ORDINANCE NO. 19878

AN ORDINANCE introduced by Jim Colson, City Manager, establishing a community improvement district (CID) located at 12th and Wanamaker Road (Crosswinds Common) levying a CID sales tax of one percent (1%) within the CID, and issuing, upon request, special obligation bonds.

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, on or about November 6, 2013 and January 3, 2014, the City received a petition from the owners of record of more than 55% of the land within a proposed CID district (“District”) generally described as Crosswind Commons at 12th and Wanamaker Road 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. 8576 adopted on December 17, 2013, the City has provided notice that it would hold a public hearing on January 7, 2014 to consider establishing a District and make findings necessary therefore; and

WHEREAS, the public hearing was continued until January 28, 2014; and

WHEREAS, the Governing Body conducted a public hearing on January 28, 2014 to consider establishing the proposed District, all in accordance with the Act; and

WHEREAS, the Act provides that upon the conclusion of the public hearing the Governing Body may authorize the District and project therein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:
Section 1. The general nature of the project is to provide construction, improvements and maintenance to the properties located within the District. Proposed improvements include construction, maintenance, and procurement of certain improvements, costs and services within the District, including, but not limited to, land acquisition, infrastructure related items, sidewalks, parking lots, drainage improvements, buildings, tenant improvements, utilities, landscaping, lighting, signage, soft costs of the Project and the City’s and the administrative costs in establishing and maintaining the District and any other items permitted to be financed with the District under the Act and authorized in a Development Agreement.

Section 2. 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 approved by the City Manager.

Section 3. The estimated cost of the proposed project within the District is approximately $22,600,000.

Section 4. The legal description of the District includes two tracts as described herein:

Tract 1: MDR Subdivision, Block A, Lot 1, Blk A Lot 1 MDR Sub, Also LT 1, Blk A MDR Sub #2, Section 32, Township 11, Range 15, City of Topeka, Shawnee County, Kansas

Tract 2: Vitt Acres, Lot 5, N 105' of Lot 5, Vitt Acres, Also Blk A, Lt 1, Ruth Sub, Section 32, Township 11, Range 15, City of Topeka, Shawnee County, Kansas

Section 5. A map of the District is attached as Exhibit A.
Section 6. The method of financing the project is through a CID sales tax and, upon request of the Developer, Topeka Crosswinds, LLC, issuance of special obligation bonds. 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. If issued, the special obligation bonds shall be payable solely from a pledge of the CID sales tax and any sales tax reimbursement fund established pursuant to a Development Agreement. Any bonds issued shall not be a general obligation of the City.

Section 7. The City authorizes and hereby levies a one percent (1%) CID sales tax as described in Section 6. The City may also issue special obligation bonds as described in Section 6.

Section 8. Upon establishment of this District and prior to the expenditure of any CID revenues the City shall execute a Development Agreement with the Developer setting forth the terms and conditions for implementation of the District. If the parties fail to execute such Development Agreement within thirty (30) days of establishing the District, the City shall commence action to repeal this ordinance establishing the CID.

Section 9. This ordinance shall be in full force and effect from and after its passage by a majority of the Governing Body and publication once in the official City newspaper.

Section 10. After publication, the City Clerk is hereby directed to file a copy of this ordinance with the Shawnee County Register of Deeds.
Section 11. The City Clerk is directed to 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.

PASSED AND APPROVED by the Governing Body on January 28, 2014.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk