RESOLUTION NO. 8950

A RESOLUTION introduced by Doug Gerber Interim City Manager, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the SE 29th Community Improvement District.

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 a community improvement district (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 located generally at 210-240 S.E. 29th Street and legally described in Section B herein; and

WHEREAS, in order to assist in the redevelopment of this area, 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.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, that a public hearing shall be held to consider the advisability of
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council 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 project (Project) is the renovation of the former Kmart building at 240 SE 29th Street and retaining the existing businesses of Harbor Freight and Car Toyz Audio as well as redevelopment of remaining space for an affordable storage facility. Improvements will include roof replacement, façade upgrade, as well as electrical/HVAC/utility and landscaping upgrades.

B. PROPOSED IMPROVEMENT DISTRICT:

The legal description for the proposed improvement district is contained in Exhibit A which is attached herein and incorporated by reference. An aerial map of the proposed district boundaries is contained in Exhibit B which is attached herein and incorporated by reference.

C. ESTIMATED OR PROBABLE COST:

$955,000

D. PROPOSED METHOD OF FINANCING:

The proposed method of financing is through a CID sales tax and reimbursement to the developer after certification of costs. The proposed amount of the CID sales tax to be levied is one percent (1%) which shall be levied upon all sales of tangible personal property at retail or services taxable within the CID district pursuant to the Kansas Retailers’ Sales Tax Act.

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 ("CID district"), in the City Council Chambers of City Hall, 214 SE 8th Street, on October 3, 2017 at 6:00 p.m.
Improvement District, levying a 1% 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, a copy shall be mailed 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 12, 2017.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Tract 1

Address: 210 SE 29th Street, Topeka, Kansas 66605

Parcel Identification #: 089-133-07-0-40-08-009.00-0

A tract of land in the Southeast Quarter of Section 7, 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 said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 597.88 feet; thence

North 00 degrees 00 minutes 00 seconds East 300.00 feet; thence North 90 degrees 00 minutes 00 seconds West 145.55 feet; thence North 15 degrees 03 minutes 18 seconds East 375.47 feet to the point of beginning; thence

North 15 degrees 03 minutes 18 seconds East 145.38 feet; thence North 89 degrees 59 minutes 16 seconds East 99.97 feet; thence South 01 degree 11 minutes 48 seconds West 131.65 feet; thence South 89 degrees 57 minutes 30 seconds West 132.64 feet to the point of beginning.
Tract 2, 3, and 4

Address: 240 SE 29th Street, Topeka, Kansas 66605
Parcel Identification #: 089-133-07-0-40-08-006.00-0

Tract II: Part of Lot 1, Block A, GREENWOOD SUBDIVISION in part of the Southeast Quarter of Section 7, 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 said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 597.88 feet; thence North 00 degrees 00 minutes 00 seconds 00 East 0260 feet; thence North 90 degrees 00 minutes 00 seconds West 145.55 feet; thence North 15 degrees 03 minutes 18 seconds East 375.47 feet; thence North 89 degrees 57 minutes 30 seconds East 132.64 feet; thence North 01 degree 11 minutes 48 seconds East 131.65 feet; thence North 89 degrees 89 minutes 16 seconds East 84.95 feet; thence South 00 degrees 00 minutes 00 seconds West 754.32 feet; thence South 90 degrees 00 minutes 00 seconds West 172.32 feet to the point of beginning.

Tract III: Part of Lot 1, Block A GREENWOOD SUBDIVISION, in part of the Southeast Quarter of Section 7, Township 12 South, Range 16 East of the 6th P.M., in the city of Topeka, Shawnee County, Kansas, described as follows:
Beginning at Southwest Corner of said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 1,048.99 feet; thence North 00 degrees 00 minutes 00 seconds 00 East 754.32 feet; thence North 89 degrees 57 minutes 30 seconds West 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 59 minutes 16 seconds West 464.26 feet; thence South 01 degree 08 minutes 17 seconds West 560.54 feet; thence South 90 degrees 00 minutes 00 seconds West 203.85 feet; thence South 00 degrees 00 minutes 00 seconds West 194.00 feet thence South 90 degrees 00 minutes 00 seconds West 50.53 feet to the point of beginning.

Tract IV: Part of Lot 1, Block A, GREENWOOD SUBDIVISION in part of the Southeast Quarter of Section 7, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows:
Beginning at Southwest Corner of said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Quarter Section 770.20 feet; thence North 00 degrees 00 minutes 00 seconds 00 East 754.32 feet; thence North 89 degrees 57 minutes 30 seconds West 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 59 minutes 16 seconds West 623.09 feet; thence South 01 degree 08 minutes 17 seconds West 560.54 feet; thence South 90 degrees 00 minutes 00 seconds West 278.79 feet to the point of beginning.

EXHIBIT B
(Aerial Map of Proposed District)
EXHIBIT B
BOUNDARY MAP OF THE PROPOSED DISTRICT

District Boundary