RESOLUTION NO. 8130

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the approval of Amendment No. 5 to Contract No. 36091 with Washburn-Lane Parkway Renovations regarding the College Hill Redevelopment Project.

WHEREAS, the City and Developer have previously entered into City of Topeka Contract No. 36091 which provides for the redevelopment of certain real estate in Topeka, Kansas, and have also entered into City of Topeka Contract Nos. 36527, 36864, 37284, and 38617 which amend City of Topeka Contract No. 36091 (collectively, the “Redevelopment Agreement”); and

WHEREAS, the parties hereto desire to further amend City of Topeka Contract No. 36091, as amended, as provided for in Section 10.04 of said Contract; and

WHEREAS, due to economic conditions beyond its reasonable control as contemplated in Section 3.08 of the Redevelopment Agreement, the Developer has delayed the construction of Building J, consisting of condominium townhomes, as contemplated under the Redevelopment Agreement; and

WHEREAS, the parties wish to amend the Redevelopment Agreement to allow for a change to the development schedule under Section 3.03 of the Redevelopment Agreement to permit construction of Building J, Condominium Townhomes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the Council approves Amendment No. 5 to Redevelopment Agreement which includes the following:

1. Change in the Development schedule to extend the final delivery of the project to December 31, 2010.
27. Provisions for reimbursement to the City’s combined water, wastewater and stormwater utility for costs of unreimbursed improvements constructed as part of the redevelopment project in the event the Building J is not constructed and appraised by the County at one hundred percent (100%) by January 1 of each year covered by the agreement.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that City Manager is authorized to execute said amendment.

ADOPTED and APPROVED by the City Council December 2, 2008.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk