RESOLUTION NO. 8068

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., granting a waiver of the requirements of City of Topeka Code § 138-76 et seq. relating to property tax exemptions for the SPS Processing Facility located at 3801 NW 14th Street in Topeka, Kansas and rescinding resolution 7914.

WHEREAS, Council on February 13, 2008 adopted resolution 7914, which allowed the transfer of the property tax exemption on certain parcels of land from River Bottom Group ("RBG") to SPS Processing Company ("SPS"); and

WHEREAS, it has come to the council's attention that MBI, Inc. ("MBI") is the actual owner of the land which leases to SPS; and

WHEREAS, the transfer of the exemption should be corrected to include both MBI and SPS as the transferees; and

WHEREAS, the Council desires to correct resolution 7914 to reflect the actual parties involved in the transfer of the exemptions; and

WHEREAS, City of Topeka Code § 138-76 et seq. establishes 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 § 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 § 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 River Bottom Group, Inc. ("RBG") four (4) separate property tax exemptions for its facility located at 3801 NW 14th Street; and

WHEREAS, RBG has transferred ownership of the facility at 3801 NW 14th Street to SPS Processing, Inc. and MBI, Inc.; and

WHEREAS, SPS and MBI, Inc. wish to continue the property tax exemptions previously granted to RBG, and have expressed their intention to continue the current level of jobs, payroll and investment at the facility; and

WHEREAS, in order to ensure the orderly and timely transfer of the facility from RBG to SPS and MBI, Inc., SPS and MBI, Inc. have requested that the City Council waive the application requirements of City of Topeka Code § 138-91 and grant the transfer of the property tax exemptions for this facility to its new owner, SPS and MBI, Inc.

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

1. Pursuant to City of Topeka Code § 138-90, the City Council hereby finds that there exists compelling reasons and it is hereby found to be in the public interest to waive the procedural requirements of City of Topeka Code § 138-91 with regard to the transfer of the facility located at 3801 NW 14th Street from RBG to SPS and MBI, Inc.:

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

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<th>City of Topeka Ordinance Number</th>
<th>Board of Tax Appeals Number</th>
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3. SPS and MBI, Inc. shall, at its own expense, take whatever action is necessary to give effect to this property tax exemption with the appropriate governmental agencies.

4. The transfer of exemption shall be effective as of February 13, 2007.

NOW, THEREFORE, BE IT FURTHER RESOLVED, BY THE COUNCIL OF THE CITY OF TOPEKA, that Resolution 7914 is hereby rescinded.

ADOPTED and APPROVED by the City Council June 11, 2008.

CITY OF TOPEKA, KANSAS

________________________________________
William W. Bunten, Mayor

ATTEST:

________________________________________
Brenda Younger, City Clerk