RESOLUTION NO. 7304

A RESOLUTION introduced by Mayor Harry Felker, granting a waiver of the requirements of City of Topeka Code Sections 138-76 et seq. relating to property tax exemptions for the Star-Kist Foods DBA Heinz Pet Products plant located at 220 Brickyard Road in Topeka, Kansas.

WHEREAS, City of Topeka Code Sections 138-76 et seq. establish a procedure for the granting of economic development property tax exemptions, as allowed by Article 11, Section 13 of the Kansas Constitution; and

WHEREAS, City of Topeka Code Section 138-91 requires the submission of a new application for exemption and approval by the City Council of the application if there has been a change in the majority ownership of a business which owns exempted property; and

WHEREAS, City of Topeka Code Section 138-90 allows the City Council to waive the application requirement upon a finding that a compelling or imperative reason exists for doing so and such action is found and declared to be in the public interest; and

WHEREAS, the City Council has previously granted Star-Kist Foods DBA Heinz Pet Products, a division of H.J. Heinz Company, L.P. ("Heinz, L.P.") five (5) separate property tax exemptions for its plant located at 2200 Brickyard Road; and

WHEREAS, on December 20, 2002, H.J. Heinz merged with DLM Foods division of Del Monte Corporation ("Del Monte") and transferred ownership of the 2200 Brickyard Road plant to Del Monte; and

WHEREAS, Del Monte wishes to continue the property tax exemptions previously granted to Star-Kist, and has expressed its intention to continue the current level of jobs, payroll and investment at the plant; and
WHEREAS, in order to ensure the orderly and timely transfer of the 2200 Brickyard Road plant from Star-Kist to Del Monte, Del Monte has requested that the City Council waive the application requirements of City of Topeka Code Section 138-91 and grant the transfer of the property tax exemptions for this plant to its new owner, Del Monte.

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

1. Pursuant to City of Topeka Code Section 138-90, the City Council hereby finds that there exist compelling reasons and it is hereby found to be in the public interest to waive the procedural requirements of City of Topeka Code Section 138-91 with regard to the transfer of the plant located at 2200 Brickyard Road from Star-Kist to Del Monte.

2. This waiver and the approval of the transfer of the property tax exemptions shall be subject to the written agreement of Del Monte to abide by the terms and conditions of the following ordinances which granted the current property tax exemptions:

<table>
<thead>
<tr>
<th>City of Topeka Ordinance Number</th>
<th>Board of Tax Appeals Number</th>
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<tbody>
<tr>
<td>17369 Millennia Phase 1,2,3</td>
<td>BOTA Number Pending</td>
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<tr>
<td>17368 Millennia Phase 1,2,3</td>
<td>BOTA Number Pending</td>
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<td>17145 Millennia Phase 1,2,3</td>
<td>BOTA 1998-4265</td>
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<td>17383 Excel Phase I</td>
<td>BOTA 2002-1058 EDX</td>
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<td>BOTA 2002-1059EDX</td>
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<tr>
<td>17901</td>
<td>BOTA Pending</td>
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3. Del Monte shall, at its own expense, take whatever action is necessary to give effect to this transfer of ownership and property tax exemption with the appropriate governmental agencies.
ADOPTED and APPROVED by the City Council JAN 07 2003

CITY OF TOPEKA, KANSAS

[Seal of Topeka]

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/8/03 BY [Signature]