEARING
05/30/07
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.

B. PROPOSED DISTRICT PLAN:

The proposed district plan for the Redevelopment District would allow the Applicant
to redevelop the area described above to provide new retail development. Further, the
proposed District plan would permit the City of Topeka to issue full faith and credit tax
increment bonds ("TIF") funds to finance all or a portion thereof, 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 thereon, including approximately 150,000 to 170,000
square feet of retail space (over the course of two anticipated phases) in said
Redevelopment District.

C. DESCRIPTION AND MAP AVAILABLE FOR INSPECTION:

A description of the proposed Redevelopment District, map and legal description of
the proposed Redevelopment District are available for inspection at the office of the
Topeka City Clerk on Monday through Friday, except holidays during regular business
hours from 8:00 a.m. to 5:00 p.m.

D. PUBLIC HEARING/FINDINGS TO BE CONSIDERED/RECESS:

During said hearing, that the City Council will consider findings necessary for the
establishment of the Redevelopment District. The hearing may be recessed from time to
time by the City Council to allow for the presentation and consideration of relevant
information to make its findings.

E. POSTHEARING PROCEDURE:

The City Council may upon conclusion of the public hearing pass an ordinance
establishing the Redevelopment District pursuant to the requirements contained in
K.S.A.§12-1771, as amended.

ADOPTED and APPROVED by the City Council June 5, 2007.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

EASTACRES TIF DISTRICT HEARING
05/30/07
ATTEST:

Borda Younger

Brenda Younger, City Clerk
Exhibit B: Ordinance 18923
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;
B. Predominance of defective or inadequate street layout;
C. Unsanitary and unsafe conditions;
D. Deterioration of site improvements;
E. Improper Subdivision or Obsolete Platting or Land Uses;
F. Existence of Conditions Which Endanger Life or Property by Fire or Other Causes; and
G. Conditions which create economic obsolescence.

Section 3. That the presence of the aforementioned factors in the East Gate Redevelopment District substantively 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

William W. Bunten, Mayor

Brenda Younger, City Clerk

ORD/18923-establishing_east_gate_tif_district_15th_and_adams_street_area 7/11/2007 3
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 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID EAST LINE TO
THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 267
DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID SOUTH LINE;
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, 54.21 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 ABOVE DESCRIBED TRACT OF LAND; THENCE
SOUTH ON THE WEST LINE 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 NORTHWESTERLY 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 WISTERLY 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.
Exhibit C: Illustration of TIF District Area
Exhibit D: Illustration and Description of TIF Project Buildings and Structures
Exhibit E:  Feasibility Study for the East Gate Development