RESOLUTION NO. 8948

A RESOLUTION introduced by Interim City Manager Doug Gerber, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Wheatfield Village District at 29th and Southwest Fairlawn Road and rescinding Resolution No. 8938.

WHEREAS, K.S.A. 12-6a26 et seq., as amended establishes the Community Improvement District Act (the “Act”) for economic development and any other purpose for which public money may be expended; and

WHEREAS, cities are authorized to create community improvement districts (CID) to assist with the financing of eligible projects provided cities comply with the procedures set forth in the Act; and

WHEREAS, the City received a petition from the owners of record of more than 55% of the land within the proposed CID district and the owners collectively owning more than 55% by assessed value of the land area within the proposed CID district generally described as Wheatfield Village and legally described in Section B herein; and

WHEREAS, in order to assist in the redevelopment of this area for mixed-use, the City desires to consider the establishment of a CID as requested by Petitioners and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID; and

WHEREAS, the governing body, on August 8, 2017, adopted Resolution No. 8938
establishing September 12, 2017 as the public hearing date which date should be changed in light of the Petitioner’s amended petition increasing the proposed sales tax from 1.5% to 2.0%.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY that the public hearing previously scheduled for September 12, 2017 to consider the advisability of creating a Community Improvement District (“CID district”) is changed to October 3, 2017 in the City Council Chambers of City Hall, 214 SE 8th Street, at 6:00 p.m. and Resolution No. 8938 is rescinded.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body shall meet for the purpose of holding a public hearing in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m. on October 3, 2017 to consider the advisability of creating a Community Improvement District, more specifically described as follows:

A. GENERAL NATURE OF IMPROVEMENT:

The general nature of the proposed CID Project is to promote the redevelopment and revitalization of the Wheatfield Village mixed-use development, located at the northwest corner of Southwest 29th Street and Southwest Fairlawn Road within the City, by providing community improvement district financing for the demolition, construction, maintenance, and procurement of certain improvements, costs, and services within the district, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, parking lots and/or structures, buildings, facilities, tenant improvements, water management and drainage related items, utilities, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the district, marketing, advertisement and economic development, promotion of activities and special events, training, cleaning and maintenance, and administrative costs in establishing and maintaining the district and the CID Project, and any other items permitted to be financed within the district under the Act.
B. ESTIMATED OR PROBABLE COST:

$93,222,834

C. PROPOSED METHOD OF FINANCING:

The proposed method of financing the CID Project is from a CID sales tax in the amount of 2.0 % through a Pay-as-You-Go financing

D. MAP OF THE PROPOSED CID DISTRICT.

The map of the proposed district is contained in Exhibit A which is attached herein and incorporated by reference.

E. LEGAL DESCRIPTION OF THE PROPOSED CID DISTRICT.

A legal description of the proposed district is contained in Exhibit B which is attached herein and incorporated by reference.

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by resolution as to the advisability of establishing a Community Improvement District and levying a 2.0 % sales tax within the District. All persons desiring to be heard with reference to the creation of the District shall be heard at this hearing.

Upon adoption of this Resolution, the City Clerk shall mail a copy, by certified mail, return receipt requested, to each owner within the proposed District at least 10 days prior to the date of the public hearing. The City Clerk shall publish this resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.
ADOPTED and APPROVED by the Governing Body on September 5, 2017.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk
CID DISTRICT BOUNDARY

A portion on the Southeast Quarter of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 12 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas described as follows:

Beginning at a point on the West line of said Southwest Quarter of Section 10, at a point 813.39 feet North of the Southwest corner of said Quarter Section, said point being on the extension of the North line of Shunga Plaza Subdivision and in the center of Shunga Creek; thence Southeasterly on the extension of the North line of said Shunga Plaza Subdivision to the East Right of Way line of Southwest Fairlawn Road; thence Southerly on said East Right of Way line to the intersection with the North Right of Way line of Southwest 29th Street; thence Easterly on the North Right of Way of Southwest 29th Street a distance of 150 feet more or less; thence Southerly to a point 20 feet South of the South curb line of Southwest 29th Street; thence Westerly and Southwesterly parallel with said South curb line and its extension a distance of 680 feet more or less to a point 100 feet measured at right angles to the center of the west-bound lanes of Interstate-470; thence Northwesterly and Northerly along a line being parallel with of 100 feet Northeasterly of said center of the west-bound lanes, a distance of 1,275 feet more or less to the center of Shunga Creek; thence Easterly on the center of said Shunga Creek a distance of 1,380 feet more or less to the point of beginning.