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 99.63 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 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 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
ATTEST:

_____________________________
Brenda Younger, City Clerk