RESOLUTION NO. 8240

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to Topeka Ice, Inc. and authorizing an option contract to acquire a certain parcel of real property for an ice skating facility.

WHEREAS, the City conveyed a certain parcel of real estate located at SE 8th and SE Madison Streets (the “Real Property”) to Topeka Ice, Inc., subject to a provision that the site would revert back to the City on November 1, 2009, if the construction of an ice skating facility had not been completed; and

WHEREAS, Topeka Ice, Inc. has requested it be provided an option to purchase the real property to allow additional time to arrange for financing to construct an ice skating facility; and

WHEREAS, the City Council is agreeable to entering into an option contract with Topeka Ice, Inc., to give Topeka Ice the right to purchase the real property if Topeka Ice is able to obtain financing for the construction of an ice skating facility.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that after Topeka Ice, Inc. has conveyed any interest it may potentially have in the Real Property to the City and the City has been provided with sufficient evidence that any outstanding taxes have been paid and that there are no liens, mortgages or other encumbrances on the Real Property, the City Manager is authorized to execute an option contract between the City and Topeka Ice, Inc. in substantially the same form as attached as Exhibit A. Said option contract shall grant Topeka Ice, Inc. the right to exercise its option at any time during the period ending December 31, 2011, to allow for the construction of the ice skating facility on the Real Property prior to December 31, 2012.
BE IT FURTHER RESOLVED that if Topeka Ice, Inc. exercises its option prior to December 31, 2011, the City Manager is authorized and directed to sign a deed and any other instrument necessary to convey the Real Property to Topeka Ice, Inc., subject to reversionary provisions that the ownership of the Real Property will revert to the City of Topeka if 1) the ice skating facility is not constructed completely by December 31, 2012, or 2) if the Real Property is not used exclusively as an ice skating facility or public recreational facility for ten years thereafter or 3) if Topeka Ice, Inc. conveys the Real Property to any other person, corporation or entity during the ten (10) year period following completion of construction of the ice skating facility.

ADOPTED and APPROVED by the City Council February 23, 2010.