City of Topeka
City Council Agenda

City Council Chambers

214 SE 8th Street
Topeka, Kansas 66603

www.topeka.org

October 3, 2017
6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	**District No. 1**	**Brendan Jensen**	**District No. 6**
Sandra Clear	**District No. 2**	**Elaine Schwartz**	**District No. 7**
Sylvia E. Ortiz	**District No. 3**	**Jeff Coen**	**District No. 8**
Tony Emerson	**District No. 4**	**Richard Harmon**	**District No. 9**
Michelle De La Isla	**District No. 5**		

Interim City Manager: Doug Gerber

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

Persons addressing the City Council will be limited to four (4) consecutive minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th - Room 166 and on the City's web site at http://www.topeka.org)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

2. PRESENTATIONS:

3. ROLL CALL:

4. APPOINTMENTS:

A. Board Appointment - Civil Service Commission

BOARD APPOINTMENT recommending the appointment of John Kirk to the Civil Service Commission to fill an unexpired term ending November 1, 2019. *(Council District No. 8)*

5. CONSENT AGENDA:

A. Resolution - Brass Rail Tavern - Noise Exception

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 2)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music on October 20, 2017, during the hours of 8:00 p.m. and 11:59 p.m., at 401 NE Emmett Street.)

B. Denial of Tort Claim Appeal - Michael Gray

DENIAL of a Tort Claim Appeal submitted by Michael Gray in the amount of $500.00 for damages to his vehicle from a TFD Fire Engine responding to a structure fire.

C. Denial of Tort Claim - John Forsythe, et. al.

DENIAL of a Tort Claim submitted on behalf of John Forsythe (Veritas Bronze), Janet Zoble (Promark Management), and Tim Degginger (Degginger Foundry) for $31,750 plus 10% interest accruing from August 17, 2016.

D. MINUTES of the regular meeting of September 19, 2017

E. APPLICATIONS:

6. ACTION ITEMS:

A. Public Hearing and Ordinance - SE 29th Street Community Improvement District (CID)

PUBLIC HEARING and ORDINANCE introduced by Interim City Manager Doug Gerber,

establishing a Community Improvement District (CID) for the project at 240 SE 29th Street levying a CID sales tax of one percent (1%) within the CID.

<u>Voting Requirement</u>: Majority vote of the Governing Body (6).

(Approval would establish a community improvement district at 240 SE 29th Street and authorize the imposition of a 1% sales tax to be imposed on retail sales and services within the district.)

B. Public Hearing and Ordinance - Neighborhood Revitalization Plan

PUBLIC HEARING and ORDINANCE introduced by Interim City Manager Doug Gerber continuing the 2013-2017 Neighborhood Revitalization Plan for an additional year.

<u>Voting Requirement</u>: Majority vote of the Governing Body (6).

(Approval would extend the current Neighborhood Revitalization Program to December 31, 2018.)

C. Public Hearing - Wheatfield Village TIF Redevelopment Project Plan

PUBLIC HEARING (continued from the meeting of September 12, 2017) to consider the adoption of a Tax Increment Financing (TIF) Project Plan for the Wheatfield Village TIF Redevelopment District located near SW 29th Street and Fairlawn Road.

(The public hearing is continued from the meeting of September 12, 2017, and will be conducted for the purpose of considering the advisability of adopting a TIF Redevelopment Project Plan for the Wheatfield Village TIF Redevelopment District. The ordinance approving the project plan would be placed on a future agenda.)

D. Public Hearing - Wheatfield Village Community Improvement District (CID)

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 levying a CID sales tax of two percent (2%) within the CID.

(A public hearing will be conducted for the purpose of considering the advisability of establishing a community improvement district at SW 29th Street and SW Fairlawn Road and imposing a 2% retailers sales tax on retail sales or services within the district. The ordinance approving the establishment of a CID will be placed on a future agenda.)

7. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

10. ADJOURNMENT:

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Mayor Wolgast**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Civil Service Commission**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of John Kirk to the Civil Service Commission to fill an unexpired term ending November 1, 2019. *(Council District No. 8)*

VOTING REQUIREMENTS:

The Mayor does not vote.

POLICY ISSUE:

The Civil Service Commission controls all examinations with advice from the police chief, fire chief, technical advisor and city attorney or their respective designees. The commission would provide uniform rules with respect thereto and shall hold such examinations as are necessary for the purpose of determining the qualifications and fitness of applicants for positions on the police and fire departments.

STAFF RECOMMENDATION:

Mayor Wolgast nominates and recommends the appointment of John Kirk for a term that would end November 1, 2019.

BACKGROUND:

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments. The Commission also certifies the list of eligible applicants and prepares an annual report for the City Manager. The City Manager may also request special reports from the Commission at any time.

BUDGETARY IMPACT:

No budgetary impact.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

J.Kirk Application 2017

J.Kirk Resume 2017

Profile

John
First Name

Kirk
Last Name

jkirkwsu@gmail.com
Email Address

2745 SW Villa West Drive
Street Address

Apartment 2608
Suite or Apt

Topeka
City

KS
State

66614
Postal Code

Are you a resident of the City of Topeka?

◉ Yes ○ No

What district do you live in? *

☑ District 8

Check for your district here -> https://www.topeka.org/citycouncil

Home: (316) 461-6765
Primary Phone

Mobile: (316) 461-6765
Alternate Phone

Which Boards would you like to apply for?

Shawnee County Community Corrections Advisory Board: Submitted

State of Kansas
Employer

Principal Budget Analyst
Job Title

Are you a registered voter?

◉ Yes ○ No

Are you currently a full or part-time employee of the City of Topeka?

○ Yes ◉ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

○ Yes ◉ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

○ Yes ◉ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

○ Yes ◉ No

If yes, please explain:

Please state why you are interested in serving on this board or commission:

I currently work for the Kansas Division of the Budget. One of my current agencies is the Kansas Department of Corrections. I have a good understanding of how the state correctional system works. I would like to know more about how a local system of corrections works.

Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have a Master of Public Administration degree from Wichita State. I work a lot with the Kansas Department of Corrections on budget issues and have gotten to understand how the state system works. I also volunteer at the Topeka/Shawnee County Public Library once a week.

John_Kirk_Resume_4.docx

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Male

Acknowledgements and Verification

Purpose of information being submitted.

☑ I Agree

The information I am submitting is true and correct.

☑ I Agree

Electronic Signature

☑ I Agree

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

http://topeka.novusagenda.com/agendapublic/

John Kirk

E-mail	Address	Phone
jkirkwsu@gmail.com	2745 SW Villa West Drive, Apt. 2608 Topeka, KS 66614	316-461-6765

Education

Wichita State University Wichita, KS
Master of Public Administration
Graduated: May 2006

Wichita State University Wichita, KS
Graduate Certificate in City/County Management
Graduated: May 2006

Wichita State University Wichita, KS
Bachelor of Arts in Political Science
Graduated: May 2002

Experience

July 2006 to Present **Budget Analyst with Kansas Division of the Budget** Topeka, KS

Responsibilities Include:

- Analyzing budgets for state agencies
- Coordinating capital improvements for the Governor's budget
- Making budget recommendations to the Governor
- Assisting in preparation of the Governor's annual budget report
- Preparing fiscal notes for the Legislature
- Interacting with the Governor, Legislators, and members of the Cabinet
- Conducting training classes on the state budget system
- Training state agencies on various budget-related issues
- Agencies responsible for include the Kansas Highway Patrol, the Adjutant General's Department, and the Kansas Department of Corrections

May 2006 to July 2006 **Program Coordinator with Butler County Health Dept.** El Dorado, KS

Responsibilities Included:

- Prepared for the Butler County Pandemic Influenza Tabletop Exercise
- Prepared to assist in the completion of the After Action Report

June 2005 to May 2006 **Internship with Butler County, KS** El Dorado, KS

Responsibilities Included:

- Prepared the cell phone RFP
- Researched information for a potential codes court
- Assisted in preparation of the 2006 County budget
- Assisted in updating the County planning & zoning regulations
- Assisted in updating the Butler County Safety Handbook

June 2004 to June 2005 **Internship with City of El Dorado, KS** El Dorado, KS

Responsibilities Included:

- Coordinated HOME grant from the State
- Prepared City Internet Policy
- Prepared Candidate Forum Use for Commission Chambers Policy
- Prepared Public Comment Policy for City Commission meetings
- Assisted in preparation of the 2005 and 2006 City budget
- Updated City Drug and Alcohol Policy
- Updated City personnel rules

Aug. 1997 to Dec. 2005 **Dillon's Food Stores** Wichita, KS

Responsibilities Included:

- Mediated customer concerns
- Supervised checkers and sackers to ensure the employees were taking care of the customers
- Researched and attempted to find store shortages
- Public notary

Computer Skills:

- Microsoft Word
- Microsoft Access
- Microsoft Excel
- Microsoft PowerPoint
- Microsoft Publisher
- Microsoft Outlook
- Internet research skills

Graduate Courses Studied:

- Public Sector Economics
- State/Local Government Finance
- State/Local Economic Development
- State/Local Government Administration
- Public Decision Making

City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Councilmember Sandra Clear**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Nic Sargent**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 2)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music on October 20, 2017, during the hours of 8:00 p.m. and 11:59 p.m., at 401 NE Emmett Street.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Brass Rail Tavern has requested that a noise exception be granted for a live band and amplified music to take place during specified date and time.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Brass Rail Tavern is requesting the noise exception due to amplified music.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.; and

WHEREAS, Brass Rail Tavern has requested that it be granted an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Brass Rail Tavern, the Governing Body of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka that Brass Rail Tavern is hereby granted an exception from the provisions of City of Topeka Code Section 9.45.150, et seq. for a live band located on the patio at 401 NE Emmett Street during the hours of 8:00 p.m. and 11:59 p.m. on October 20, 2017.

ADOPTED and APPROVED by the Governing Body _____________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Nick Jefferson**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Michael Gray**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**011 Lawsuits / 001 State Court**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

DENIAL of a Tort Claim Appeal submitted by Michael Gray in the amount of $500.00 for damages to his vehicle from a TFD Fire Engine responding to a structure fire.

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Whether to deny the tort claim appeal.

STAFF RECOMMENDATION:

Staff recommends the Governing Body deny the tort claim appeal because the City is not legally liable.

BACKGROUND:

The claimant states that on January 30, 2017 at approximately 3:40 p.m. he was idling his vehicle in a driveway south of the intersection of 10th and Gage. At the same a TFD Fire Engine, in response to an emergency call, engaged lights and sirens and proceeded to exit from the same driveway. The driver turned south on Gage. The rear passenger side of the engine made contact with the front driver side of claimant's vehicle, damaging the vehicle. The claimant's insurer has paid the claim except for the $500 deductible which claimant is seeking. City ordinance precludes the city from settling a tort claim unless there is substantial evidence of legal liability. TMC 3.35.060. It is the City Attorney's opinion that no legal liability exists pursuant to K.S.A. 48-915(a) which provides immunity to City employees for damage that occurs as a result of ordinary negligence while those employees are engaged in emergency management activities.

BUDGETARY IMPACT:

The claimant is seeking $500.00.

SOURCE OF FUNDING:

Special Liability Fund

City of Topeka
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October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Nick Jefferson**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**011 Lawsuits / 001 State Court**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

DENIAL of a Tort Claim submitted on behalf of John Forsythe (Veritas Bronze), Janet Zoble (Promark Management), and Tim Degginger (Degginger Foundry) for $31,750 plus 10% interest accruing from August 17, 2016.

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Whether to deny the tort claim.

STAFF RECOMMENDATION:

Staff recommends denial of this claim.

BACKGROUND:

It is alleged that one or more claimants, entered into a contract with an engineering firm for the 15 bronze medallions to be installed along Kansas Avenue as part of the private enhancements associated with the Kansas Avenue renovation, at a price of $63,750.00, of which $31,750.00 is alleged to be unpaid. City is not a party to the contract subject to this dispute, nor is it responsible for any payments under that contract, and there is not substantial evidence to support claimants' tort claims.

BUDGETARY IMPACT:

The claimants are seeking payment of $31,750.00 plus 10% interest accruing from August 17, 2016.

SOURCE OF FUNDING:

Special Liability Fund

City of Topeka

Council Action Form

Council Chambers

214 SE 8th Street

Topeka, Kansas 66603

www.topeka.org

October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Nickie Lee, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**SE 29th Community Improvement District**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 042 Community Development**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Discussion 09/05/17.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

PUBLIC HEARING and ORDINANCE introduced by Interim City Manager Doug Gerber, establishing a Community Improvement District (CID) for the project at 240 SE 29th Street levying a CID sales tax of one percent (1%) within the CID.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would establish a community improvement district at 240 SE 29th Street and authorize the imposition of a 1% sales tax to be imposed on retail sales and services within the district.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Whether to assist with the redevelopment of SE 29th Street by establishing a community improvement district and imposing a 1% sales tax with the district. In October of 2011 the governing body established a CID policy that required potential projects to meet the following criteria:

1) Promote cultural, historical, or artistic elements and enhance tourism and quality of life;
2) Attract unique commercial, office, industrial or mixed use development which will enhance the economic climate of the City and diversify the economic base;
3) Substantially promote economic development, investment or reinvestment in the community;
4) Encourage retail projects that enhance the base of attract new sales;
5) provide for construction of facilities that promote tourism or enhance the quality of life within the City;
6) Upgrades older real estate through redevelopment or rehabilitation.

STAFF RECOMMENDATION:

After the public hearing has been conducted, staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

On June 1, 2017, the City received a petition from NSI Investments, LLC/TriStates Investments, LLC requesting the creation of a community improvement district for the redevelopment of property at 240 SE 29th Street. The governing body held a discussion regarding the petition and the potential use of a community improvement district (CID) at the September 5, 2017 meeting. On September 12, 2017, the governing body approved a resolution to set a public hearing for October 3, 2017.

State law authorizes a City to facilitate economic development by establishing a district and imposing sales tax on retail purchases and services within the district. The developer proposes a 1% sales tax for a period of 22 years.

The SE 29th project fits within the parameters of the established CID policy approved by the Governing Body and will be an enhancement to that area.

BUDGETARY IMPACT:

The City would not contribute any taxing funds to this project and assume no risk. The CID would impose an incremental sales tax within the district, the proceeds of which would be used to reimburse qualified developer cost.

A fund will need to be created for the Community Improvement District to collect sales tax proceeds. Once sales tax proceeds begin collections, a budget would need to be established in order to distribute funds.

SOURCE OF FUNDING:

One percent (1%) sales tax levied in the community improvement district.

ATTACHMENTS:

Description

Ordinance

Development Agreement

Resolution No. 8950

SE 29th Petition

SE 29th Presentation

CID Policy

CID Procedures

(Published in the Topeka Metro News ______________________________________)

ORDINANCE NO. _____________

AN ORDINANCE introduced by Interim City Manager Doug Gerber establishing the SE 29th Street Community Improvement District (CID) and levying a CID sales tax of one percent (1%) within the CID.

WHEREAS, pursuant to the Community Improvement District Act, K.S.A. 12-6a26 through 12-6a36, as amended (the “Act”) cities are authorized to establish Community Improvement Districts (“CID”) for economic development purposes; and

WHEREAS, on or about August 17, 2017, the City received a petition from the owners of record of more than 55% of the land within a proposed CID district (“District”) generally described as the SE 29th Community Improvement District and the persons collectively owning more than 55% by assessed value of the land area within the proposed District; and

WHEREAS, pursuant to Resolution No. 8950 adopted on September 12, 2017 the City has provided notice that it would hold a public hearing on October 3, 2017 to consider establishing a CID and make findings necessary therefore; and

WHEREAS, the Governing Body conducted a public hearing on October 3, 2017 to consider establishing the proposed District, all in accordance with the Act; and

WHEREAS, the Act provides that upon the conclusion of the public hearing the Governing Body may authorize the CID and project therein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:

Section 1. Nature of the Project. 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.

Section 2. Findings. The Governing Body finds the District furthers economic development within the City and further finds it advisable and in the City's best interest to establish the District and authorize the project as proposed, subject to a Development Agreement approved by the City Manager.

Section 3. Estimated Project Cost. The estimated cost of the proposed project within the District is approximately $955,000.

Section 4. Legal Description. The legal description of the District is attached as Exhibit A and incorporated herein by reference.

Section 5. Map. A map of the District is attached as Exhibit B and incorporated herein by reference.

Section 6. Method of Financing; Sales Tax; Pay as You Go. The method of financing the project is through a CID sales tax. 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 District pursuant to the Kansas Retailers' Sales Tax Act.

Section 7. Sales Tax Levy. The City authorizes and hereby levies a one percent (1%) CID sales tax as described in Section 6 which shall expire no later than 22 years from the date the state director of taxation begins collecting the tax or when the pay-as-you-go costs have been paid.

Section 8. Development Agreement. In accordance with the Governing Body's CID Policy which requires presentation of a development agreement to the governing body, the Development Agreement is approved.

Section 9. Effective Date. This ordinance shall be in full force and effect from and after its passage by a majority of the Governing Body and publication once in the official City newspaper.

Section 10. Recording. After publication, the City Clerk is hereby directed to file a copy of this ordinance with the Shawnee County Register of Deeds.

Section 11. Kansas Department of Revenue. The City Clerk is directed to provide the Kansas Department of Revenue with a certified copy of this ordinance notifying the Department of the establishment of the District and the levy of the CID sales tax.

PASSED AND APPROVED by the Governing Body on ____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
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 136.38 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 East 260 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 minutes 00 seconds East 40.00 feet to the point of beginning; thence North 01 degree 11 minutes 48 seconds East 623.09 feet; thence South 89 degrees 57 minutes 30 seconds West 214.50 feet; thence North 01 degree 11 minutes 48 seconds East 131.57 feet; thence North 89 degrees 59 minutes 16 seconds East 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 the 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 East 754.32 feet; thence North 89 degrees 59 minutes 16 seconds East 80.05 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 57 minutes 30 seconds East 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 623.09 feet; thence South 90 degrees 00 minutes 00 seconds West 278.79 feet to the point of beginning.

EXHIBIT B
BOUNDARY MAP OF THE PROPOSED DISTRICT

District Boundary

May 19, 2017

Parcels

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

SNCO GIS
SNCOGIS

FINAL

DEVELOPMENT AGREEMENT

BETWEEN

THE CITY OF TOPEKA, KANSAS

AND

O & H INVESTMENTS, LLC

FOR IMPLEMENTATION OF THE

SE 29th COMMUNITY IMPROVEMENT DISTRICT

DATED AS OF OCTOBER 3, 2017

DEVELOPMENT AGREEMENT

TOPEKA, KANSAS
SE 29th COMMUNITY IMPROVEMENT DISTRICT

This Development Agreement dated as of October 3, 2017, for implementation of the SE 29th Community Improvement District (the "Agreement") is entered into by and between the **CITY OF TOPEKA, KANSAS**, a municipal corporation (the "City"), and **O&H INVESTMENTS, LLC**, a Missouri limited liability company (the "Developer") (collectively referred to as the "Parties").

WHEREAS, the Developer has proposed the renovation of the former Kmart building located at 240 SE 29th Street to retain the existing businesses (Harbor Freight and Car Toyz Audio) as well as to redevelop the remaining space as a self-storage facility (the "Project") on four parcels of land described in ***Exhibit A***, which is attached hereto and incorporated herein by this reference (the "Project Area"). Improvements will include roof replacement, façade upgrades, as well as electrical/HVAC/utility and landscaping upgrades; and

WHEREAS, the proposed Project consists of four (4) separate Lots, all as shown on the site plan, which is attached hereto as ***Exhibit B*** and incorporated herein by this reference (the "Site Plan"); and

WHEREAS, the Developer has filed a petition (the "Petition") with the City to establish the SE 29th Community Improvement District (the "CID") to impose a sales tax within the boundaries of the CID to assist with funding the costs of development within the Project Area; and

WHEREAS, in addition to the CID, the Developer has requested reimbursement for certain costs pursuant to increased revenues from the sales tax generated by the retail stores included as part of the Project; and

WHEREAS, the Developer and the City anticipate that the Project will provide significant economic benefits to the City and other political subdivisions, including paying real property taxes to the City and other taxing subdivisions and generating retail sales tax revenues for the City and other entities collecting retail sales taxes; and

WHEREAS, entering into this Agreement serves the public purpose of enabling the Developer to proceed with the Project, thereby increasing economic development in the City and adding to the existing tax base within the City; and

WHEREAS, the City and the Developer desire to enter into this Agreement for the Project to provide the terms and conditions for payment and/or reimbursement of the Project Costs.

NOW THEREFORE, to improve, maintain and revitalize commercial activity in the City by assuring opportunities for redevelopment and attracting sound and stable commercial growth, to promote the public interest, to create new jobs in the City, to enhance the tax base of the City and to induce the Developer to undertake the Project, and in consideration of the premises and mutual covenants and agreement herein set forth, the City and the Developer do hereby covenant and agree as follows:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the hereinafter defined Act. Unless the context shall otherwise indicate, words importing the singular number shall include the plural, and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 12-6a26 *et seq*., as amended and supplemented from time to time.

"CID Occupants" means the businesses intended to be located in the District, as described in the first recital of this Agreement.

"CID Sales Tax" means the one percent (1.0%) special Community Improvement District Sales Tax levied within the District and collected pursuant to K.S.A. 12-6a31, as amended.

"CID Sales Tax Fund" means that fund held in the City's treasury into which proceeds of the CID Sales Tax are deposited. The City may designate a name for such fund on its books and records at its discretion.

"CID Term" means a term commencing on the Commencement Date and ending on the 22^{nd} anniversary of the Commencement Date, unless terminated earlier as provided herein.

"City" means the City of Topeka, Kansas.

"City Clerk" means the duly appointed City Clerk of the City of Topeka, Kansas.

"Commencement Date" means November 1, 2017.

"Department of Revenue" means the Department of Revenue of the State of Kansas.

"Developer" means O&H INVESTMENTS, LLC, a Missouri limited liability company, and its successors and assigns.

"District" means the SE 29th Community Improvement District established by the City pursuant to the Ordinance, which contains within its boundaries the real property legally described in ***Exhibit A***.

"Eligible Project Cost" means the costs of the Project described on ***Exhibit D*** that are eligible to be paid or reimbursed pursuant to the Act and in accordance with this Agreement, limited to: site preparation, demolition costs, hard costs and soft costs related specifically to such site preparation, demolition and hard construction costs, plus architecture, engineering, permit fees and costs charged by the City related to the creation of the CID and execution of this agreement.

"Governing Body" means the governing body of the City.

"Notice Address" means the following with respect to the entities referenced below:

(a) To the City at:

CITY OF TOPEKA, KANSAS
City Hall, Room 355
215 SE 7th Street
Topeka, Kansas 66603
Attn: City Manager

With a copy to:

City Clerk
City Hall, Room 166
215 SE 7th Street
Topeka, Kansas 66603

(b) To the Developer at:

AFS Topeka, LLC
Attn: Trent Overhue, Member
601 East South Street
Ozark, Missouri 65721
(402) 659-3540 - telephone

"Ordinance" means Ordinance No. _____ passed by the Governing Body of the City on October 3, 2017, authorizing the creation of the District, as amended from time to time.

"Parties" means, collectively, the City and the Developer.

"Petition" means the Petition requesting the creation of a Community Improvement District filed with the City Clerk on September 12, 2017.

"Private Project Costs" means costs of the Project other than land acquisition costs.

"Project" means the retail redevelopment project described herein, which is located on the property described in ***Exhibit A***.

"Project Costs" means all the costs and expenses of the Project expended by the Developer and described in K.S.A. 12-6a27, as amended, as more specifically described on the attached ***Exhibit D.***

"Reimbursable Project Costs Cap" means $900,000 (from the CID Sales Tax Fund).

"Reimbursement Funds" means the CID Sales Tax Fund.

"State" means the State of Kansas.

"Taxpayers" means any individual or business located in the District and required to remit sales and use tax to the Kansas Department of Revenue (and its successors).

Section 2. District Formation and Purpose. Pursuant to the Act and proceedings of the City, including the Ordinance, the City has authorized the creation of the District. The purpose of creating the District is to provide the Developer with an economic incentive to undertake the Project and to provide for further economic development of the City. The purpose of this Agreement is to outline the rights, duties and obligations of the Parties as they relate to the District and to provide for the reimbursement to the Developer of the Eligible Project Costs from the proceeds of the CID Sales Tax, in accordance with the further terms of this Agreement.

Section 3. Representations of the Parties.

(a) The City is a municipal corporation organized under the laws of the State. The City is authorized pursuant to the Act to create the District, levy the CID Sales Tax, enter into this Agreement and perform the duties and obligations of the City contained herein. The Governing Body has taken all requisite action to pass the Ordinance, that, when it becomes effective, creates the District and levies the CID Sales Tax. The Agreement constitutes a valid and binding obligation of the City in accordance with its terms.

(b) The Developer is a limited liability company duly organized and existing under the laws of the State of Missouri. Throughout the term of this Agreement, the Developer agrees to maintain its status as such an entity, in good standing and authorized to do business in the State. The Developer has taken all requisite action under its organizational documents to authorize the execution of this Agreement and to perform the duties and obligations of the Developer contained herein. The Agreement constitutes a valid and binding obligation of the Developer in accordance with its terms.

(c) The Developer agrees that the CID Occupants shall include (at least) Car Toyz, Harbor Freight and a self-storage facility through December 31, 2022, unless the Topeka City Manager shall approve other tenants/end users in writing. After December 31, 2022, the Developer shall be permitted to allow any tenant/end user to use the Project except those listed in ***Exhibit E***.

Section 4. Project Costs. A description of the scope of the Project and Project Costs, as estimated and submitted by the Developer, are set forth on ***Exhibit D***. The Developer represents that each of the costs designated to be reimbursed from CID Sales Taxes is an Eligible Project Cost subject to the limitations set forth in the definition of Eligible Project Cost. The Parties agree that the amounts of the Project Costs may be adjusted among any of the stated categories, except as provided herein.

Section 5. Initial Funding of Project. The Project Costs will be paid by, or on behalf of, the Developer as a pay-as-you-go-financing under the Act. The City will not advance any City funds for the payment of any Project Costs and will not provide any financing, including the issuance of any bonds or notes. Reimbursement to the Developer shall be made in accordance with Section 7 of this Agreement.

Section 6. Reimbursement of City Costs; Administration of CID Sales Tax

(a) As required by the City CID Procedures, the Developer shall be responsible for paying all costs necessary to comply with state law, including but not limited to: costs of legal publication notices, resolutions and ordinances. The Developer shall also reimburse the City for reasonable expenses associated with the review and evaluation of the petition and this Agreement by the City's special counsel and financial advisor. Developer payments under this Section 6(a) shall be considered to be Eligible Project Costs.

(b) Subject to, and as specified by, the terms and conditions of this Agreement, the City agrees to perform, or provide for the performance of, the administration of the financing of the Eligible Project Costs. On or before January 1, 2018, the City shall provide notification to the Department of Revenue to commence the collection and reporting of the CID Sales Tax within the District in accordance with the provisions of the Act. The imposition of the CID Sales Tax shall commence on March 1, 2018, or as soon thereafter as the Department of Revenue begins the collection of the CID Sales Tax, and shall expire at the end of the CID Term. In the event the Developer has received all amounts under the Reimbursable Project Costs Cap prior to the expiration of the CID Term, the City shall have the right to continue to receive the CID Sales Tax for any statutorily permitted use within the Project Area at the sole discretion of the City. Notwithstanding this subsection (b), the City may repeal the Ordinance prior to the expiration of the CID Term if all of the following requirements are met:

(1) the Aggregate payments from the CID Sales Tax Fund equal the Reimbursable Project Costs Cap; *and*

(2) the Governing Body determines that the CID Sales Tax is no longer required to pay for costs associated with the District.

(c) Pursuant to the Act, the City shall establish the CID Sales Tax Fund as a segregated fund within the treasury of the City, which shall be held and administered by the City in accordance with this Agreement and the Act. Revenues collected from the CID Sales Tax received by the City from the Department of Revenue during the CID Term shall be deposited in the CID Sales Tax Fund.

(d) The City shall impose and collect a fee for the administration of the CID Sales Tax and any sales tax reimbursement pursuant to Section 7 herein. On the 15th day of each month (or the next business day if such day shall not be a normal business day of the City) of each year during the term of this Agreement, the City shall withdraw from the CID Sales Tax

Fund an amount equal to two (2) percent of the aggregate deposits to the CID Sales Tax Fund from the date of the most recent fee assessment date, or from the commencement date of collections if no such fee assessment has ever been made.

Section 7. Reimbursement Procedures. Reimbursement of Eligible Project Costs is conditioned upon the following:

(a) Not more frequently than once per calendar month, the Developer shall submit to the City's Director of Financial and Administrative Services a Certification of Expenditures (in substantially the form attached to this Agreement as ***Exhibit C***) signed by the Developer, with supporting documentation identifying the Eligible Project Costs for which the Developer seeks reimbursement. The supporting documentation shall be copies of invoices reflecting amounts billed, copies of checks, evidence of wire transfers or other cash payments by the Developer for the Project Costs, copies of bank or private funding loan documentation evidencing interest expense, lien waivers or other evidence that no mechanic's liens exist with respect to the construction of the Project for which reimbursement is sought and such other documentation as the City shall reasonably request.

(b) Each invoice shall contain a certification by the Developer that each Project Cost submitted for reimbursement is an Eligible Project Cost, that such expense has been incurred by the Developer and that such expense has not been previously submitted for reimbursement hereunder. The City reserves the right to have its engineer or other agents or employees inspect all work for which a Certification of Expenditure is submitted, to retain an outside accountant, engineer or attorney to evaluate and assist with processing Certifications of Expenditures for compliance with this Agreement, to examine the Developer's and other records relating to all Eligible Project Costs to be paid and to obtain from such parties such other information as is reasonably necessary for the City to evaluate compliance with the terms hereof.

(c) The City shall have fifteen (15) calendar days after receipt of any completed and executed Certification of Expenditure to review and respond by written notice to the Developer; provided, however, that the City may, prior to the end of such fifteen (15) day period, advise the Developer if additional time is needed to review and respond to such Certificate, in which event the City shall respond by the extended date so indicated, which date shall not be more than thirty (30) days after the date of such notice. If, in the reasonable judgment of the officer or agent of the City charged with reviewing each Certification of Expenditure, the submitted documentation demonstrates that: (1) the payments requested in the Certification of Expenditure are for Eligible Project Costs, (2) the expense was incurred, (3) the Developer is not in default under this Agreement; (4) the ad valorem property taxes for property owned by the Developer within the District are current; (5) the Developer is current on its reporting pursuant to Section 9 of this Agreement; and (6) there is no fraud on the part of the Developer, then the City shall approve the Certification of Expenditure, and, if there are sufficient funds available in the Reimbursement Funds as set forth herein, make, or cause to be made, reimbursement to the Developer at the time set forth in subsection (d) of this Section. If the City disapproves the Certification of Expenditure, the City shall notify the Developer, in writing, of the reason(s) for such disapproval within such fifteen (15) calendar-day period (or such extended period as provided herein). However, if only certain line items on the Certification of Expenditure are disapproved and others are approved the City shall make, or cause to be made, reimbursement for the line items of the Certification of Expenditure approved by the City, if there are sufficient funds available in the Reimbursement Funds as set forth herein. The Developer agrees to make a good faith effort to submit thorough and complete Certifications of Expenditures. The Developer may appeal a denial of one or more items of a Certification of Expenditure in accordance with the administrative appeal process as defined in the Topeka Municipal Code. Approval of a Certification of Expenditure for reimbursement of Eligible Project Costs will not be unreasonably withheld.

(d) Subject to the further terms of this Agreement, to the extent there is money available in the CID Sales Tax Fund, any requested reimbursement approved pursuant to this ***Section** 7* shall be paid to the Developer through the City's regular accounts payable process from the CID Sales Tax Fund; provided, the aggregate disbursement from the CID Sales Tax Fund to the Developer does not exceed the Reimbursement Project Costs Cap. No disbursements to the Developer shall be made from the CID Sales Tax Fund after the expiration of the CID Term.

Section 8. City and Other Governmental Permits. Before beginning construction of any aspect of the Project, the Developer shall, at its expense, obtain or cause to be obtained any necessary planning documents, permits or licenses that may be required by the City, Shawnee County or any other governmental agency having jurisdiction over the Project.

Section 9. Reporting.

(a) From and after the commencement of this Agreement, the Developer shall require all Taxpayers within the District at the request of the Director of Finance & Administrative Services or designee (the "Director"), not later than the 15th day of each month (or by the 15th day of the first month following a quarterly filing if they are permitted to file with the State on a quarterly basis), to provide copies of any sales tax filings required to be submitted to the Kansas Department of Revenue (and any successor) for the next preceding month. Additionally, the Developer shall impose a requirement in any lease of property located within the District that the tenant of a Taxpayer shall provide this information to the Director not later than the 15th day of each month for the next preceding month.

(b) Not later than January 25th of each year, commencing January 25, 2018 and ending the January 25th following the expiration of the CID Term, the Developer shall provide to the Director a reporting, as of December 31st of the next preceding year, of (i) annual and cumulative Project Costs, Private Project Costs and reimbursements of Eligible Project Costs and (ii) taxable retail sales for each Taxpayer in the District; and (iii) the remaining amount of unreimbursed Eligible Project Costs.

(c) The City shall not be responsible for collecting, accounting for or remitting CID Sales Tax to the CID Sales Tax Fund for any Taxpayer not providing the reporting as required herein. Further, the City shall not be required to make any such payments retroactively should the Taxpayer later become current on its reporting for prior periods.

Section 10. Rights of Access. For purposes of insuring compliance with this Agreement, representatives of the City shall have rights of access to the Project, without charges or fees, during normal business hours during the period of Project construction, to inspect work performed or being performed in the construction of the Project. City representatives shall carry proper identification, insure their own safety and shall not interfere with construction activity unless such activity is apparently in violation of this Agreement, City codes, state or federal regulations, statutes or other law. The right of access granted by this Section shall be in addition to the City's rights to access the Project in the exercise of its proper authority to regulate, and provide for, public safety and to issue and enforce required licenses and permits.

Section 11. Insurance and Indemnification. The Developer agrees to defend, indemnify and hold the City, its officers, agents and employees, harmless from and against all liability for damages, costs and expenses, including attorney fees, arising out of any claim, suit, judgment or demand arising from the negligent and/or intentional acts or omissions of the Developer, its contractors, subcontractors, agents or employees in the performance of this Agreement. The Developer shall give the City immediate written notice of any claim, suit or demand that may be subject to this provision. Not in derogation of the indemnification provisions set forth herein, the Developer shall, at its sole cost and expense, throughout the term of this Agreement and during all phases of the development described herein, to the extent Developer holds fee title to property within the District, insure and keep insured any vertical structures built in the District against direct loss or damage occasioned by fire, flood and extended coverage perils through insurers with an AM Best rating of no less than "A" and/or a rating that is acceptable to the City without co-insurance. The insurance shall be for an amount that is not less than the full replacement cost of such structures.

In the event of destruction or damage to any vertical structure owned by the Developer, the Developer shall repair or reconstruct the structure within the time parameters and other terms or provisions identified in any lease agreement with any Taxpayer in the District, but not longer than twelve (12) months; provided, however, that in all events the Developer shall cause all damaged or destroyed property within the Project to be restored to a safe and sightly manner within forty-five (45) days after such damage or destruction.

Section 12. Local, State and Federal Laws. The Developer agrees that it shall abide by, and the Project shall be completed in conformity with, all applicable federal, state and local laws and regulations.

Section 13. Nondiscrimination During Construction. The Developer, for itself and its successors and assigns, agrees that in the construction of the Project the Developer shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, age, sex, marital status, handicap, national origin or ancestry.

Section 14. Default and Remedies.

(a) The failure or delay by either of the Parties to this Agreement to perform any term or provision of this Agreement required of such Party, shall constitute an event of default under this Agreement, subject to rights of cure, as specified below.

(b) Notice of an event of default shall be given by the Party claiming such default to the other Party and shall contain the basis of the claimed default.

(c) No legal proceedings against the claimed defaulting party shall be instituted nor shall the claiming Party be entitled to damages if, within fourteen (14) days from the receipt of a notice of claimed default, the claimed defaulting Party undertakes acts to cure, correct or remedy such claimed default, proceeds with due diligence to complete such cure, correction or remedy and such cure, correction or remedy is completed within thirty (30) days of the date such claimed defaulting Party received a notice of default. If the Party claimed to be in default cannot reasonably cure such claimed default within thirty (30) days, the claimed defaulting Party shall notify the other Party of such assertion with a proposed date to complete the cure; and default shall be suspended if the claimed defaulting Party commences curing the default within fourteen (14) days after receipt of written notice thereof and diligently prosecutes the cure to completion within the time period set forth in the notice to the Party claiming the default.

(d) In the event the defaulting Party does not cure the event of default as set forth in this Section, the non-defaulting Party shall have the right to:

(1) by mandamus or other suit, action or proceedings at law or in equity, to enforce the rights of the non-defaulting Party against the defaulting Party and to require and compel duties and obligations required by the provisions of this Agreement or by the laws of the State;

(2) by suit, action or other proceedings at law or in equity, to enjoin any acts or things that may be unlawful or in violation of the rights of the non-defaulting Party; or

(3) take such other action as necessary to protect the interests of the City, including suspending or canceling reimbursements to the Developer from the CID Sales Tax Fund.

(e) Specific Events of Default. In addition to any other events of default occurring pursuant to this Agreement, the Developer shall be considered to be in default if any of the following occurs:

(1) The Developer commences a voluntary case under any chapter of the Bankruptcy Code (Title 11, United States Code), as now or hereafter in effect, or if the Developer takes any equivalent or similar action by filing a petition or otherwise under any other federal or state law in effect at such time relating to the bankruptcy or insolvency.

(2) A petition is filed against the Developer under any chapter of the Bankruptcy Code as now or hereafter in effect at the time of filing, or if a petition is filed seeking any such equivalent or similar relief against the Developer under any other federal or state law in effect at the time relating to bankruptcy or insolvency.

(3) The Developer makes a general assignment for the benefit of creditors.

(4) A trustee, receiver, custodian or agent of the Developer is appointed under applicable law or under contract, whose appointment or authority to take charge of property of the

Developer is for the purpose of enforcing a lien against property in the District or for the purpose of general administration of such property for the benefit of the Developer's creditors.

(5) The Developer fails to complete the Project on or before December 31, 2019.

(6) The Developer fails to spend at least $2,000,000 in Private Project Costs by December 31, 2019.

(7) The Developer fails to spend at least $275,000 on façade improvements and landscaping by December 1, 2019.

Section 15. Governing Law, Jurisdiction.

(a) This Agreement shall be governed by, interpreted and enforced pursuant to the laws of the State.

(b) The Parties agree that any legal actions arising out of this Agreement will be instituted in the District Court of Shawnee County, Kansas or, in the case of federal jurisdiction, in the Federal District Court for the District of Kansas.

Section 16. Rights and Remedies Cumulative, Waivers. Except as otherwise expressly provided in this Agreement, the rights and remedies of the Parties shall be cumulative, and the exercise by one party of one or more such rights shall not preclude the exercise by it, at the same or different times, of any other rights or remedies specified herein. Any failure or delay by either party in asserting any of its rights and remedies as to any default hereunder shall not operate as a waiver of such default or of any rights or remedies specified hereunder, or deprive either party of its right to assert and enforce any such right or remedy.

Section 17. Amendments. This Agreement may be amended by the parties. Such amendment(s) shall be in writing and shall not cause the Agreement to be in violation of the Act.

Section 18. Transfer and Assignment. The Developer may not assign this Agreement and the rights, duties and obligations hereunder without the prior written consent of the City. The Developer may collaterally assign or pledge its rights to payments due hereunder to its lender, upon the written consent of the Topeka City Manager, which consent shall not be unreasonably withheld, upon the Developer's request for such collateral assignment or pledge in writing, addressed to the Topeka City Manager, including a copy of any agreement evidencing such collateral assignment or pledge to such third party.

Section 19. Notices, Demands, Communications Among Parties. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Agreement (except as otherwise provided in Section 7 related to reimbursements) shall be in writing, addressed to the Notice Address, and shall be deemed duly given or filed if the same shall be: (i) duly mailed by certified or registered mail, postage prepaid; or (ii) communicated via facsimile, with electronic or telephonic confirmation of receipt. The Parties may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent. All notices given by: (i) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; and (ii) facsimile as aforesaid shall be deemed duly given as of the date of confirmation of receipt.

Section 20. Entire Agreement. This Agreement is executed in duplicate originals, each of which shall be considered an original. This Agreement, including the Exhibits hereto, constitutes the entire agreement and understanding of the Parties. This Agreement supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all, or any part, of the subject matter of this Agreement.

Section 21. Electronic Transactions. The transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 22. Severability. The invalidity or inability to enforce any one or more phrases, sentences, clauses or sections of this Agreement shall not affect the validity or enforceability of the remaining portions of this Agreement.

Section 23. No Liability of City Officials or Employees. All liabilities under this Agreement on the part of the City are solely corporate liabilities of the City and no officer, employee or agent of the City shall have any personal or individual liability under this Agreement for anything done or omitted to be done by the City hereunder.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as the dates set forth opposite the signatures and represent that the individuals executing this Agreement on behalf of the Parties have the express authority to do so.

CITY OF TOPEKA, KANSAS

(SEAL)

By:__________________________________
Doug Gerber, Interim City Manager

ATTEST:

By: ________________________________
Brenda Younger, City Clerk

O&H INVESTMENTS, LLC,
a Missouri limited liability company

By: ________________________________
Trent Overhue, Member

EXHIBIT A
Legal Description of CID

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 136.38 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 East 260 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 minutes 00 seconds East 40.00 feet to the point of beginning; thence North 01 degree 11 minutes 48 seconds East 623.09 feet; thence South 89 degrees 57 minutes 30 seconds West 214.50 feet; thence North 01 degree 11 minutes 48 seconds East 131.57 feet; thence North 89 degrees 59 minutes 16 seconds East 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 the 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 East 754.32 feet; thence North 89 degrees 59 minutes 16 seconds East 80.05 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 57 minutes 30 seconds East 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 623.09 feet; thence South 90 degrees 00 minutes 00 seconds West 278.79 feet to the point of beginning.

EXHIBIT B
Proposed Project Boundary Map

EXHIBIT C
Certificate of Expenditures

CERTIFICATION OF EXPENDITURES
SE 29TH COMMUNITY IMPROVEMENT DISTRICT

Date:____________________

Certification #____________

City Clerk of the
City of Topeka, Kansas

In accordance with the Development Agreement for the SE 29th Community Improvement District Project dated ______________, 2017 (the "Agreement"), between the City of Topeka, Kansas (the "City"), and NSI Investments, LLC (the "Developer"), the Developer hereby certifies, with respect to all payment amounts requested pursuant to this Certificate to be reimbursed to the Developer, as follows:

1. To the best of my knowledge, all amounts are Eligible Project Costs (as defined in the Agreement) that are reimbursable to the Developer pursuant to the Agreement and the CID Act. (as defined in the Agreement).

2. All amounts have been advanced by the Developer for Eligible Project Costs (as defined in the Agreement) in accordance with the Agreement and represent the fair value of work, materials or expenses.

3. No part of such amounts has been the basis for any previous request for reimbursement under the Agreement and this request would not cause aggregate reimbursement requests pursuant to the Agreement to exceed the Reimbursable Project Costs Cap.

4. All taxes and assessments which are currently due on any portion of the CID owned by the Developer have been paid.

5. The Developer is current on its reporting pursuant to Section 9 of the Agreement.

The Developer further certifies that all insurance policies required to be in force under the Agreement are in full force and effect and that the Developer is in compliance, in all material respects, with all further terms of the Agreement.

The total amount of reimbursement requested by this Certificate is $___________, which amount is itemized on Attachment A-1 attached hereto and which Attachment A-1 includes ____ page(s), is incorporated herein by reference and has been initialed by the authorized representative of the Developer who signed this Certificate. Attached to Attachment A-1 are copies of the contract, invoice or other billing for the Eligible Project Costs for which Developer seeks reimbursement, along with copies of checks, evidence of wire transfers or other evidence of payment by the Developer of such Eligible Project Costs and hereby certify that such copies are true and accurate copies of the original documents.

O&H INVESTMENTS, LLC,
a Missouri limited liability company

By: ________________________________
Trent Overhue, Member

ATTACHMENT A-1
TO CERTIFICATION OF ELIGIBLE PROJECT COSTS
(O&H INVESTMENTS, LLC)
PAGE ____ OF _____

CITY OF TOPEKA

Community Improvement District Reimbursement Request

FINANCIAL SERVICES
Nickie Lee
Director of Finance and Administrative Services
City Hall, 215 SE 7th Street, Suite 358
Topeka, KS 66603-3914
Tel: (785) 368-1653

Submit requests to: City of Topeka Director of Finance and Administrative Services
215 SE 7th Street, Suite 358
Topeka, KS 66603 or fax to: 785-368-3975

Submission Date: ____________

City Project Number: ____________

Request Number: ____________

Please visit the following link for CID policies and procedures:
https://www.topeka.org/for-businesses/economic-development/community-improvement-districts

Reimbursement is contingent upon sales tax revenue received.

Minimum reimbursement is $1,000.00.

Please include supporting documentation (copies of invoices and checks).

Type *	Vendor Name	Invoice #	Invoice Date	Payment Date	Time period of work	Requested Amount
					Page 1 Total	$ -

* Note — Please use page 2 for additional items.

1 = Land Acquisition 4 = Demolition
2 = Public Infrastructure 5 = Site Prep
3 = Relocation Costs 6 = Legal and Third Party Reports

Certification: I certify that the above listed costs are eligible CID costs and were incurred as part of the CID project listed above. Costs have not previously beer submitted and they reflect actual costs expended. There are also no outstandi or anticipated liens for the work.

Signature: ____________

Date: ____________

Phone number: ____________

Office Use Only:

Finance Approval:______________________________

Engineering Approval:___________________________

EXHIBIT D
Project Costs (including Eligible Project Costs)

Land Acquisition	
Acquisition	$713,000
Renovation Costs	
Site Prep/Demolition	75,000
Conversion	705,600
Concrete	60,000
Roof Replacement	425,000
HVAC Replacement	225,000
Façade Improvements	335,000
Electrical Upgrades	200,000
Sign Improvements	35,000
Landscape Improvements	25,000
Contingency	208,560
Soft Costs	
Soft Costs	45,000
ESTIMATED PROJECT COSTS	**$3,053,160**

TOTAL REIMBURSEMENT NOT TO EXCEED $900,000 from the CID Sales Tax Fund

Incentive reimbursement shall be made to the Developer based on amounts spent by the Developer for Eligible Project Costs. Line items listed above are estimates only and in the event that the total amount stated above is not required for any Project Cost, any savings on a specific line item may be applied, at the Developer's discretion, to other line items of the Project.

EXHIBIT E
Prohibited Tenants/End Users

Adult entertainment
Adult bookstore
Arcade*
Body piercing, other than ears
Car repair
Car wash ***
Cellular or other telecommunications towers or facilities which are not stealth or fully integrated
Day care*
Mobile home park
Mobile home sales
Pawn shop
Pay-day loan services
Permanent rooftop signage**
Satellite dishes that are not fully integrated
Tattoo parlor

___

* This land use may be allowed as an accessory use if approved pursuant to City approval and such use is a subordinate use that is customarily and incidentally associated with the primary use, is located entirely within the structure of a primary use, and is not visible from and cannot be directly accessed from the exterior of the structure that contains the primary use.

** Temporary roof top signage may be allowed pursuant to the Topeka Municipal Code.

*** Unless such use is incidental to the operation of an automobile sales facility or a convenience store.

(Published in the Topeka Metro News September 18, 2017 and September 25, 2017)

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 creating 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.

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, 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

____
Larry E. Wolgast, Mayor

ATTEST:

____
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 136.38 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 East 260 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 minutes 00 seconds East 40.00 feet to the point of beginning; thence North 01 degree 11 minutes 48 seconds East 623.09 feet; thence South 89 degrees 57 minutes 30 seconds West 214.50 feet; thence North 01 degree 11 minutes 48 seconds East 131.57 feet; thence North 89 degrees 59 minutes 16 seconds East 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 the 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 East 754.32 feet; thence North 89 degrees 59 minutes 16 seconds East 80.05 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 57 minutes 30 seconds East 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 623.09 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

May 19, 2017

Parcels

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

SNCO GIS
SNCOGIS

PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT

To the City of Topeka, Kansas:

The undersigned petitioner (the “**Petitioner**”) being owners of record or representative of the owners of record of one hundred percent (100%) of real property within the hereinafter described community improvement district, hereby petition and requests that the City of Topeka, Missouri (the “**City**”), create a community improvement district as described herein, to be known as the **SE 29th COMMUNITY IMPROVEMENT DISTRICT** (the “District”), pursuant to the provisions of K.S.A. Supp. 12-6a-26 through 12-6A-36 (the “**CID Act**”).

BACKGROUND:

1. The **name** of the proposed District is the **SE 29th Community Improvement District**.

2. The proposed District is contiguous, located entirely within the City, and consists of two (2) parcels, as more particularly described in **Exhibit A** and **Exhibit B,** attached hereto and incorporated by reference herein.

3. A **legal description** of the proposed District is set forth as **Exhibit A**, attached hereto and incorporated herein by reference.

4. A **map** illustrating the boundaries of the proposed District is set forth as **Exhibit B**, attached hereto and incorporated herein by reference.

5. The proposed District consists of approximately 12.24 acres and all real property located within the proposed District has a total current assessed value of $157,500.

6. The Petitioner represents 100% of all real property within the boundaries of the proposed District.

GENERAL NATURE: The general nature of the project is as follows:

1. The renovation of the former Kmart building at 240 SE 29th Street to retain the existing businesses (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.

2. The proposed amount of community improvement district sales tax: The District proposes to impose a community improvement district sales tax (the “**Sales Tax**”) at a rate of **one percent (1%)** on all eligible retail sales made in the proposed District in accordance with the CID Act, for the duration permitted by the CID Act.

3. The proposed community improvement district amount and method of assessment: The Petitioner does not intend to impose the levy of special assessments.

ESTIMATED COSTS AND PROPOSED METHOD OF FINANCING:

1. The estimated **cost** of the CID Project is $955,000 and includes the improvements it will make and a cost estimate of the improvements (excluding costs of financing, underwriters' fees and discounts, costs of printing any notes, bonds or other obligations, interest, debt service reserves, or other issuance costs of any obligations) (collectively, the "**CID Project**"), is set forth in **Exhibit C**, attached hereto and incorporated herein by reference.

2. The proposed **method of financing** the CID project: It is proposed that the Projects be financed through a combination of private equity, private debt, and CID financing, whether on a pay-as-you-go basis or through the issuance of special obligations bonds, both as defined in the CID Act.

3. The term of the District shall be from the date of establishment by the City until all of the obligations issued to finance and reimburse all of the eligible CID Project costs incurred within the boundaries of the District have been fully redeemed in accordance with the terms of the CID Act, provided that the term of the District shall in no event be longer than 22 years.

4. Revenue produced from the CID Sales Tax shall be limited to the reimbursement of costs associated with the CID Projects, preparation of studies, site design, and other costs set forth in the CID Act.

5. The undersigned hereby state that they have the financial ability to complete and operate the Projects

6. The signatures of the signers to this Petition may not be withdrawn later than seven days after this Petition is filed with the City Clerk and the signers consent to any assessments to the extent described herein without regard to benefits conferred by the Project.

7. Petitioner respectfully requests that the proposed District be established pursuant to the CID Act.

Dated this 17th day of August, 2017.

EXECUTION PAGE FOR PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT

Name of owner: NSI Investments, LLC/TriStates Investments, LLC. O & H Investments, LLC

Owner's telephone number: 402 659-3540

Owner's mailing address: 601 East South Street, Ozark, MO 65721

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Trenton Overhue and Robi Overhue

Signer's telephone number same as above

Signer's mailing address: same as above

If owner is not an individual, state what type of entity:

- ☐ Corporation
- ☐ General Partnership
- ☐ Limited Partnership
- X Limited Liability Company
- ☐ Partnership
- ☐ Urban Redevelopment Corp.
- ☐ Not-for-profit Corp
- ☐ Other ___________

Parcel Locater # and map: 089-133-07-0-40-08-006.00-0 see map in Exhibit B

Assessed value: $ (approximately 0.35 acres)

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 8-17-17 Signature: [signature]

STATE OF Missouri)
) ss.
COUNTY OF Christian)

Before me personally appeared Trenton Overhue, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 17th day of August, 2017.

TAYE V. VERFURTH
Notary Public - Notary Seal
STATE OF MISSOURI
Christian County
Commission #14546679
My Commission Expires: April 6, 2018

Taye V Verfurth
Notary Public

EXECUTION PAGE FOR PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT

Name of owner:	NSI Investments, LLC/TriStates Investments, LLC/O&H Investments, LLC
Owner's telephone number:	402 659-3540
Owner's mailing address:	601 East South Street, Ozark, MO 65721

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer:	Trenton Overhue and Robi Overhue
Signer's telephone number	same as above
Signer's mailing address:	same as above

If owner is not an individual, state what type of entity:

- ☐ Corporation
- ☐ General Partnership
- ☐ Limited Partnership
- X Limited Liability Company
- ☐ Partnership
- ☐ Urban Redevelopment Corp.
- ☐ Not-for-profit Corp
- ☐ Other ___________

Parcel Locater # and map: 089-133-07-0-40-08-009.00-0 see map in Exhibit B

Assessed value: $ (approximately 11.89 acres)

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 8-17-17 Signature: [signature]

STATE OF Missouri)
) ss.
COUNTY OF Christian)

Before me personally appeared Trenton Overhue, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 17th day of August, 2017.

TAYE V. VERFURTH
Notary Public - Notary Seal
STATE OF MISSOURI
Christian County
Commission #14546679
My Commission Expires: April 6, 2018

Taye V Verfurth
Notary Public

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 136.38 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 East 260 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.

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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 the 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 East 754.32 feet; thence North 89 degrees 59 minutes 16 seconds East 80.05 feet; thence South 01 degree 11 minutes 48 seconds West 131.57 feet; thence North 89 degrees 57 minutes 30 seconds East 214.50 feet; thence South 01 degree 11 minutes 48 seconds West 623.09 feet; thence South 90 degrees 00 minutes 00 seconds West 278.79 feet to the point of beginning.

EXHIBIT B
BOUNDARY MAP OF THE PROPOSED DISTRICT

District Boundary

May 19, 2017

Parcels

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

SNCO GIS
SNCOGIS

EXHIBIT C

(Attached hereto.)

CID

Budget Estimate	Total

	Overall Project Costs	CID Eligible Costs
Acquisition	$ 713,000	$ -
Rennovation Costs (CID Project)		
Site Prep/Demolition	75,000	75,000
Conversion	705,600	-
Concrete	60,000	60,000
Roof Replacement	425,000	425,000
HVAC Improvements	225,000	100,000
Façade Improvements	335,000	185,000
Electrical Upgrades	200,000	50,000
Sign Improvements	35,000	35,000
Landscaping Improvements	25,000	25,000
Contingency - (10%)	208,560	-
Professional costs (Architectural/Engineering/Legal) - (7%)	45,000	-
Totals	**$ 3,052,160**	**$ 955,000**

	CID											
	Gross Sales Estimate											
	Sales Inflation Rate	0.0150%	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**
			Year	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**
			1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
			4,525,000	4,525,000	4,592,875	4,661,768	4,731,695	4,802,670	4,874,710	4,947,831	5,022,048	5,097,379
Harbor Freight	3,500,000		**$ 4,525,000**	**$ 4,525,000**	**$ 4,592,875**	**$ 4,661,768**	**$ 4,731,695**	**$ 4,802,670**	**$ 4,874,710**	**$ 4,947,831**	**$ 5,022,048**	**$ 5,097,379**
Car Toyz Audio	1,000,000											
Affordable Storage	25,000		**2028**	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	**2035**	**2036**	**2037**
			Year	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**
			11	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**
			5,173,840	5,251,447	5,408,991	5,571,260	5,738,398	5,910,550	6,087,867	6,270,503	6,458,618	6,652,376
			$ 5,173,840	**$ 5,251,447**	**$ 5,408,991**	**$ 5,571,260**	**$ 5,738,398**	**$ 5,910,550**	**$ 6,087,867**	**$ 6,270,503**	**$ 6,458,618**	**$ 6,652,376**
			2038	**2039**								
			Year	**Year**								
			21	**22**								
			6,752,162	6,853,444								
			$ 6,752,162	**$ 6,853,444**								

Prepared by Development Dynamics LLC
8/17/2017
CID Source-Use 8-17-17, Estimated Gross Sales

CID

CID Sales Tax Rate		1.000%								
CID Sales Tax Rate		1.0%								
	2018	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**
	Year	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
Gross CID Sales Tax Revenue	45,250	45,250	45,929	46,618	47,317	48,027	48,747	49,478	50,220	50,974
1% City Admin Fee	(453)	(453)	(459)	(466)	(473)	(480)	(487)	(495)	(502)	(510)
2% KDOR Fee	(905)	(905)	(919)	(932)	(946)	(961)	(975)	(990)	(1,004)	(1,019)
Net CID Sales Tax Revenue	**$ 43,893**	**$ 43,893**	**$ 44,551**	**$ 45,219**	**$ 45,897**	**$ 46,586**	**$ 47,285**	**$ 47,994**	**$ 48,714**	**$ 49,445**
	2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	**2035**	**2036**	**2037**
	Year	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**	**Year**
	11	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**
Gross CID Sales Tax Revenue	51,738	52,514	54,090	55,713	57,384	59,106	60,879	62,705	64,586	66,524
1% City Admin Fee	(517)	(525)	(541)	(557)	(574)	(591)	(609)	(627)	(646)	(665)
2% KDOR Fee	(1,035)	(1,050)	(1,082)	(1,114)	(1,148)	(1,182)	(1,218)	(1,254)	(1,292)	(1,330)
Net CID Sales Tax Revenue	**$ 50,186**	**$ 50,939**	**$ 52,467**	**$ 54,041**	**$ 55,662**	**$ 57,332**	**$ 59,052**	**$ 60,824**	**$ 62,649**	**$ 64,528**
	2038	**2039**								
	Year	**Year**								
	21	**22**	**Totals**							
Gross CID Sales Tax Revenue	67,522	68,534	**$ 1,199,104**							
1% City Admin Fee	(675)	(685)	**$ (11,991)**							
2% KDOR Fee	(1,350)	(1,371)	**$ (23,982)**							
Net CID Sales Tax Revenue	**$ 65,496**	**$ 66,478**	**$ 1,163,131**							
				Net Present Value @ 6%			$606,665			

Prepared by Development Dynamics LLC
8/17/2017
CID Source-Use 8-17-17, CID Sales Tax Revenue

City Council Meeting
September 5, 2017

NSI Investments

Proposed Redevelopment of 240 SE 29th

Overview

- Project involves redevelopment of two (2) parcels of land located at 240 SE 29th Street
- Retention of existing tenants (Harbor Freight/Car Toyz Audio)
- Addition of new jobs.
- Assistance requested with the establishment of a community improvement district (1% sales tax) to help offset redevelopment costs.
- Estimated new overall investment $3.1M.
- Estimated qualified CID project costs of $955,000.
- Improvements to start in fall of 2017 complete by summer of 2018.

Property Aerial Photo

Existing Site Photo (Front)

Existing Site Photo (Side)

Sample Elevations

Sample Elevations

Sample Elevations

Questions/Comments?

CITY OF TOPEKA
COMMUNITY IMPROVEMENT DISTRICT ("CID") POLICY

Effective Date: October 25, 2011

Sections:

I. OBJECTIVES.

The proper use of a Community Improvement District (CID) should promote, stimulate and develop the general and economic welfare of and quality of life in the City of Topeka. A CID involves public financing of all or a portion of a "Project" as defined in the Community Improvement District Act ("Act") within a prescribed area (the District). A CID Project should provide public benefit such as strengthening economic development and employment opportunities; enhancing tourism; upgrading older real estate through redevelopment or rehabilitation; or promoting sustainability. Public financing is achieved by levying and collecting special assessments and/or a CID sales tax upon property in the District.

II. SCOPE.

An applicant may petition the City to utilize CID financing to fund Projects eligible under the Act. The authority and decision to approve a petition establishing a CID for a Project is within the sole discretion of the Governing Body. However, Projects in which the anticipated costs are less than $1 million dollars will not be considered. The Governing Body is under no obligation to approve any petitioned Project. This Policy is intended to provide a guide in considering applications. The Governing Body reserves the right to deviate from this Policy when it believes it is in the City's best interest.

III. DEFINITIONS.

A. <u>"CID Sales Tax"</u> means a retailers' sales tax over and above the aggregate amount of the retailers' sales tax contained in K.S.A. 12-187 through 12-197, and amendments thereto, on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within a District, in any increment of .10% or .25% not to exceed 2% as authorized by the Act, pledging such revenue to pay the bonds issued for the Project or to reimburse the cost of the Project pursuant to pay-as-you-go financing.

B. "Cost" means the definition set out in K.S.A. 12-6a27, as amended. The City, on a case by case basis, may consider costs incurred within 12 months prior to District establishment, provided the costs were incurred after July 1, 2009. The City reserves the right to exclude otherwise eligible costs under the Act. . The approved project costs shall be described in detail in a Development Agreement.

C. "Owner" means the owner or owners of record, whether resident or not, of real property within the District. The applicant shall be an owner.

D. "Pay-As-You-Go" means a method of financing in which the costs of a Project are financed privately, and the approved costs of such Project are reimbursed after Project completion as monies are deposited in the District fund.

E. "Project" may include any item eligible under the Act, as described in K.S.A. 12-6a27, as amended, but the City reserves the right to exclude otherwise eligible Projects under the Act; determine eligible and ineligible projects; and determine the amount of funding for a Project on a case by case basis. These terms and approvals shall be set out in a Development Agreement.

F. "Review Committee" includes the Deputy City Manager, Director of Finance, Director of Public Works, Director of Planning, Director of Development Coordination, and the City Attorney, or their designees. The Committee may also include City staff and individuals designated by the City Manager, including but not limited to the City's bond counsel and City financial advisor.

IV. PROVISIONS.

A. Criteria. The Governing Body shall consider establishment of a CID when it determines it is in the best interest of the City and provided the Project meets one or more of the following criteria:

1. Creates facilities which promote the cultural, historical, or artistic elements of the City and enhance tourism and quality of life.

2. Attracts unique commercial, office, industrial, and/or mixed use development which will enhance the economic climate of the City and diversify the economic base.

3. Substantially promotes economic development, investment or reinvestment in the community.

4. Encourages retail projects that enhance the retail base by either attracting new sales or capturing sales moving to other markets.

5. Provides for the construction of facilities that promote tourism or enhance the quality of life within the City.

6. Upgrades older real estate through redevelopment and/ or rehabilitation.

B. Applicant Responsibility. The application process shall include an application form and the petition required by the Act. As part of the process, the applicant shall complete the following prior to submission of the petition to the Governing Body:

1. Provide evidence in a form satisfactory to the City of the applicant's financial ability to complete the proposed project in a timely manner.

2. Provide documentation substantiating the applicant's sources of funding, including the amount/percentage of equity funding.

3. Submit a financial analysis demonstrating that the projected revenue is sufficient to pay the costs of the project, including bond debt service. The Review Committee may secure an independent feasibility study, the costs of which shall be borne by the applicant.

4. Pay all required fees and comply with all procedural requirements of the Act and the City's CID Policy.

5. Execute a Development Agreement contemporaneous with presentation of the CID petition to the governing body.

C. Review Committee Consideration. The Review Committee shall review each application and petition and make a recommendation to the Governing Body. In determining whether to recommend approval of a CID petition and the method of financing, the Review Committee may consider all of the following:

1. Whether creation of a CID meets one or more of the criteria set forth in Section IV(A);

2. The total development costs and investment, including estimated Project costs for which public financing is sought;

3. Sources of funding, including the amount of equity funding in comparison to public financing;

4. Experience and financial stability of Developer;

5. Whether tenants for the Project are in place and the nature and quality of the tenants;

6. Financial viability of the Project, including potential competition;

7. The amount and purpose of the funding request, including the percentage of funding for capital costs; operational costs; and public costs;

8. If bonds are requested, the projected debt service coverage from projected revenues; any additional security pledged by the Developer; and the marketability of the bonds; and

9. Whatever other factors or considerations the Review Committee believes the Governing Body would find relevant to its decision.

D. Governing Body Review. The Governing Body shall review the financial viability of each CID and shall use this information in determining whether to grant the Petition and, if granted, the appropriate term of the CID, which may be less than the duration allowed by the Act.

1. In the event pay-as-you-go financing is utilized, the CID sales tax shall expire on a date approved by the City, but no later than twenty-two (22) years from the date the state director of taxation begins collecting such tax or when the pay-as-you-go costs have been paid.

2. CID Bonds issued to finance the Project shall mature on a date approved by the City, but no later than twenty-two (22) years from date of issue, unless otherwise provided by law.

3. In no event shall any CID sales tax extend later than the date the bonds issued to finance such project or refunding bonds issued for the Project mature.

E. Financing.

1. Source of Funds. The cost of all or a portion of any authorized CID Project may be financed by any or all of the following sources:

a. Pay-As-You-Go financing based either on a special assessment or a CID sales tax within the District, or both;

b. Special Obligation Bond financing payable wholly through special assessments within the CID;

c. Special Obligation Bond financing payable in part through special assessments within the CID and in part through a CID sales tax;

d. General Obligations Bonds;

e. Any other funds appropriated by the City; or

f. A combination of the foregoing methods.

2. Development Agreement. If after review of the application, the Review Committee determines to recommend approval of the CID to the Governing Body, the the Applicant shall supply an executed Development Agreement (the "Development Agreement") which shall be presented to the Governing Body for consideration contemporaneous with the Petition. The Development Agreement shall address the recommended method of financing, approved Project(s) and approved Costs; the feasibility of the Project, the steps to be taken to minimize the risk of default; and any other terms the Committee deems appropriate.

3. Bonds. The City encourages the use of private financing ("Pay-As-You-Go") with reimbursement to the applicant for eligible, approved costs associated with a CID Project, but the City may consider the issuance of Bonds. Any determination to issue Bonds is within the sole discretion of the Governing Body.

a. CID Bonds. The City may issue special obligation notes or bonds ("CID Bonds") (collectively, "Bonds") to finance one or more Projects. In no event shall special assessments be levied against the City. The City will not provide credit enhancements for CID Bonds; however, credit enhancement provided by an applicant will be viewed favorably.

b. G.O. Bonds. The City discourages the use of full faith and credit notes or bonds (G.O. Bonds) to finance a Project under this Act, but may consider such action for that portion of a CID Project that is exclusively for public improvements.

Prior to the issuance of any Bonds, the applicant must receive a Certificate of Completion from the City. In addition, the applicant must agree to certain disclosures required by the City and the Bond underwriters and ensure that if necessary, such disclosure requirements are included in all subsequent tenant leases and land sales within the District.

4. Project Funds. A separate fund shall be created for each District and such fund shall be identified by a suitable title (the “Fund”). CID sales tax receipts, special assessments paid to the City under this Act, the proceeds from the sale of Bonds, and any other moneys appropriated by the Governing Body for the purpose of paying Project Costs, including the principal and interest on the bonds issued pursuant to this Act shall be credited to such Fund.

a. The Fund shall be solely used to pay the Costs of the Project either through the issuance of Bonds or Pay-As-You-Go financing, and shall be limited to approved costs included in the ordinance authorizing the Project or in the Development Agreement.

b. Reimbursement of approved Costs may only be made after a Certificate of Completion has been issued by the City.

c. In the event moneys remain in the Fund after the expiration of the CID sales tax, such moneys shall continue to be used solely to pay the Cost of the Project. Upon payment of all Project Costs and principal and interest on any bonds issued for such District, the City has the authority to terminate the CID and spend any moneys remaining in such Fund for the purposes for which local sales tax receipts may be spent.

5. Fees. When submitting its application the applicant shall pay a non-refundable application fee to cover City expenses associated with reviewing and processing the CID request. The City shall also require the applicant to reimburse all costs incurred by the City for additional legal, financial and/or planning consultants, for direct out-of-pocket expenses, and for other costs relating to services rendered for the City to review, evaluate, process and consider the petition for a CID. If bonds are requested and subsequently approved by the City the applicant shall also be responsible for all costs of issuance associated therewith. The applicant shall also be responsible for paying an annual administrative fee to cover the cost of monitoring and administering

the CID. Fee amounts shall be set out in the CID Procedures as described in Section

V. PROCEDURES.

City staff shall develop procedures for processing CID applications and filing CID petitions, in addition to such other matters such as the establishment of fees. Such procedures shall be approved, and amended as appropriate, by the City Manager.

VI. STATUTORY AMENDMENTS; CONFLICT WITH STATE LAW.

Any amendment to the Act or any statute cited herein or used as a source of authority for development of the City's CID Policy shall apply without the need to modify or amend this Policy. If any part of this policy conflicts with state law, the latter shall control.

VII. EFFECTIVE DATE.

This CID Policy shall take effect upon passage by the City Council.

VIII. RESPONSIBILITY FOR ENFORCEMENT.

The City Manager shall be responsible for the enforcement of this Policy.

CITY OF TOPEKA
COMMUNITY IMPROVEMENT DISTRICT ("CID") PROCEDURES

Effective Date: 11-9-11

Sections:

I. POLICY APPLICABILITY.

The following procedures are established under the authority of the City Manager and are intended to provide guidance in establishing a Community Improvement District ("CID" or "District") in accordance with the Governing Body CID Policy as approved by Resolution No. 8392 on October 25, 2011. The CID Policy is incorporated herein by reference. These procedures may be waived by the City Manager, if such waiver is in the best interest of the City and does not conflict with any statutory or procedural requirement of state law. If any part of this procedure conflicts with state law, the latter shall control.

II. DEFINITIONS.

The terms used in these Procedures shall have the same meaning as set forth in Section III of the CID Policy.

III. APPLICATION PROCESS.

A. CID Application. An applicant shall make application for a CID by filing with the City Clerk one (1) original written application on a form provided by the City, in addition to an electronic copy of the application. The applicant shall also submit the petition required by the Act.

B. Fees.

1. Application Fee. A non-refundable application fee in the amount of $1,500.00, made payable to the City of Topeka, shall accompany the CID Application.

2. Reimbursement. Applicant shall pay the following costs by either paying the third party directly or by reimbursing the City prior to the City incurring the cost:

a. All costs necessary to comply with state law, including but not limited to: costs of all legal publication notices, resolutions, ordinances, and proceedings relating to the issuance of bonds;

b. City bond counsel, the City's financial advisor, and any other third party professional retained by the City to review and evaluate the petition.

3. CID Administrative Fee if District is Approved. An annual administrative fee of 1% of the annual CID revenue generated within the District shall be charged to reimburse City for services rendered in the administration and supervision of the Project. Such CID Administration Fee shall be paid from the Project Fund. The CID Administrative Fee is an eligible cost for reimbursement if there are sufficient funds. In no event shall the total fee, including the initial application fee and the CID Administrative Fee, but excluding the costs in Section III(B)(2), exceed 5% of the total Project cost.

4. Amendments. The City Manager may establish City fees, for amendments and modifications to the District financing documents that occur throughout the term. In addition, the applicant shall be responsible for all City Consultant fees associated with any such amendment request.

5. State Fee. In addition to the CID Administrative Fee, if a CID sales tax is utilized, the Kansas Dept of Revenue may retain 2% of the CID sales tax up to a maximum of $60,000.00 per state fiscal year, in the state CID sales tax administration fund to defray the expenses of the state in administration and enforcement.

C. <u>Preliminary Review and Pre-Application Meeting</u>. Prior to submittal of a formal application, an applicant is encouraged to meet with the Review Committee to discuss a proposed project and possible CID financing. These discussions are preliminary and are not binding on the applicant, the Review Committee, or the Governing Body. If the City utilizes any consultants to assist with the preliminary evaluation, the applicant shall be responsible to pay the associated costs, provided the City has first notified the applicant of such request and received their consent.

IV. DISTRICT ESTABLISHMENT.

A. <u>Petition</u>. A CID shall be established by petition filed with the City Clerk. The Petition must meet all requirements of the Act, the CID Policy and these Procedures and must be submitted in sufficient time for staff to follow established procedures for publication; to perform site plan review; and to analyze the merits and feasibility of the proposed CID. The City reserves the right to request any additional information to supplement the Petition.

B. Petition Participation.

1. An applicant seeking to finance all or a portion of the CID eligible expenses with a CID special assessment must obtain the signatures of 100% of the property owners of all land area within the District.

2. An applicant seeking to finance CID eligible expenses in whole or in part by a CID sales tax must obtain the signatures of 100% of the property owners of the land area within the proposed District.

C. Public Hearing (Sales Tax Only). If a CID sales tax is requested for all or part of the project, the Governing Body shall adopt a resolution calling for a public hearing on the creation of the District and imposition of a CID sales tax. The resolution shall be published once per week for two (2) consecutive weeks with the last publication at least seven (7) days prior to the hearing and also sent by certified mail to all owners at least ten (10) days prior to the hearing.

For Districts financed by special assessments only and for which a petition signed by 100% of the property owners is submitted, no notice or public hearing is required for Governing Body action.

D. Governing Body Action. The Governing Body will not consider a CID until a complete application is submitted and reviewed by the Review Committee, fees are paid, and a recommended Development Agreement is available. Following the public hearing, if required, the Governing Body by majority vote may establish the District by ordinance.

1. The ordinance shall authorize the Project, approve the estimated cost of Project, include a legal description of the District (with map), approve the method of financing including the levying of a CID sales tax (if applicable), and approve the maximum amount and method of assessment, if applicable. The ordinance shall become effective upon publication once in the official city newspaper. The ordinance shall also be recorded with the Register of Deeds.

2. Governing Body establishment of a CID does not constitute approval of a site plan, zoning, or other land development approval. Establishment of a CID is an entirely separate process. CID projects are still required to obtain the necessary development and regulatory approvals.

V. METHOD OF PROJECT FINANCING.

A. Certificate of Completion.

1. As noted in the Policy, Projects may be financed by a variety of methods. Before payment will be made to applicant, the City must issue a

Certificate of Completion. Multiple Certificates of Completion may be issued for projects with approved phases.

2. The request for Certificate of Completion shall include an affidavit of the applicant certifying:

a. Project improvement is an approved CID eligible cost and identify its priority for reimbursement, if any;

b. Project was constructed in accordance with all applicable laws and codes;

c. Cost was incurred for authorized project improvements;

d. Cost has not previously been submitted for reimbursement;

e. Cost reflects the actual cost expended; and

f. Applicant has no outstanding or anticipated liens for work constructed.

B. Reimbursement.

1. If pay as you go financing is used, the applicant shall submit to the Director of Finance copies of all invoices supporting its request for reimbursement, accompanied by a Certificate of Completion. Invoices must be submitted quarterly and such submission must occur at least thirty (30) days prior to any quarterly disbursement period or applicant shall have to wait until the next quarterly disbursement period.

2. The Director of Finance shall attempt to determine the eligibility of the cost within thirty (30) days of the submittal. If the Director determines the nature or amount of the request for reimbursement is outside the scope of the Act or the Development Agreement, Developer may appeal this decision in accordance with the procedure in Chapter 2.145 of the Topeka Municipal Code. Any reimbursement payment shall be stayed pending a determination by the hearing officer.

3. Requests for reimbursement shall be denied unless submitted before the Project is closed or within thirty (30) days thereafter.

4. CID revenues shall be paid in the following order:

a. First, the CID administrative fee.

b. Second, cost of preparation and publication of notices of hearings, resolutions, ordinances and other proceedings relating to the creation or administration of the District or the issuance of bonds.

c. Third, the Petitioner's other costs as defined in Section III(B) of the CID Policy.

C. Special Assessments.

1. If special assessments shall be levied to finance all or any part of the Project cost, the City must follow the procedures set out in K.S.A. 12-6a01 *et seq.* except that no assessments may be levied against the City at large. In addition, if the source of financing includes payment from a pledge of revenue received from the CID sales tax or any other funds appropriated by the City for purpose of paying Project costs, including the principal and interest of bonds, then the ordinance levying the assessments may state that the annual installments of such assessment for any year may be reduced or eliminated to the extent that, prior to the date the City certifies the City tax levy to the County, the City has received sufficient funds from the above described sources to pay the debt service on any bonds issued for the Project costs, which would have been paid by such installment.

2. The City is not required to refund any prepayment of assessments after such prepayment is made to the City. Any prepayment must be paid in full prior to the issuance of bonds, or after the issuance of bonds by paying all of the installments which have been levied and also the unlevied installments with interest on the latter at the rate provided in the bonds from the date of the bonds to the time of maturity of the last installment in compliance with K.S.A. 10-115, and amendments thereto.

D. CID Sales Tax.

1. A CID sales tax may be levied in any increment of .10% or .25% not to exceed 2%, which amount is in addition to the aggregate amount of the retailers' sales tax contained in K.S.A. 12-187 through 12-197. The revenue from the CID sales tax may be pledged to pay the bonds issued for the Project or to reimburse the cost of the Project through pay-as-you go financing.

2. If CID bonds are issued, the CID sales tax shall expire no later than the date the bonds mature. If pay-as-you-go financing is used, the CID sales tax shall expire on a date approved by the City, but no later than 22 years from the date the state director of taxation begins collecting such tax or when the Project bonds or pay-as-you-go costs have been paid.

3. Procedure:

a. Upon adoption of a CID sales tax, the City shall send a certified copy of the resolution or ordinance authorizing the levy of the CID sales tax to the Kansas Director of Taxation. Notice must be received ninety (90) days before the first day of the quarter in which the CID sales tax will commence. Thereafter, the Kansas Director of Taxation shall commence collection of the CID sales tax in the District at the same time and in the same manner for the collection of the state retailers' sales tax. The full remittance shall be deposited in the state treasury.

b. The state may retain 2% of all CID sales taxes collected up to $60,000 per state fiscal year for deposit in the state CID sales tax administration fund to defray the state costs of administration and enforcement (the "state fee").

c. The state shall no less than quarterly remit to the City the CID sales tax receipts collected less the state fee, if any. The amount shall be deposited in the City CID Project fund. Such fund shall be created for each District.

d. Within 15 days of written request of the City, the state will provide the City with a copy of any retailers' sales and use tax return filed with the state in connection with a District for which sales or use tax revenues are intended to be used to finance Project costs. Such returns and the information contained therein shall be kept confidential, but may be used for purposes of allocating and depositing such revenues in connection with the bonds used to finance Project costs.

E. Appeals. No suit to set aside assessments or otherwise question the validity of the proceedings for the District establishment or Project authorization shall be brought 30 days after publication of the resolution or ordinance creating the District. No suit to set aside the CID sales tax may be brought 30 days from the publication of the ordinance or resolution declaring the intent to impose the CID sales tax. No protest petition pertaining to the issuance of full faith and credit bonds may be brought 60 days following the date of public hearing to create or modify the District.

VI. BOND FINANCING GUIDELINES.

If CID bonds are issued for the project, the following guidelines shall be applied:

A. The maximum maturity for Bonds is 22 years.

B. For feasibility, it is recommended that Bonds be issued in a minimum amount of $ 1,000,000. This amount may be adjusted upon recommendation of the Review Committee and approval of the Governing Body.

C. CID Bonds issued under this Policy must include security for the bonds of a sufficient amount, and in a form approved by the City's bond counsel and financial advisor, to minimize any risk of default.

D. Bonds issued under this Policy must be sold to qualified investors (as defined by the Securities and Exchange Commission Regulation D) in accordance with the minimum denominations as provided herein.

E. Bonds must initially be offered in denominations of $100,000 or greater. These denominations may be stepped down (upon consultation with the City's bond counsel and financial advisor) when one of the following are met:

1. the Project being bond financed is substantially leased;

2. the estimated revenue stream yields significant debt service coverage on the bonds;

3. construction of the Project being bond financed is 100% complete;

4. the repayment term is less than or equal to 60% of the maximum permitted repayment term; or

5. waiver by the City Manager.

F. If a negotiated sale of the bonds is utilized, the City will generally select the underwriter(s) needed to structure, price, and sell the bonds. Exceptions to this process may be approved by the City Manager upon consultation with the City's bond counsel and financial advisor.

G. All pricing for negotiated sales will be performed with direct involvement by City staff and the City's financial advisor. Any savings generated as a result of discounts or premiums will be used for the benefit of the District.

CITY OF TOPEKA

Daniel R. Stanley, Interim City Manager

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Neighborhood Revitalization Plan**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**018 Public Hearings / 011 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Discussion 02/21/17. Failed 03/14/17. Discussion 09/12/17. Set PH 09/19/17.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

PUBLIC HEARING and ORDINANCE introduced by Interim City Manager Doug Gerber continuing the 2013-2017 Neighborhood Revitalization Plan for an additional year.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would extend the current Neighborhood Revitalization Program to December 31, 2018.)

VOTING REQUIREMENTS:

Majority of the Governing Body (6).

POLICY ISSUE:

The current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2017. The NRP boundary is based on the Topeka Neighborhood Health Map, which is scheduled to be updated in 2018.

The proposal is to extend the current NRP to December 31, 2018 in order to sync up the renewal of the NRP with the update of the Neighborhood Health Map in 2018. Future NRP renewals should occur every 3-6 years in sync with the update of the Health Map.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing and move to adopt the ordinance.

BACKGROUND:

The same proposal came before the Governing Body on March 14, 2017 where only 6 members were present. The resolution to set the public hearing for action failed to pass on a 5-1 vote with 4 members absent. A six-month waiting period is required before the same item can be brought back to the Governing Body for consideration. Action is recommended on September 19, 2017 which is the first available agenda date after the 6-month waiting period.

The NRP has been in existence since 1995 and has accounted for over $366 million of property investment primarily to "at risk" and "intensive care" neighborhoods. The current NRP has operated since January 1, 2013 and expires on December 31, 2017.

A public hearing, as required by State statute, is recommended for October 3, 2017 to consider the extension of the NRP to December 31, 2018.

If approved, staff will need to engage the other taxing entities by the end of 2017 to also approve the NRP through an inter-local agreement including Unified School Districts Nos. 345 and 501; the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka and Shawnee County Library and Washburn University. During this time, staff will be able to solicit feedback from them on the program. It is the intent of staff to then use this and the feedback of the Governing Body as the basis for considering changes to the program in 2018. To date, some of the feedback includes potential expansion of the boundary to include “out-patient” or “healthy” neighborhoods while still meeting State statutes and potential limits or requirements on larger projects. Recommendations would be brought back to each taxing entity for their review of the draft plan/map prior to any formal action. It is expected this process will begin in the 2nd quarter of 2018.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Resolution - Notice of Pubic Hearing
Ordinance
NRP Plan - Extended until January 1, 2018
NRP Presentation
NRP Map
NRP Stats - Information Sheet
NRP Tax Rebate Comparison Sheet
NRP Brochure

(Published in the Topeka Metro News September 25, 2017 and October 2, 2017)

RESOLUTION NO. 8952

A RESOLUTION introduced by Interim City Manager Doug Gerber establishing a date for a public hearing concerning the continuation of the 2013-2017 Neighborhood Revitalization Plan for an additional year.

WHEREAS, on October 23, 2012, the governing body adopted the 2013-2017 Neighborhood Revitalization Plan (Plan) which expires on December 31, 2017; and

WHEREAS, the governing body is considering continuing the Plan for an additional year; and

WHEREAS, K.S.A. 12-17,117(c) requires that the governing body hold a public hearing before taking action.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following notice is hereby given:

NOTICE

The Governing Body will consider the continuation of the 2013-2017 Neighborhood Revitalization Plan at a public hearing at 6:00 p.m. on October 3, 2017 in the City Council Chambers, 214 E 8th Street, Topeka, Kansas.

The Plan, including a description of its boundaries is available for inspection during the hours of 8:00 a.m. and 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas. The Plan is also accessible at:

https://www.topeka.org/planning/Documents/NRP_2013%20Plan_final.pdf

At the conclusion of the hearing, the Governing Body will consider whether to continue the Plan for an additional year: January 1, 2018 – December 31, 2018.

BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be mailed to the following taxing entities: Unified School Districts Nos. 345 and 501; the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka & Shawnee County Library and Washburn University.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

ADOPTED and APPROVED by Governing Body September 19, 2017.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News_______________________________________)

ORDINANCE NO. __________

AN ORDINANCE introduced by Interim City Manager Doug Gerber continuing the 2013-2017 Neighborhood Revitalization Plan for an additional year.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. **Hearing.**

The Governing Body, pursuant to a Notice of Public Hearing as set forth in City of Topeka Resolution No. 8952 did hold a public hearing on October 3, 2017 to hear and consider public comment on continuing, for an additional year, the 2013-2017 Neighborhood Revitalization Plan (Plan), adopted in Ordinance No. 19771, on October 23, 2012 and which expires on December 31, 2017.

Section 2. **Continuation of Neighborhood Revitalization Plan.**

The Governing Body does hereby determine that: (1) the Neighborhood Revitalization Area identified in the Plan meets one or more of the conditions identified in K.S.A. 12-17,115(c); and (2) the rehabilitation, conservation and redevelopment of the area is necessary to protect the public health, safety and welfare of the residents of the City. Accordingly, the 2013-2017 Neighborhood Revitalization Plan, including the Neighborhood Revitalization Area identified therein, is continued for an additional year until December 31, 2018.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body ____________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

Exhibit "A"

Neighborhood Revitalization Plan

City of Topeka, Kansas

effective January 1, 2013

Adopted by City of Topeka Governing Body: October 23, 2012
Extended by City of Topeka Governing Body: ____________, 2017

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Purpose

This Plan is intended to promote the revitalization of the inner urban area hereinfter described as the "Neighborhood Revitalization Area" of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance KSA (2000 Supp.) 12-17, 114 et. seq., the City Council has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Council has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA (2000 Supp) 12-17,115 (c).

PART 1
DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the Neighborhood Element of the Comprehensive Plan. This element, originally approved in 2000 and updated in 2011, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:

High Priority

Intensive Care - areas with seriously distressed conditions that need immediate attention and intervention

At Risk - areas with emerging/existing negative conditions that need attention before they succumb to seriously distressed conditions

Out Patient - areas with favorable conditions in need of minor isolated treatments

Healthy - areas with optimal conditions

Low Priority

The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a "triage" approach to revitalization. Those areas that had more "life-threatening" or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2006-2010 American Community Survey 5-Year Estimates, U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (January 2009 – December 2010, Topeka Police Dept.) – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (June 2011, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was $110,000 in 2010 (Topeka Association of Realtors).

Single Family Housing Tenure (June 2011 Shawnee County Appraisers Office)
The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were built for individual ownership.

Boarded Houses & Unsafe Structures (2010 City of Topeka Code Enforcement Unit) -
A boarded-up house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges (2011)

Neighborhood Health Composite (avg. score)	Persons Per Part 1 Crime Reported (score)	% of Persons Below Poverty Level (score)	% Owner Occupied Housing Units (score)	Boarded Houses & Unsafe Structures (score)	Average Residential Property Levels (score)
Healthy (3.3 – 4.0)	9 or More (4)	0 - 9% (4)	70 - 100% (4)	None (4)	$103,001 and Above (4)
Out-Patient (2.7 – 3.2)	6 – 8 (3)	10 - 18% (3)	50 - 69% (3)	1-2 (3)	$67,501 - $103,000 (3)
At-Risk (1.9-2.6)	4 – 5 (2)	19 - 30% (2)	34 - 49% (2)	3-5 (2)	$40,001 - $67,500 (2)
Intensive Care (1.0 – 1.8)	1 – 3 (1)	31 – 100% (1)	0 - 33% (1)	6 + (1)	$40,000 and Below (1)

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparsion profile of the NR Area and non-NR Area:

Total Primary Neighborhood Revitalization Area (2011)

Neighborhood Health Rating	Persons Per Part 1 Crime Reported	% of Persons Below Poverty Level*	% Owner Occupied Single-Family Housing Units	Boarded Houses & Unsafe Structures	Average Residential Property Levels
Intensive Care	4 Persons	52%	40%	31	$28,040
At Risk	5 Persons	32%	52%	40	$54,070
Out Patient	7 Persons	16%	57%	3	$56,800
Total Primary NR Area	**5 Persons**	**33%**	**50%**	**74**	**$48,955**

*Represents the average poverty level status of selected Census Block Groups.

Total Non-Neighborhood Revitalization Area (2011)

Neighborhood Health Rating	Persons Per Part 1 Crime Reported	% of Persons Below Poverty Level*	% Owner Occupied Single-Family Housing Units	Boarded Houses & Unsafe Structures	Average Residential Property Levels
Out Patient	6 Persons	24%	65%	9	$71,120
Healthy	13 Persons	8%	84%	8	$141,830
Total Non-NR Area	**12 Persons**	**13%**	**79%**	**17**	**$133,740**

*Represents the average poverty level status of the selected Census Block Groups.

General Characteristics (2011)

Area	Square Miles	% Total	# of Parcels	% Total	Vacant Parcels*	% Total
Intensive Care (Primary)	2.8	8.8%	3,228	6.4%	522	12.8%
At Risk (Primary)	7.2	3.3%	8,038	15.8%	1,073	26.7%
Out Patient (Primary)	1.1	1.6%	2,113	4.2%	184	4.5%
Kanza/USD 501 District	.3	.7%	13	.03%	3	.03%
Total NR Area	**11.4**	**14.4%**	**13,392**	**26.4%**	**1,782**	**44%**
Non-NR Area	45.5	85.6%	37,275	73.6%	2,233	55.6%
Total (All Topeka)	**56.9**	**100%**	**50,709**	**100%**	**4,015**	**100%**

* Exclueds parcels for public purposes (e.g., parks)

General Characteristics (2011)

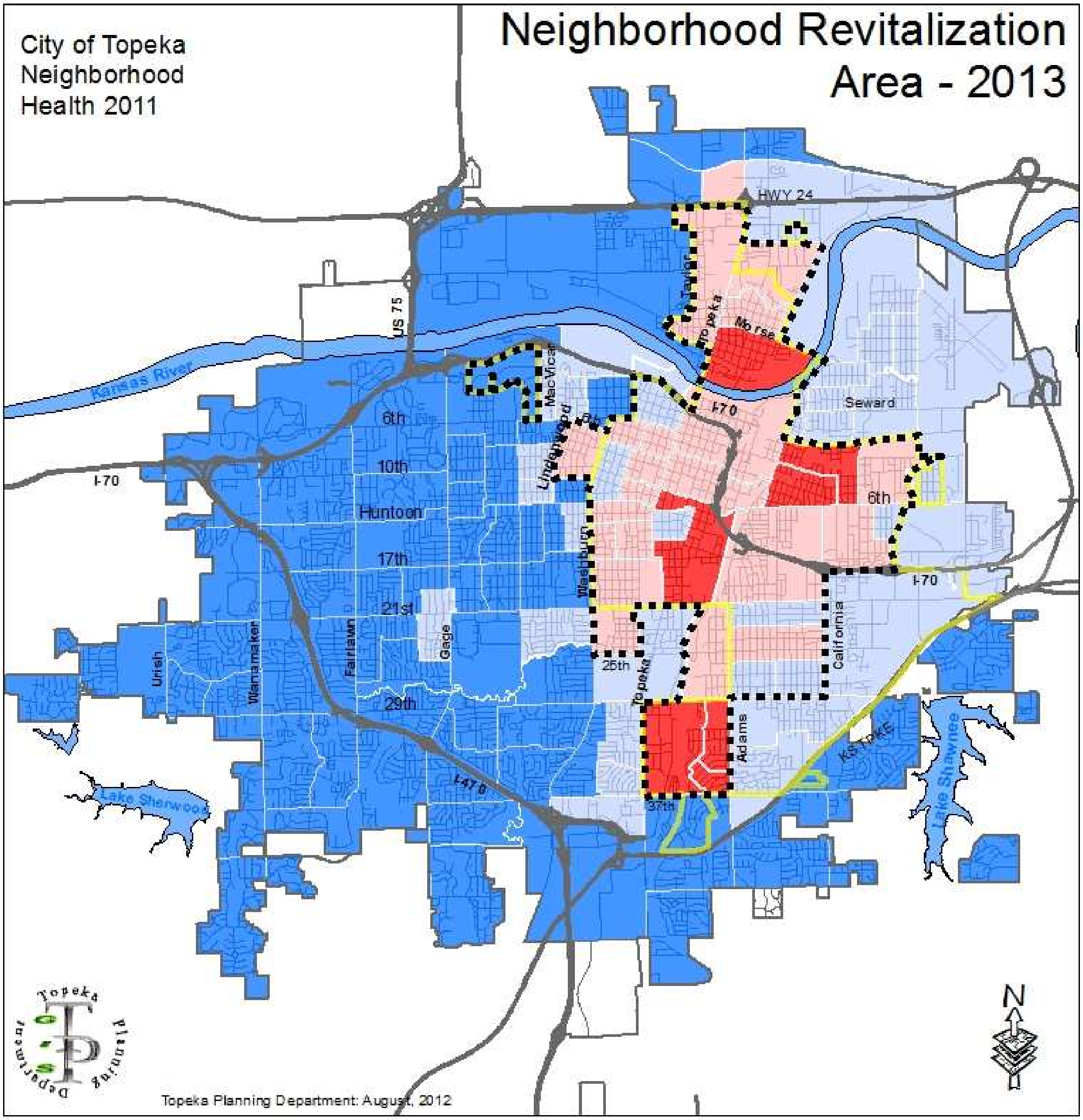
Area	Estimated Population (2010 Census)	Total Housing Units (2006-2010 ACS)	Real Property Valuation
Intensive Care (Primary)	6,335	2,537	$266,848,040
At Risk (Primary)	20,396	14,193	$1,160,436,490
Out Patient (Primary)	5,141	2,407	$161,385,710
Total NR Area	**31,872**	**19,137**	**$1,588,670,240**
Non-NR Area*	95,598	45,283	$5,918,331,430
Total (All Topeka)	**127,470**	**64,420**	**$7,507,001,670**

*Includes the non-primary Kanza/USD 501 property in this table only.

Summary

- The primary NR Area comprises only 14% of the land area of Topeka, but contains 44% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly three times greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (79% versus 50%).
- 81% of all boarded houses and unsafe structures in the City are located within the NR Area boundary.

Map #1 (Draft)



Legend

Legend		Square Miles
Healthy	Existing NRA Boundary	13.6
Out Patient	Proposed NRA Boundary	11.4
At Risk		
Intensive Care		
City Limits		

Legal Description of
Neighborhood Revitalization Area

PRIMARY AREA
Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard, to an intersection with the Centerline of NW Independence Avenue; thence easterly on the Centerline of NW Independence Avenue, to the Centerline of N Kansas Avenue; thence southerly on the Centerline of N Kansas Avenue to an intersection with the Centerline of NE Independence Avenue east of Kansas Avenue; thence easterly on the Centerline of NE Independence Avenue to an intersection with the Centerline of NE Monroe Street; thence northerly on the Centerline of NE Monroe Street to an intersection with the Centerline of NE Lyman Road; thence easterly on the Centerline of NE Lyman Road to the Northeast corner of Drakes Farm Subdivision; thence southerly on the East line of Drakes Farm Subdivision and its extension to the Centerline of NE Independence Avenue; thence easterly on the Centerline of Independence Avenue to an intersection with the Centerline of NE Meriden Road; thence southerly on the Centerline of NE Meriden Road and its extension to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly on the centerline of said approach and the Centerline of the Sardou Bridge to an intersection with the Centerline of the Kansas River; thence southwesterly up the Centerline of the Kansas River to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly on the Centerline of NE Chandler Street to an intersection with the Centerline of NE Seward Avenue; thence westerly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Branner Street; thence south-southwesterly on the Centerline of Branner Street to an intersection with the Centerline of the Mainline Track of the Burlington Northern – Santa Fe Railway; thence easterly on the centerline of said mainline track to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence southerly to the Southeast corner of said Northeast Quarter; thence easterly on the North line of the Southwest Quarter of Section 34, Township 11 South, Range 16 east of the 6th P.M. to an intersection with the Centerline of Deer Creek; thence southwesterly and southerly up the Centerline of Deer Creek to an intersection with the Centerline of SE 6th Avenue; thence westerly on the Centerline of SE 6th Avenue to an intersection with the Centerline of SE Deer Creek Parkway; thence southerly, on the Centerline of SE Deer Creek Parkway to an intersection with the Centerline of Interstate Highway 70; thence westerly on the Centerline of Interstate Highway 70 to an intersection with the Centerline of SE California Avenue; thence southerly on the Centerline of SE California Avenue to an intersection with the Centerline of SE 29th Street; thence westerly on the Centerline of SE 29th Street to an intersection with the Centerline of SE Adams Street; thence southerly on the Centerline of SE Adams Street to an intersection with the Centerline of SE 37th Street; thence westerly on the Centerline of 37th Street to an intersection with the Centerline of SW Topeka Boulevard; thence northerly on the Centerline of SW Topeka Boulevard to an intersection with the Centerline of SW 29th Street; thence easterly on the Centerline of 29th Street to an intersection with the Centerline of the right of way of the Landon Trail, formerly the right of way of the Missouri Pacific Railway; thence northerly on the Centerline of the right of way of the Landon Trail to an intersection with the Centerline of SE 21st Street; thence westerly, on the Centerline of 21st Street, to the Northeast corner of the Northeast Quarter of Section 12, Township 12 South, Range 15 east of the 6th PM; thence southerly on the East line of said Northeast Quarter to an intersection with the Centerline of SW 27th Street; thence westerly on the Centerline of SW 27th Street to an intersection with the Centerline of SW Washburn Avenue; thence northerly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Horne Street; thence northerly on the Centerline of SW Horne Street to an intersection with the Centerline of SW Eleventh Street; thence westerly on the Centerline of SW Eleventh Street to the Centerline of SW Woodward Avenue; thence northerly on the Centerline of SW Woodward Avenue to an intersection with the Centerline of SW Tenth Avenue; thence easterly on the Centerline of SW Tenth Avenue to an intersection with the Centerline of SW Lindenwood Avenue; thence northerly and north-northeasterly on the Centerline of SW Lindenwood Avenue, to an intersection with the Centerline of SW Sixth Avenue; thence easterly and east-southeasterly on the Centerline of SW Sixth Avenue to an intersection with the Centerline of SW Washburn Avenue; thence north-northeasterly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue to

an intersection with the Centerline of Quinton Avenue; thence northerly on the Centerline of Quinton Avenue to an intersection with the Centerline of Interstate Highway 70; thence east-southeasterly and southeasterly on the Centerline of Interstate Highway 70 to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly on the Centerline of Topeka Boulevard to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly on the Centerline of NW Laurent Street to an intersection with the Centerline of NW Norris Street; thence west-northwesterly on the Centerline of NW Norris Street to an intersection with the Centerline of NW Lane Street; thence north-northeasterly on the Centerline of NW Lane Street to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly on the Centerline of NW Gordon Street to an intersection with the Centerline of NW Buchanan Street; thence northerly on the Centerline of NW Buchanan Street to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street to an intersection with the Centerline of NW Western Avenue; thence northerly on the Centerline of NW Western Avenue to an intersection with the Centerline of NW St. John Street; thence easterly on the Centerline of NW St. John Street to an intersection with the Centerline of NW Taylor Street; thence northerly on the Centerline of NW Taylor Street to an intersection with the Centerline of NW Lyman Road; thence westerly on the Centerline of NW Lyman Road to an intersection with the Centerline of NW Clay Street; thence northerly on the Centerline of NW Clay Street to the point of beginning.

(AND IN ADDITION)

DRAKES FARM SUBDIVISION AREA
Drakes Farm Subdivision. Contains approximately 21.01 acres.

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET;

THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT(SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)
KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT
The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

PART 2

APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the real estate contained in the Neighborhood Revitalization Area as of December 27, 2012 for each parcel by land and building values is on file in the Topeka Planning Department. The 2012 appraised valuation for the 13,519 parcels contained in the area is:

Land	$ 239,107,800
Improvements	$1,412,399,550
Total Appraised Valuation	$1,651,507,350

PART 3

LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of each parcel of land is listed together with the corresponding address on file in the Topeka Planning Department.

PART 4

EXISTING ZONING BOUNDARIES
&
EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department.

PART 5

MAJOR IMPROVEMENTS

PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City's Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at www.topeka.org:

- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008)
- Holliday Park Neighborhood Plan (1998/2008)
- Oakland Neighborhood Plan (2004)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001)
- Wasburn-Lane Parkway Plan (2001)
- Historic North Topeka Revitalization Plan (1999)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6

STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS FOR A TAX REBATE

Residential New Construction/Rehabilitation

All residential improvements legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%. Improvement projects that are **not** eligible without City Council approval include:

- New construction renter-occupied single-family dwellings.
- Conversion of single-family dwellings to two (2) or more dwelling units.

Commercial New Construction/Rehabilitation

Commercial, office and institutional, and industrial projects legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

(a) Construction of an improvement must have begun on or after January 1, 2013 the date of designation of the neighborhood revitalization area by the City under Ordinance No. 19771. Such improvement project shall remain eligible in the event of any re-adoption of the 2013 Neighborhood Revitalization Program by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2013, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. 18847 as amended by City Ordinance No. 19034 and Ordinance No. 19362.

(b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be "out-of-time" shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program's benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted "out-of-time if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director's decision to the City Manager who has final authority over the matter.

(c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable Neighborhood Plans, Downtown façade guidelines, and Zoning Regulations in effect at the time the improvements are made.

(d) New and existing improvements on property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.

(e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

(f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant to Article 11, Section 13 of the Kansas Constitution and Topeka Ordinance 17270, may receive one exemption/rebate per project from the City as a tax incentive.

(g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, exept those properties that front a public highway.

(h) Projects completed or eligible to be approved after two (2) years from the issuance of a building permit or initiation of eligible work items shall not be eligibile for a tax rebate.

PART 8

CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information

(a) Owner's Name
(b) Owner's Mailing Address.
(c) School District No.
(d) Parcel I.D. No.
(e) Building Permit No.
(f) Address of Property.
(g) Legal Description of Property
(h) Day Phone Number.
(i) Proposed Property Use.
(j) Improvements
(k) Estimated Cost of Improvements.
(l) Proof of Historical Register Listing.
(m) List of Buildings proposed to be or actually demolished.
(n) Date of commencement of construction.
(o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

(a) County Appraiser's Statement of Percentage Test.
(b) County Clerk's Statement of Tax Status.
(c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9

APPLICATION PROCEDURE

(a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department (Planning) or the City's Development Services Office prior to or concurrent with obtaining a building permit application.

(b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).

(c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.

(d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.

(e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.

(f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributal to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10

STANDARDS AND CRITERIA FOR APPROVAL

(a) Project improvements shall be 100% complete.

(b) The appraised value of residential property must be increased by a minimum of 10%.

(c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.

(d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including design guidelines of the Comprehensive Plan, for the length of the rebate.

(e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 201~~7~~8.

Rebate Period:

All Eligible Uses	10 years

Rebate Amount*:

All Eligible Uses Not Specified or In Areas Below	95% (years 1-5) 50% (years 6-10)
Intensive Care areas (2011 Neighborhood Element)	95%
National/State Register/Districts	95%
Local Historic Landmarks/Districts by the City of Topeka	95%

*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

Part 12

OTHER MATTERS

1. The governing body may declare a structure outside of a neighborhood revitalization area eligible if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115 as a "dilapidated structure" due to its deteriorated conditions and/or is worthy of preservation. As a matter of course, the governing body shall forward said declaration to the participating taxing entities for their approval as well.

2. The Special Fund created under Ordinance No. 18222 shall only be used to augment in-fill housing projects administered by the City of Topeka within the Neighborhood Revitalization Area. Eligible activities shall include any improvements associated with the infill-housing projects that are typically not eligible with federal funding sources such as detached garages, fencing, landscape plantings, drives, land, etc. or for any infrastructure necessary to complete the in-fill housing project. All improvements must be consistent with any adopted design guidelines of Neighborhood Plans approved by the governing body. The Special Fund shall not be used as substitute funding for eligible sources or programs. Adoption of this Plan shall have the effect of repealing all previous matters with administration of the Special Fund under Ordinance No. 18222.

SHAWNEE COUNTY TAX LEVY SCHEDULE 2011

Tax Levies per $1,000 Assessed Valuation

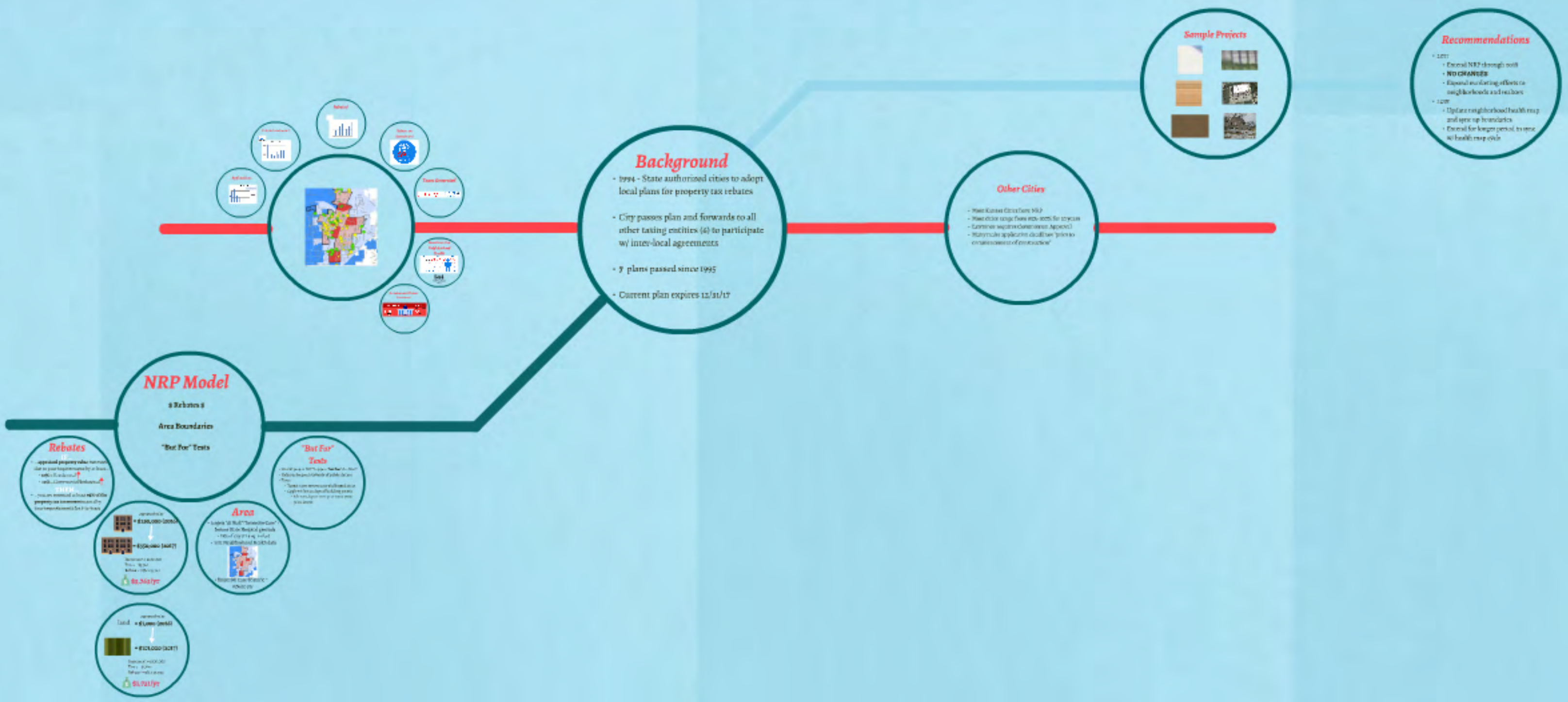
	Taxing Jurisdiction (within USD 501 area)	Mill Levy	% of Total Levy
1.	Shawnee County	43.165	28.61%
2.	City of Topeka	32.928	21.82%
3.	USD 501 (Topeka)	56.307	37.31%
4.	Washburn University	3.298	2.19%
5.	Topeka-Shawnee County Public Library	9.773	6.48%
6.	TMTA (Transit)	4.200	2.78%
7.	MTAA (Airport)	1.229	0.81%
	Total	**150.90**	**100%**

	Taxing Jurisdiction (within USD 345 area)	Mill Levy	% of Total Levy
1.	Shawnee County	43.165	29.60%
2.	City of Topeka	32.928	22.58%
3.	USD 345 (Seaman)	51.237	35.13%
4.	Washburn University	3.298	2.26%
5.	Topeka-Shawnee County Public Library	9.773	6.70%
6.	TMTA (Transit)	4.200	2.88%
7.	MTAA (Airport)	1.229	0.84%
	Total	**145.83**	**100%**

Note: State of Kansas mill levy = 1.500

Source: Shawnee County Clerk's Office

City of Topeka's
Neighborhood Revitalization Program (NRP)
2018 Renewal



Background

- 1994 - State authorized cities to adopt local plans for property tax rebates
- City passes plan and forwards to all other taxing entities (6) to participate w/ inter-local agreements
- **7** plans passed since 1995
- Current plan expires 12/31/17

NRP Model

$ Rebates $

Area Boundaries

"But For" Tests

e increases
by at least...

dustrial

95% of the
used by

- Would
- Helps u
- Tests:
  - Targ
  - App

Rebates

IF...

- ...**appraised property value** increases due to your improvement by at least...
  - **10%** = Residential
  - **20%** = Commercial/Industrial

THEN...

- ...you are returned at least **95% of the property tax increment** caused by your improvements for 5-10 years

ent caused by
for 5-10 years

appraised value

= $250,000 (2016)

= $350,000 (2017)

Increment = $100,000

Taxes = $3,961

Rebate = 95% x $3,961

$3,763/yr

appraised value

land = **$1,000 (2016)**

= $101,000 (2017)

Increment = $100,000

Taxes = $1,822

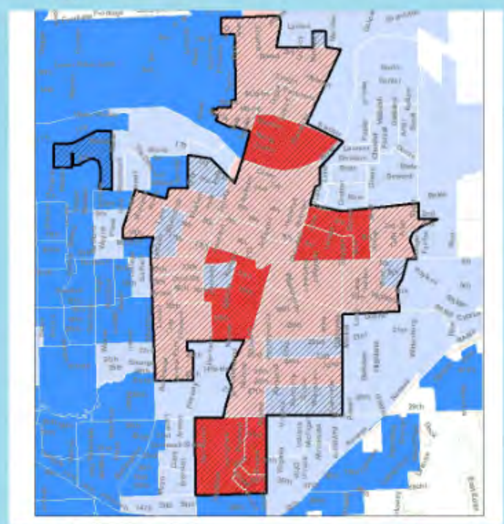
Rebate = 95% x $1,822

$1,731/yr

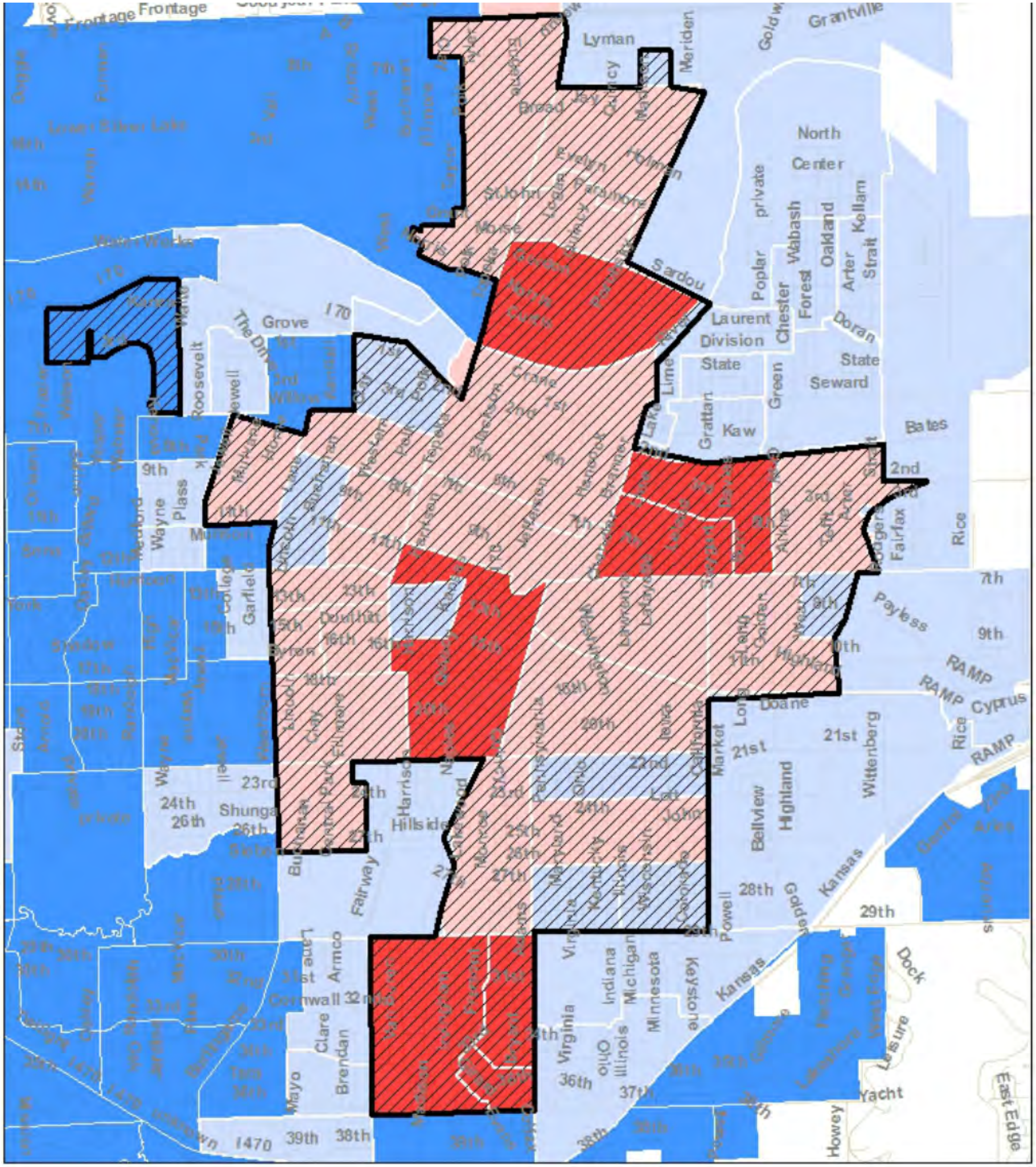
prior inte

Area

- targets "At Risk"/"Intensive Care" + former State Hospital grounds
  - 18% of city (11.4 sq. miles)
  - 2011 Neighborhood Health data



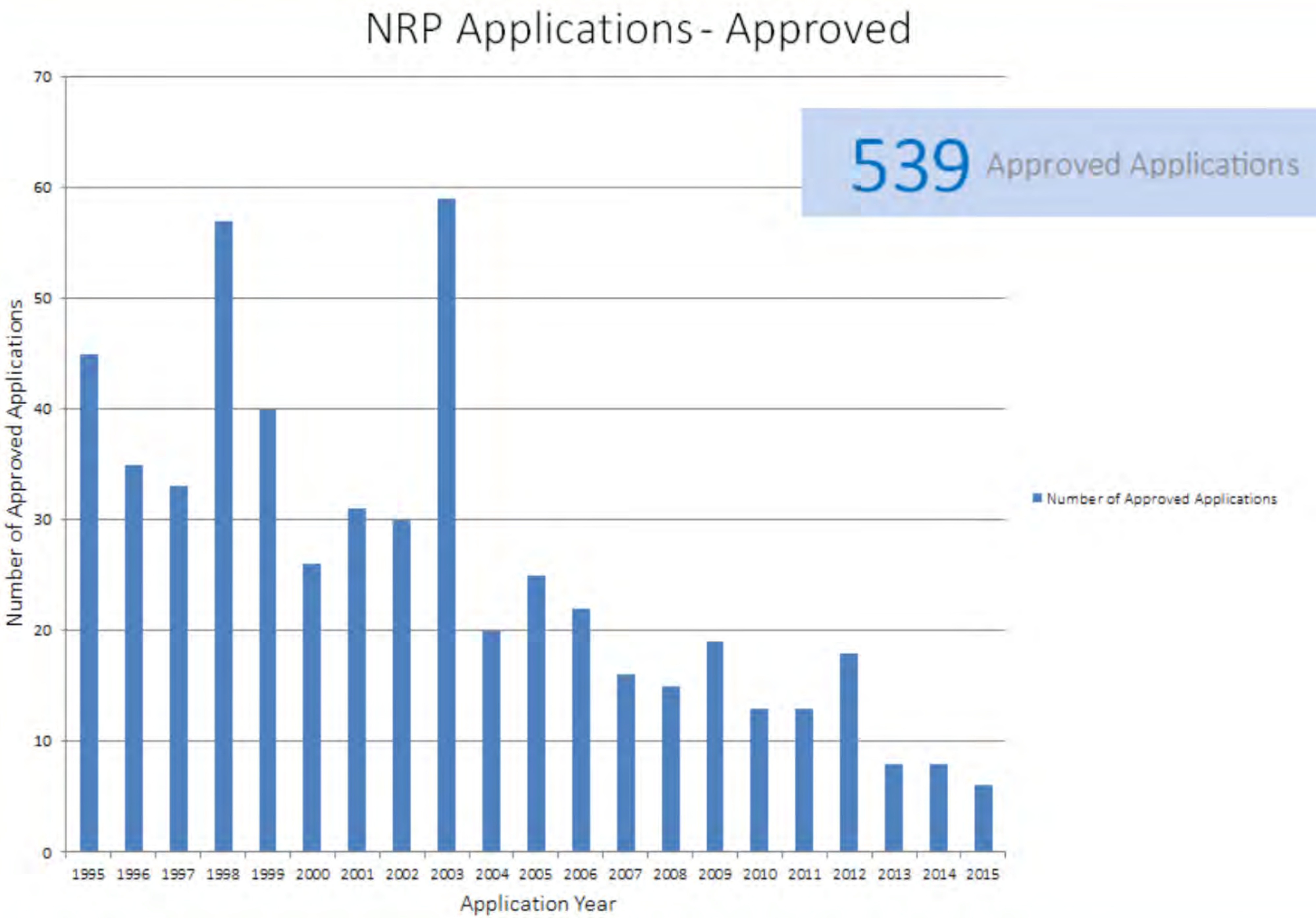
- Intensive Care/Historic = 95%/10 yrs


Frontage
Lyman
Meriden
Grantville
North
Center
private
Wabash
Oakland
Kellam
Sardou
Poplar
Chester
Forest
Arter
Strait
Laurent
Division
State
Seward
Doran
Grove
Roosevelt
Green
Grattan
Kaw
Bates
2nd
Rice
Fairfax
7th
9th
Payless
RAMP
Cyprus
Doane
21st
Wittenberg
Market
California
Bellview
Highland
28th
29th
Powell
Kansas
Indiana
Michigan
Minnesota
Keystone
Virginia
Ohio
Illinois
36th
37th
Yacht
Howey
East Edge
Dock
Leisure
Clare
Brendan
Mayo
Armco
Cornwall
39th
38th
1470
Harrison
Hillside
Fairway
Shunga
24th
26th
23rd
Wayne
Plass
Munson
Garfield
College
9th
Water Works
Lower Silver Lake
York
Lane
31st

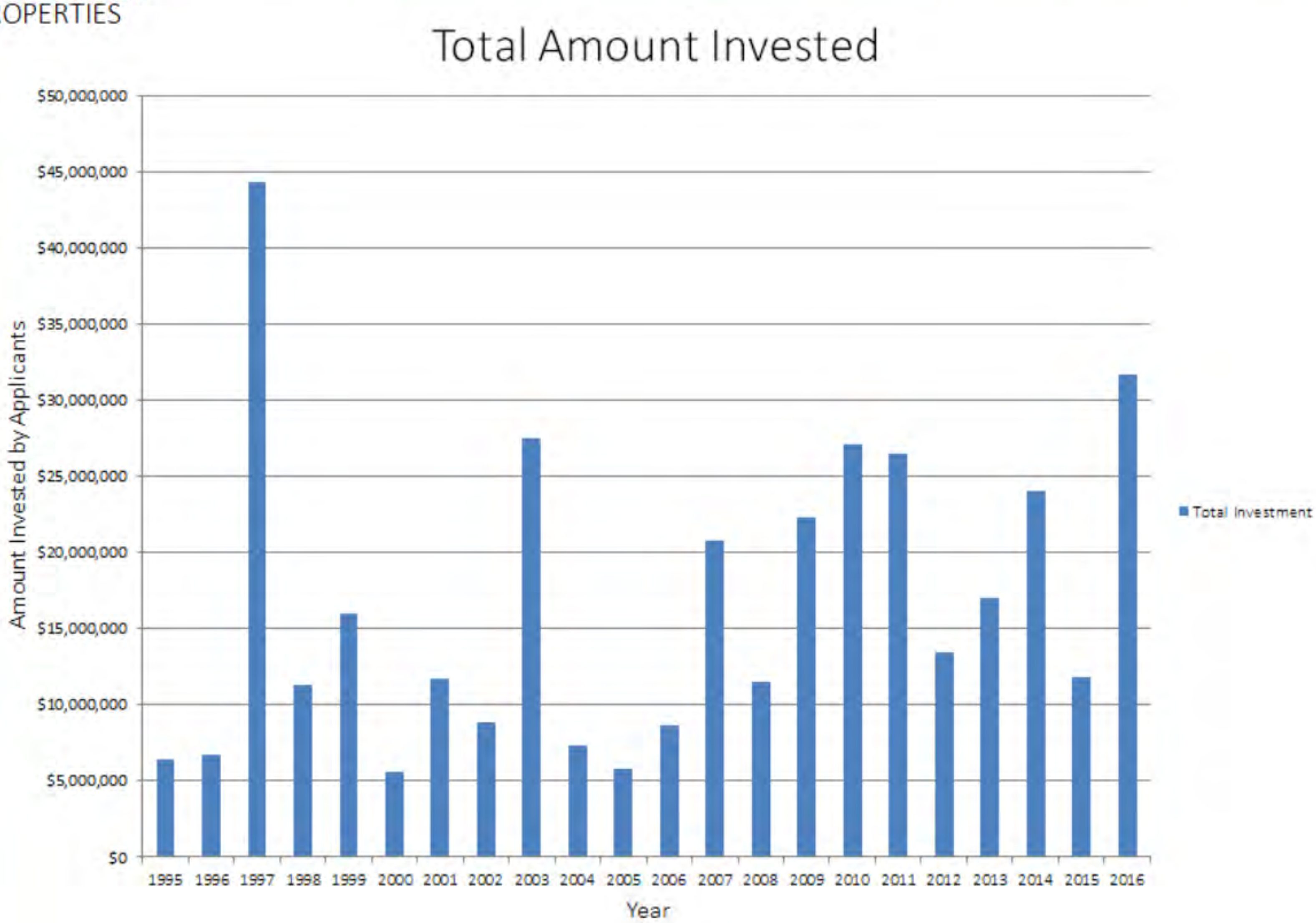
"But For" Tests

- Would project NOT happen "**but for**" the NRP?
- Helps us be good stewards of public dollars
- Tests:
  - Target most investment-challenged areas
  - Apply within 60 days of building permit
    - After 60 days up to 1 year must prove prior intent

ensive Care" +
tal grounds


NRP Applications - Approved
539 Approved Applications
Number of Approved Applications
Application Year
Number of Approved Applications
0
10
20
30
40
50
60
70
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015

TOTAL
INVESTED
367 MILLION DOLLARS
IN BOTH COMMERCIAL AND
RESIDENTIAL PROPERTIES



Return on Investment

Taxes Generated

$19,367,573 NEW TAX GENERATED 2006 -2016


Capitol
Federal
HAPPY HALLOWEEN FROM CAPI OL FEDERAL®
Capitol
Federal

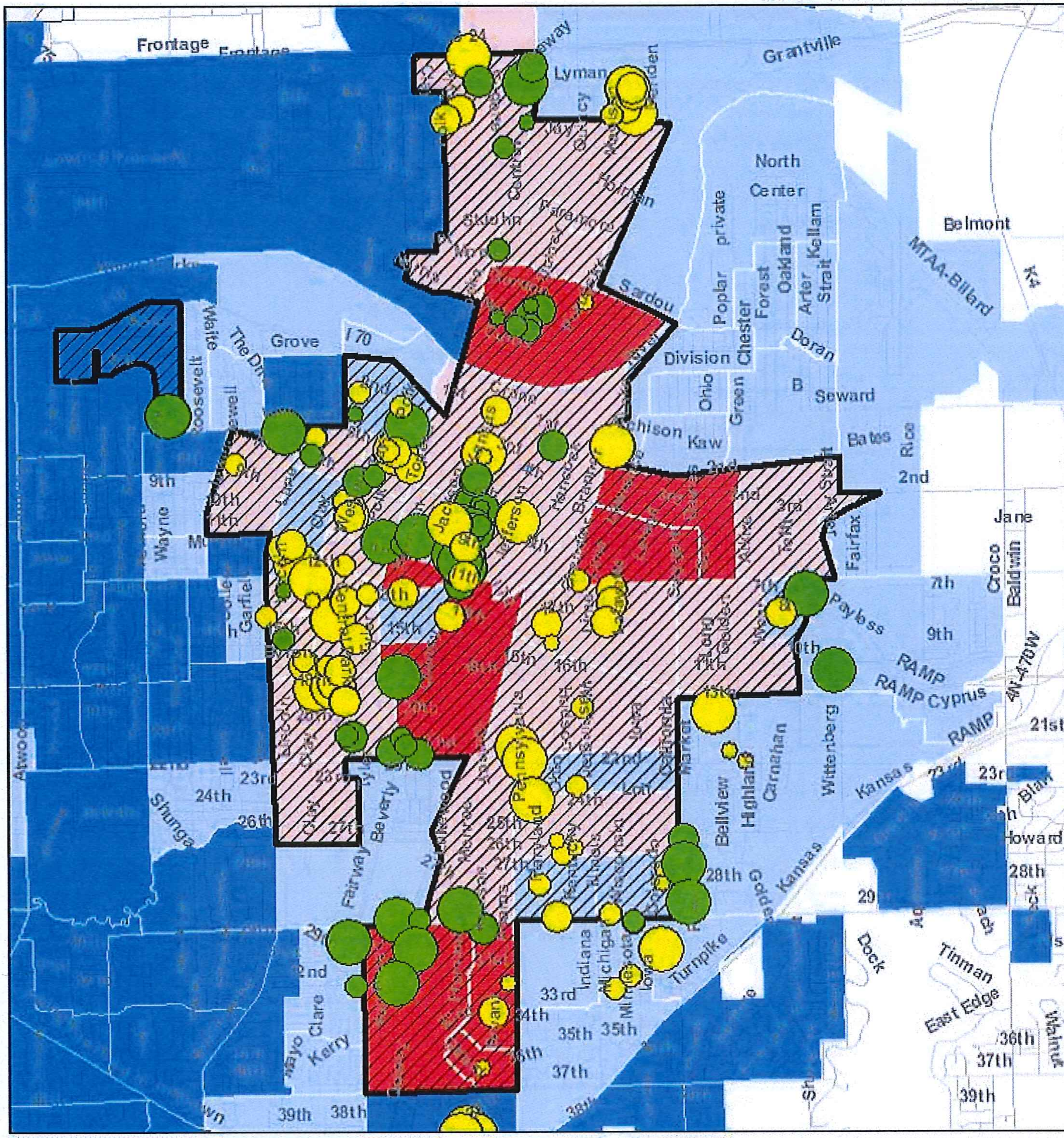

JACKSON
STREET
735
LOFTS

Recommendations

- 2017
  - Extend NRP through 2018
  - **NO CHANGES**
  - Expand marketing efforts to neighborhoods and realtors
- 2018
  - Update neighborhood health map and sync up boundaries
  - Extend for longer period in sync w/ health map cycle

Neighborhood Revitalization Program:
$ Invested per Application Received
Term Period Jan 1, 2007 to Dec 31, 2017

(Applications rec'd through 8/2017)



Neighborhood Revitalization Area (2013-17)

2011 Neighborhood Health

- Healthy
- Out Patient
- At Risk
- Intensive Care

Commercial Investment: New and Rehab

- $0 - $50,000
- $50,001 - $250,000
- $250,001 - $1,000,000
- $1,000,001 - $26,000,000

Residential Investment: New and Rehab

- $0 - $10,000
- $10,001 - $25,000
- $25,001 - $100,000
- $100,001 - $7,000,000

N

Neighborhood Revitalization Program
Term Years 1995-2016

NEIGHBORHOOD REVITALIZATION PROGRAM

TOTAL APPLICATIONS

728 Total Applications

539 Approved Applications

TOTAL INVESTED

367 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

$276,967,388 COMMERCIAL

$89,357,110 RESIDENTIAL

1995-2016 TAX REBATE AMOUNT PAID $42,601,010

$19,367,573 NEW TAX GENERATED 2006-2016

FOR EVERY DOLLAR REBATED $9 ARE INVESTED

DOWNTOWN	HISTORIC
TOTAL INVESTED	TOTAL INVESTED
114 MILLION DOLLARS	54 MILLION DOLLARS
AVERAGE $5,182,897	**AVERAGE** $3,594,825

Neighborhood Health 2004-2015

INTENSIVE CARE	$24,418,600	24%
AT RISK	$51,961,718	47%
OUTPATIENT	$41,985,813	11%
HEALTHY	$20,518,800	18%

529 NEW Units

Neighborhood Revitalization Program
Term Years 2013-2016

APPLICATIONS

24 Approved Applications

PERCENTAGE OF APPROVED APPLICATION

25%	62%	8%	4%
INVENSIVE	AT RISK	OUTPATIENT	HEALTHY

TOTAL INVESTED

84 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

$80,673,000
COMMERCIAL

$3,849,766
RESIDENTIAL

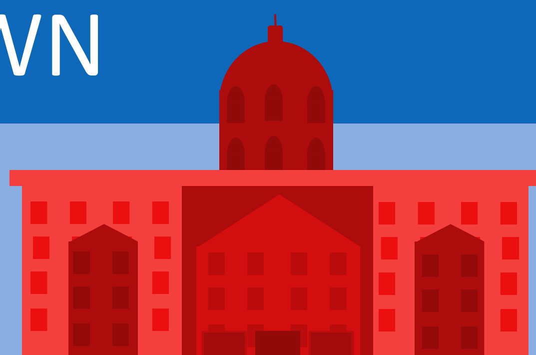
2013-2016 TAX REBATE AMOUNT PAID $11,366,870

$10,035,271 NEW TAX 2013-2016 GENERATED

FOR EVERY DOLLAR REBATED $7 ARE INVESTED

DOWNTOWN

TOTAL INVESTED
41 MILLION DOLLARS
AVERAGE
$9,954,611



HISTORIC

TOTAL INVESTED
40 MILLION DOLLARS
AVERAGE
$10,334,844

Neighborhood Health Applications and Investments

2013
$412,689 $2,750,800
$13,848,000 $0

2015
$3,149,621 $9,927,245
$140,250 $0

2014
$638,243 $4,058,700
$14,050,144 $5,301,000

2016
$3,256,491 $29,942,486
$693,600 $0

Intensive Care
At Risk
Out Patient
Healthy

35 NEW Residential Units

Neighborhood Revitalization Tax Rebate Comparisons	Minimum increase		# of Years		% rebate			Approval Criteria	Transferable With Owner	Admin fee	Time limit to apply	Other notes:
	Residential	Comm/Indy	Residential	Comm/Indy		Downtown	Historic					
Atchison	$5,000	$10,000	7 yrs - $5,000+ residential rehab; 7 yrs - $5,000+ new residential	10 yrs -$500,000 + investment; 7 yrs - $10,000 investment	95% - 20% Graduates down every year of rebate				Yes	5% ($25 min)	prior to commencement of construction	Application period ends 10/31/2021
Hutchinson	$7,000 or 5%	$20,000 or 15%	10	10	95% - 50% (graduates down until yr 6 and then remains at 50% for remaining)	95% - first 5 yrs; 50%- last 5 yrs	100% for 10 yrs	Administrative			Time of application for building permit	
Newton	15% or $5,000	15% or $5,000	5	10	Resid Rehab - 100%; New Resid - 50%	100% for 10yrs			Yes	5%		Properties outside area may apply but need to meet stricter requirements
Salina	10% or $10,000	20% or $20,000	10	10	50-100% first 5 yrs; 25-50% last 5 yrs depending on improvement			Administrative			60 days from Building Permit	
KCK/Wyandotte-Sub area 1	15% min; 5% min for historic -owner or rental	15% min; 5% min historic; 15% min for environmental contaminated sites	10	10	95% for 10 yrs		100% for 10 yrs;	Administrative	Unlimited	$1,000 to $2,000 depending on type and area	Prior to commencement of construction	
KCK/Wyandotte-Sub area 2	15% min; 10% min historic -owner only	15% min	5	5	95% for 5 yrs		100% fo r5 yrs	Administrative	Unlimited	$1,000 to $2,000 depending on type and area	Prior to commencement of construction	
*KCK Special Project criteria (Area 1 or Special Core District)	N/A	>$3,000,000	N/A	Up to 20 years	75-85%			Require Commission Approval		$2,000		3 Criteria: 1. Retail 2. environmental contamination 3. historic designation (State or Federal)
Lawrence (8th & Penn)	Min $5,000; Min $10,000 on Multi family	Min $10,000	20	20	95%			Commission approval		$500		
Lawrence (Target Areas)	$10,000	$10,000	10	10	95%		15 years for qualifying properties	Commission approval		$25 single; $100 multi-family and commercial		
Wichita	min investment of $10,000	min investment of $10,000	5 yrs	5 yrs	max 95% for single-family for single family home; max 75% up to max building permit value of $500,,000 for multifamily and max 75% up to max bldg permit value of $250,000 for commercial/industrial	95%, 5 yrs		Administrative			180 days from building permit	
Lenexa	min invest of $5,000 on single/duplex; min invest of $10,000 on multifamily in Assessed value	*min invest of $10,000*	*10 yrs*	*10 yrs*	*Max 85% rebate for residential; max 75% rebate for commercial/industrial*			Administrative		$25 single/two family; $100 commercial		
Olathe	min increase of 5% on assessed value for residential	Min increase of 10% on assessed value for commercial	10 yrs	10 yrs	max 90% on residential; max 80% on commercial			Administrative				

The Neighborhood Revitalization Program enables participating taxing entities (City of Topeka, Shawnee County, USD 501, USD 345, Washburn Univ., Public Library, TMTA, MTAA) to target areas within the city for property tax rebates. The purpose of the program is to stimulate investment in Topeka's older neighborhoods and Downtown. A property tax rebate over 10 years may be given based on the incremental increase in appraised value resulting from improvements made to a property in the targeted area. **(95% rebate for the first 5 years and 50% for final 5 years.)** Qualifying **"Intensive Care"** and **historic** properties will receive a 95% rebate for the full 10 – year period.

Q. How does the tax rebate work?

A. The tax rebate is a refund of the additional property taxes caused by a qualified improvement. The taxes relating to the assessed value on the property prior to the improvement are not rebated. All taxes must be paid first.

Q. What kind of improvements will increase the assessed value?

A. New construction, additions, and major rehabilitations will increase the assessed value. Maintenance generally will not increase the assessed value, unless there are several major repairs completed at the same time.

Q. Are there incentives for historic preservation projects?

A. The program offers an additional benefit to structures listed on the National, State, or Local Registers. Qualifying projects will receive a **95%** rebate for **the full 10 year period.**

Q. What is a "qualified improvement?"

A. Qualified improvements include any construction, rehabilitation or additions that increases the appraised valuation of the property by more than 10% for residential* and by more than 20% for commercial as determined by the Shawnee County Appraiser's Office.

A qualified improvement must:

- Be in the rebate area (see map)
- Conform with the City of Topeka's Zoning Ordinance and Comprehensive Plan.
- Conform with other applicable building codes, rules and regulations and secure a building permit. Contact the City's Development Services Division at 785-368-3704 for building permit information.

* New construction of single-family dwellings must be owner-occupied.

Q. How do I apply?

A. Applications can be obtained from the Planning Department. **Applications must be made prior to applying for or within 60 days of issuance of a building permit.** Or, a letter of intent may be submitted to Planning prior to building permit issuance

Q. What else should I know?

A. Improvements to the property must remain in good standing throughout the rebate time period. You are required by law to claim the rebate as income on your Federal and State income taxes.

Questions / More Information

Topeka Planning Department
620 SE Madison Ave., 3rd Floor, Topeka, KS 66607

Tim Esparza, Planner I
(785) 368-3005 direct
tesparza@topeka.org email

www.topeka.org/planning/Pages/Neighborhood-Revitalization-Program.aspx

CITY OF TOPEKA

NEIGHBORHOOD REVITALIZATION PROGRAM

A 10-year property tax incentive to encourage the improvements in the City of Topeka's high priority neighborhoods for reinvestment.

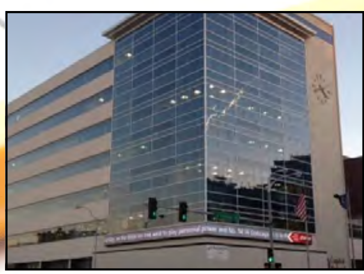
Program Highlights

- Approximately **$367,000,000** of private investment (1995-2016)
- Total rebates paid (1995-2016) approximately **$42.6 million**
- Approximately **$114 million** invested Downtown (1995-2016)
- Approximately 19.3 million new tax dollars generated (2006-2016)

Notable Projects

Capitol Plaza Hotel—Expocenter

Walmart—25th & California

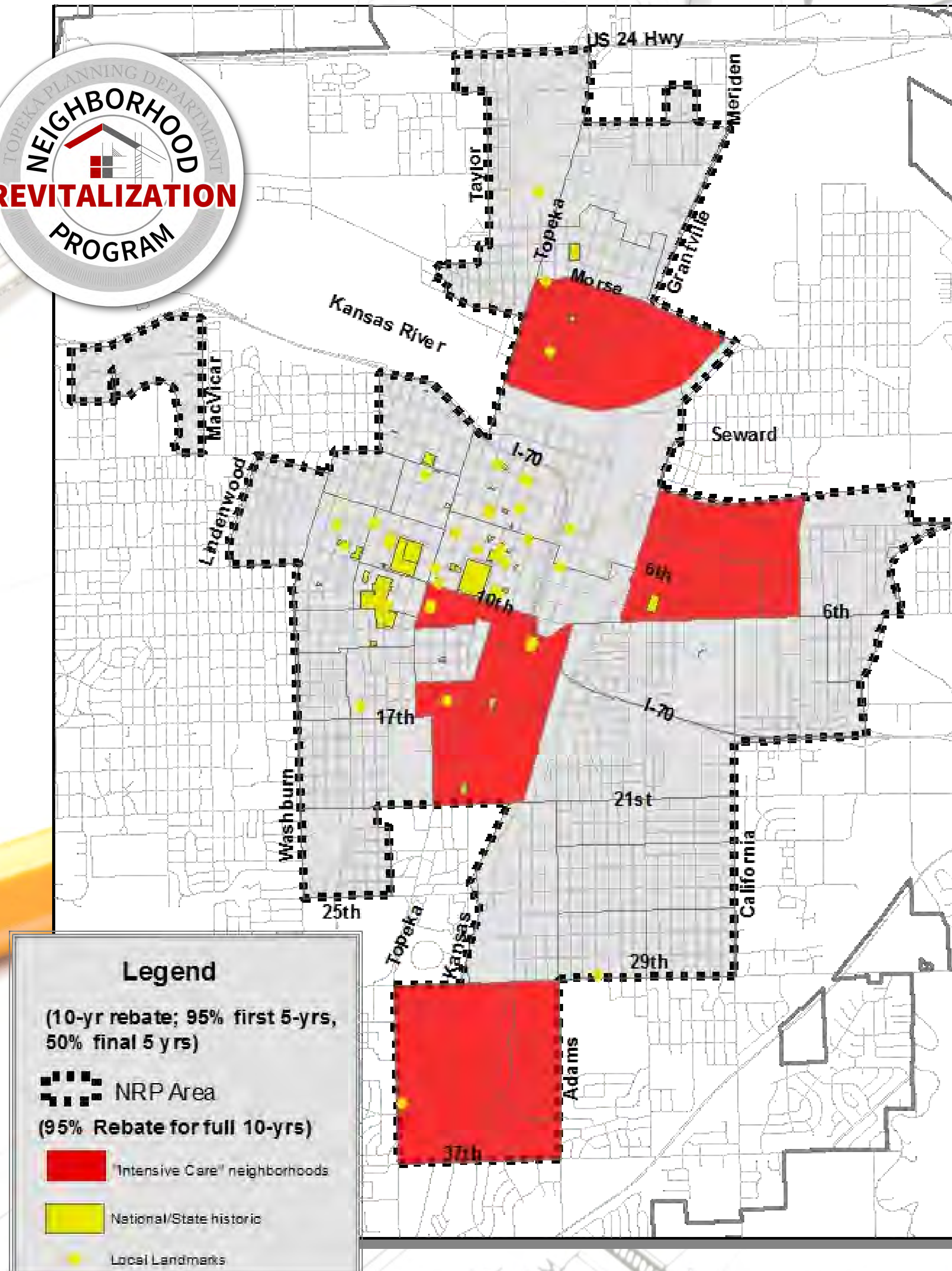


Capital Federal—7th and Kansas

Neighborhood Revitalization Area (2013-17)

NEIGHBORHOOD REVITALIZATION PROGRAM

TOPEKA PLANNING DEPARTMENT



City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Nickie Lee, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**018 Public Hearings / 011 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/12/17 Continued Until 10/03/17.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

PUBLIC HEARING (continued from the meeting of September 12, 2017) to consider the adoption of a Tax Increment Financing (TIF) Project Plan for the Wheatfield Village TIF Redevelopment District located near SW 29th Street and Fairlawn Road.

(The public hearing is continued from the meeting of September 12, 2017, and will be conducted for the purpose of considering the advisability of adopting a TIF Redevelopment Project Plan for the Wheatfield Village TIF Redevelopment District. The ordinance approving the project plan would be placed on a future agenda.)

VOTING REQUIREMENTS:

No vote required by the Governing Body.

POLICY ISSUE:

A public hearing will be conducted for the purpose of considering the advisability of adopting a TIF Redevelopment Project Plan for the Wheatfield Village TIF Redevelopment District. The ordinance approving the project plan will be placed on a future agenda.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing and then continue the public hearing until October 10, 2017.

BACKGROUND:

The Wheatfield Village TIF District was established by the governing body on June 26, 2017 and the governing body set a public hearing for September 12, 2017 to consider a TIF Redevelopment Project Plan. The public hearing was continued to October 3, 2017. The ordinance approving the project plan would be placed on a future agenda.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution 8939 - Public Hearing Notice

Project Plan

(Published in the Topeka Metro News September 4, 2017)

RESOLUTION NO. 8939

A RESOLUTION introduced by Interim City Manager Doug Gerber, setting the public hearing for consideration of the adoption of a Redevelopment Project Plan for the Wheatfield Village Redevelopment District.

BE IT RESOLVED by the Governing Body that, as the Planning Commission has determined that the Wheatfield Village Project Plan is consistent with the intent of the City's Comprehensive Plan, the Governing Body will hold a public hearing on the advisability of adopting the Project Plan for the Wheatfield Village Redevelopment District pursuant to K.S.A. 12-1772.

BE IT FURTHER RESOLVED that the City Clerk shall do the following:

(1) Deliver a copy of the Project Plan to the Board of County Commissioners for Shawnee County and the Unified School District 501 Board of Education;

(2) Publish in the official City newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing: (a) a copy of this Resolution; and (b) a sketch delineating the project area;

(3) Mail a copy of this Resolution by certified mail, return receipt requested, to the Board of County Commissioners for Shawnee County and Unified School District 501 Board of Education; and

(4) Mail a copy of this Resolution by certified mail, return receipt requested, to each owner and occupant of land within the proposed redevelopment project area not more than 10 days following the date of adoption of this Resolution.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body will meet for the purpose of holding a public hearing as provided by K.S.A. 12-1772 in the Council Chambers, 214 E. 8th Street, at 6:00 p.m. on September 12, 2017 to consider the advisability of the adoption of a

Redevelopment Project Plan for the Wheatfield Village Redevelopment District.

(1) Boundaries of the Wheatfield Village Redevelopment District. The boundaries for the Wheatfield Village Redevelopment District, established on June 26, 2017, in Ordinance No. 20072 are identified in Exhibit A which is attached herein and incorporated by reference.

(2) Boundaries of the Proposed Wheatfield Village Project Area. The boundaries of the project area proposed for the Wheatfield Village Project Plan are identified in Exhibit B which is attached herein and incorporated by reference.

(3) Project Plan, Summary of Feasibility Study, Relocation Assistance, Financial Guarantee of Prospective Developer, Description and Map. The Project Plan, including a summary of the feasibility study, relocation assistance, map and description of the area to be redeveloped are available for inspection at the office of the City Clerk on Monday through Friday, except holidays, during regular business hours from 8:00 a.m. to 5:00 p.m.

(4) Adoption of Project Plan. The Governing Body may, upon conclusion of the public hearing, pass an ordinance by two-thirds (2/3) majority adopting the proposed Wheatfield Village Project Plan.

ADOPTED and APPROVED by the Governing Body on August 8, 2017.

SEAL OF TOPEKA CAPITAL CITY INCORPORATED FEB. 14, 1857 KANSAS

CITY OF TOPEKA, KANSAS

Larry E. Wolgast

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger

Brenda Younger, City Clerk

EXHIBIT A

WHEATFIELD VILLAGE

Project 14-5195
Revised June 21, 2017

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 North line of said Shunga Plaza Subdivision a distance of 261.00 feet more or less, to a point 50-feet easterly of the West line of Lot 2, Block D of said Shunga Plaza Subdivision; thence South on a line parallel with and 50-feet easterly of the West line of said Lot 2, Block D a distance of 226.45 feet more or less, to the center of Southwest 28th Street as shown on the Plat of said Shunga Plaza Subdivision; thence West on the center of said Southwest 28th Street a distance of 50.08 feet, more or less to the East lines of Lots 5 and 6, Block B, Shunga Plaza Subdivision extended; thence South on the East lines of Lots 5 and 6, Block B of said Shunga Plaza Subdivision a distance of 174.97 feet more or less; thence West on the North line of Lot 2, Block A, Butler Plaza Subdivision No.2, a distance of 134.94 feet; thence Northwesterly, continuing on said North line a distance of 18.31 feet to the West line of said Lot 2; thence South on the West line of said Lot 2 and Lot 1, Block A and the extension thereof, said line also being the East Right of Way line of Southwest Fairlawn Road, a distance of 207.79 feet to the Northwest corner of Lot 1, Block A, Phillips 66 Subdivision No.2; thence East on the North line of said Lot 1, Block A Phillips 66 Subdivision No.2, a distance of 150.00 feet; thence South on the East line of said Lot 1, Block A, of Phillips 66 Subdivision No.2 and it's extension thereof a distance of 180 feet more or less to the South curb line of Southwest 29th Street; thence Westerly and Southwesterly on 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.

EXHIBIT A

TIF District – Wheatfield

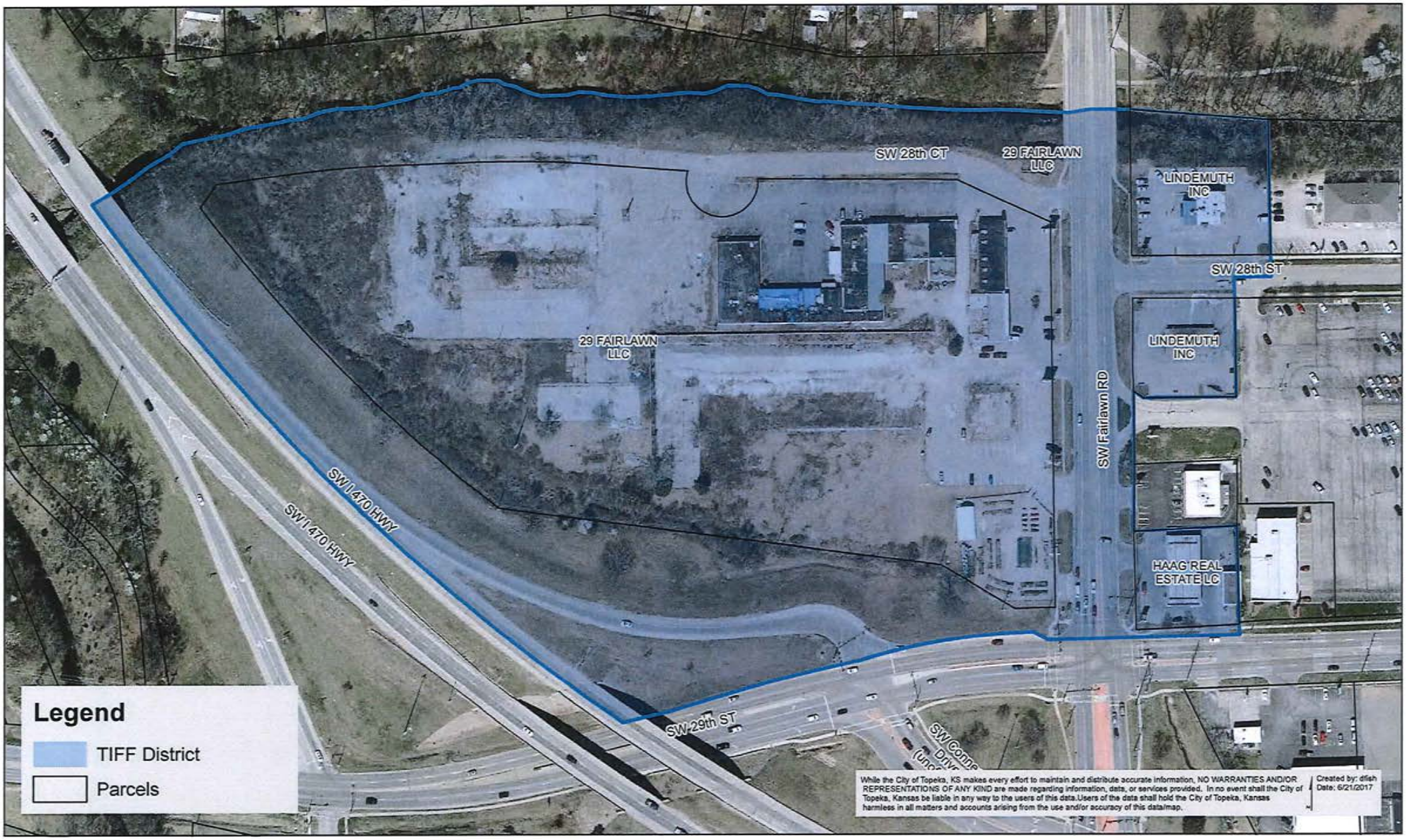


EXHIBIT B

CFS ENGINEERS
cfse.com

WHEATFIELD VILLAGE

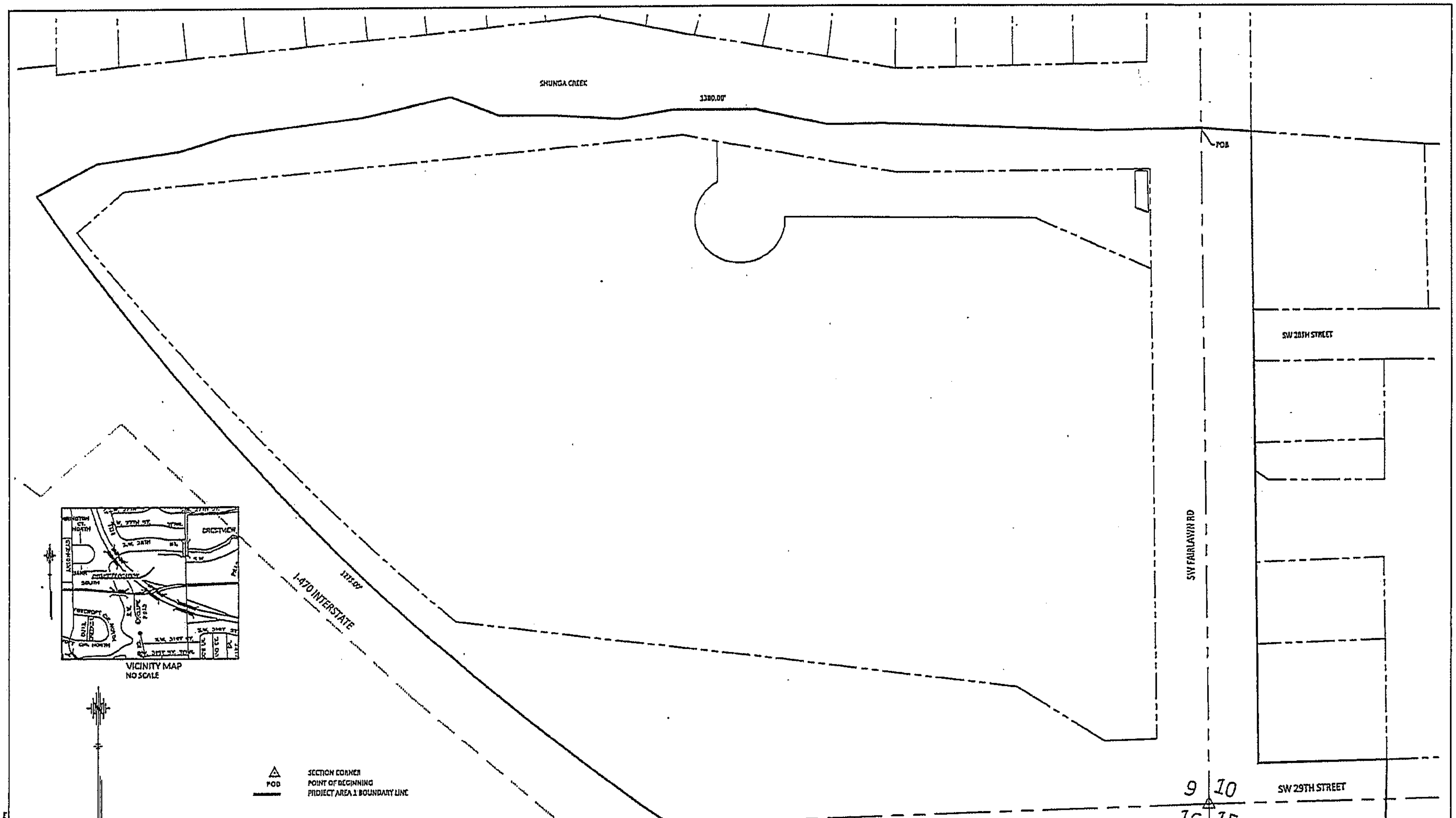
Project 14-5195
July 26, 2017

TIF PROJECT AREA 1 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.

EXHIBIT B



PROJECT AREA 1 BOUNDARY EXHIBIT

WHEATFIELD VILLAGE

A PORTION OF 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.

TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT PLAN
(WHEATFIELD VILLAGE REDEVELOPMENT PROJECT)

The Tax Increment Financing Act, K.S.A. 12-1770, et seq., as amended (the "**TIF Act**"), permits the City of Topeka, Kansas (the "**City**") to undertake one or more redevelopment projects within an established redevelopment district. In order to pursue such redevelopment projects, the City is obligated to create, in consultation with the City's Planning Commission, a "project plan."

At the request of 29 Fairlawn, LLC (the **"Developer"**), developer of the Wheatfield Village Redevelopment Project (the **"Development"**), the City presents the following information as required by the TIF Act related to the project plan for the Development ("**Redevelopment Project Plan**"). Except as otherwise noted herein, the information included in this Redevelopment Project Plan was submitted by the Developer.

Dated: JULY 14, 2017

TABLE OF CONTENTS

I. INTRODUCTION

The subject of this project plan, as defined by the TIF Act (as hereinafter defined) is the initial project area of the Wheatfield Village mixed-use development (the **"Development"**) located in the northwest corner of Southwest 29th Street and Fairlawn Road in Topeka, Kansas (the "**City**"). The Development will be constructed by 29 Fairlawn, LLC (the "**Developer**"), a special-purpose entity affiliated with Midwest Health, Inc. and led by its principals Jim Klausman and Floyd Eaton. The Development spans approximately 15 acres in total, including rights-of-way, and is planned to include approximately 13 acres of multi-family, restaurant, movie theater and hotel uses, plus infrastructure and site improvements. The Development is planned to transform a highly visible and long-deteriorating site bordering I-470 into a vibrant mixed-use setting currently unavailable within the City.

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 et seq., as amended (the "**TIF Act**"), Kansas municipalities are authorized to establish redevelopment districts and redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property within a proposed district is an "eligible area" pursuant to the TIF Act.

On June 26, 2017, the City, after conducting a duly noticed public hearing, found that the property within the boundaries described in **Exhibit A-1** and depicted in **Exhibit A-2** hereto qualifies as a "conservation area" and is therefore an "eligible area" pursuant to the TIF Act. Based in part upon said finding, the City adopted Ordinance No. 20072 creating a redevelopment district encompassing the subject property (the "**TIF District**") and approving a plan for redevelopment of the TIF District established under K.S.A. 12-1771 and amendments thereto (the **"District Plan"** as further described herein).

This redevelopment project plan (the "**Redevelopment Project Plan**") for the first redevelopment project area established within the TIF District ("**Redevelopment Project Area 1**") is presented to the City for its consideration and approval, with the maximum twenty (20) year term of the Redevelopment Project Plan to commence upon publication of the ordinance adopting this Redevelopment Project Plan. The boundaries of Redevelopment Project Area 1 are legally described in **Exhibit B-1** and generally depicted in **Exhibit B-2** attached hereto.

II. THE PROJECT PLAN

A. Description of the TIF District

The property comprising the TIF District consists of approximately 15 acres generally located in the northwest and northeast quadrants of Southwest 29th Street and Fairlawn Road within the City, plus right-of-way also included within the TIF District boundaries. A legal description and boundary map of the TIF District are attached hereto as **Exhibits A-1** and **A-2**, respectively.

B. Established TIF District

Redevelopment Project Area 1 is located within an established TIF District approved by the City on June 26, 2017 pursuant to Ordinance No. 20072. The approved District Plan contained within the Ordinance provides for certain redevelopment projects within the TIF District:

> The District shall consist of one (1) or more redevelopment project areas, which are anticipated to include a mix of uses including retail, restaurant, and other commercial uses and residential uses with associated amenities, along with associated infrastructure including but not limited to structured and/or surface parking, landscaping, lighting, utilities, storm water improvements, sidewalks/walkways, streets/drives, ingress/egress improvements, green space, signalization and other infrastructure improvements.

C. Redevelopment Project

This Project Plan proposes the use of tax increment financing revenues generated by Redevelopment Project Area 1 (**"TIF Revenues"**) to pay for or reimburse the costs of a redevelopment project as generally described in the District Plan (the "**Redevelopment Project**" or "**Project**"). Consistent with the approved District Plan, the following Redevelopment Project Plan for the Redevelopment Project is anticipated to include a mix of commercial and residential uses including:

Residential
A four-story, market-rate, multi-family rental residential complex consisting of approximately 178 units. The residential complex will be constructed in the northwest corner of the site, in part, on top of a multi-story parking deck.

Movie Theater
A nine-screen movie theater with approximately 690 seats, focusing on first-run movies and featuring state-of-the-art technology. At approximately 34,000 sq ft, the theater is located in the south central portion of the site.

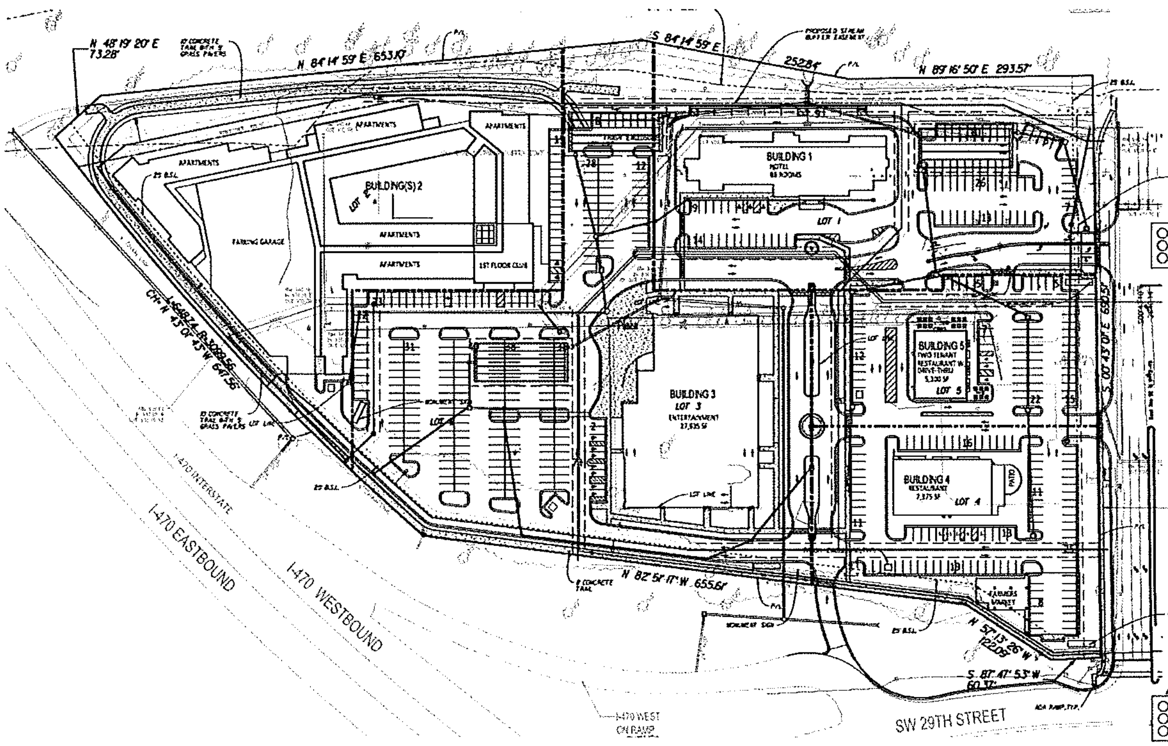
Hotel
A four-story, 88-room hotel near the northeast corner of the site (approximately 134,000 sq ft).

Restaurants
Two restaurant buildings anticipated to contain a fast food restaurant, a family dining restaurant and a coffee shop, all totaling approximately 12,000 sq ft.

Related Costs
Related costs include property acquisition, site preparation (including demolition of existing structures), the construction of infrastructure including a multi-story parking deck and the development of a small "farmers' market" open space at the southeast corner of the site.

The Developer expects all construction to be complete over approximately 36 months.

The site plan depicting the Development is as follows:



In addition to TIF Revenue, the Developer plans separately to petition the City for the creation of a community improvement district (**"CID"**) and to request that Shawnee County issue industrial revenue bonds ("**IRBs**")for the purpose of providing the Project with a sales tax exemption on construction labor and materials.

The Developer expects that the Project contemplated in the Redevelopment Project Plan will produce a significant economic impact for the City by redeveloping a significantly deteriorated and highly visible site fronting I-470, remediating blighting conditions and economic obsolescence within Project site, enhancing existing businesses and attracting new businesses within the vicinity of the Redevelopment Project Area, and spurring increased commerce, employment, and general improvement within the Redevelopment Project Area.

The Developer anticipates that redevelopment of the Redevelopment Project Area will attract visitation to the Project site from members of the City community and from visitors outside the City because of the location of the Redevelopment Project Area adjacent to a major interstate. As described in the Traffic Study prepared in connection with the Planned Unit Development plan for the Project, the Project will include construction of improvements to Fairlawn Road and Southwest 29th Street to service traffic generated by the Project (the "**Traffic Improvements**"). In connection with the proposed Traffic Improvements, the Developer and the City have requested a break in access from 29th Street to an on-ramp leading to I-470. The Traffic Study describes the Traffic Improvements to 29th Street that will be constructed as part of the Project (a) in the event the break in access request is approved by the Federal Highway

Administration and (b) in the event the break in access request is denied by the Federal Highway Administration. Although the scope of the Traffic Improvements to 29th Street differs depending upon whether the break in access request is approved or denied by the Kansas Department of Transportation and the Federal Highway Administration, the Traffic Study establishes that the scope of improvements in each circumstance adequately accounts for the traffic anticipated to be generated by the Project as quantified in the Traffic Study.

D. Feasibility Study

The table below summarizes the Project's expected sources and uses of funds:

CITY OF TOPEKA
Wheatfield Village Redevelopment District
Sources and Uses of Funds

SOURCES OF FUNDS	TOTAL
Developer Loans	65,255,984
Developer Equity	27,966,850
TOTAL SOURCES	93,222,834
USES OF FUNDS	
Land Acquisition	2,375,000
Site Work Improvements	7,150,508
Fairlawn Improvements	736,233
29th Street Improvements	376,250
Site Monuments/Features	150,000
Multi-Family Building	31,680,000
Parking Deck/MF Building	5,940,000
Hotel	12,320,000
Fast Casual Restaurant	927,500
Coffee Shop	408,000
Sit Down Restaurant	1,585,625
Movie Theater	8,760,525
Design/Const Mgt	4,812,728
Legal/Lease Concessions	771,753
Site Permit/Fees	25,000
Construction Interest	9,789,320
Contingency	5,414,392
TOTAL USES	93,222,834

The Developer requests a "pay-as-you-go" method for implementing the TIF. As a result, no TIF Revenues will be available to the Developer at financial close on the Project by virtue of the issuance of bonds. Instead, as the Project generates TIF Revenues, the City will reimburse the Developer for actual, eligible Project costs certified by the Developer to the City. The Developer expects reimbursements from the proceeds of the CID, if approved by the City, to work similarly. The Developer may also benefit from a sales tax exemption on construction materials resulting from the IRB issue it has requested be issued by Shawnee County.

The City's obligation to reimburse the Developer for TIF-eligible Project costs will be detailed by a redevelopment agreement to be entered into by and between the City and the Developer concurrently with the Topeka City Council's approval of this Redevelopment Project Plan.

The Developer represents that it is able to secure the private financing required to bridge the availability of TIF Revenues and CID proceeds and that it has the resources necessary to make the required equity contributions necessary to complete the Project, as shown in the sources and uses above. The Developer further represents that, based upon the advice of its architects, engineers and contractors, the construction costs projected for the Project are reasonable.

Based upon the foregoing, the Project's benefits and TIF Revenues and other available revenues are expected to exceed or be sufficient to pay for the costs of the Project. Further, there are no special obligation bonds outstanding relying on revenues described K.S.A. 12-1774(a)(1)(D).

E. Relocation Plan

In the event the City acquires any real property within the Redevelopment Project Area in carrying out the provisions of the TIF Act, and that, as a result, any persons, families and businesses move from real property located in the Redevelopment Project Area or move personal property from real property located in the Redevelopment Project Area, a $500 payment will be made to such persons, families and businesses as provided in the TIF Act. No persons or families reside in the TIF District and thus no such persons shall be displaced nor require suitable alternate housing. Any retailers, as defined in K.S.A. 79-3702, which are or have been located within the TIF District and which will move or have moved from the TIF District will or have moved on their own accord pursuant to arm's-length transactions with the Developer and thus no payment of damages for liquidation of inventories shall be required to be made to such parties.

[No further text on this page.]

EXHIBIT A-1

TIF DISTRICT LEGAL DESCRIPTION

WHEATFIELD VILLAGE

Project 14-5195
Revised June 21, 2017

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 North line of said Shunga Plaza Subdivision a distance of 261.00 feet more or less, to a point 50-feet easterly of the West line of Lot 2, Block D of said Shunga Plaza Subdivision; thence South on a line parallel with and 50-feet easterly of the West line of said Lot 2, Block D a distance of 226.45 feet more or less, to the center of Southwest 28th Street as shown on the Plat of said Shunga Plaza Subdivision; thence West on the center of said Southwest 28th Street a distance of 50.08 feet, more or less to the East lines of Lots 5 and 6, Block B, Shunga Plaza Subdivision extended; thence South on the East lines of Lots 5 and 6, Block B of said Shunga Plaza Subdivision a distance of 174.97 feet more or less; thence West on the North line of Lot 2, Block A, Butler Plaza Subdivision No.2, a distance of 134.94 feet; thence Northwesterly, continuing on said North line a distance of 18.31 feet to the West line of said Lot 2; thence South on the West line of said Lot 2 and Lot 1, Block A and the extension thereof, said line also being the East Right of Way line of Southwest Fairlawn Road, a distance of 207.79 feet to the Northwest corner of Lot 1, Block A, Phillips 66 Subdivision No.2; thence East on the North line of said Lot 1, Block A Phillips 66 Subdivision No.2, a distance of 150.00 feet; thence South on the East line of said Lot 1, Block A, of Phillips 66 Subdivision No.2 and it's extension thereof a distance of 180 feet more or less to the South curb line of Southwest 29th Street; thence Westerly and Southwesterly on 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.

EXHIBIT A-2

TIF DISTRICT BOUNDARY MAP

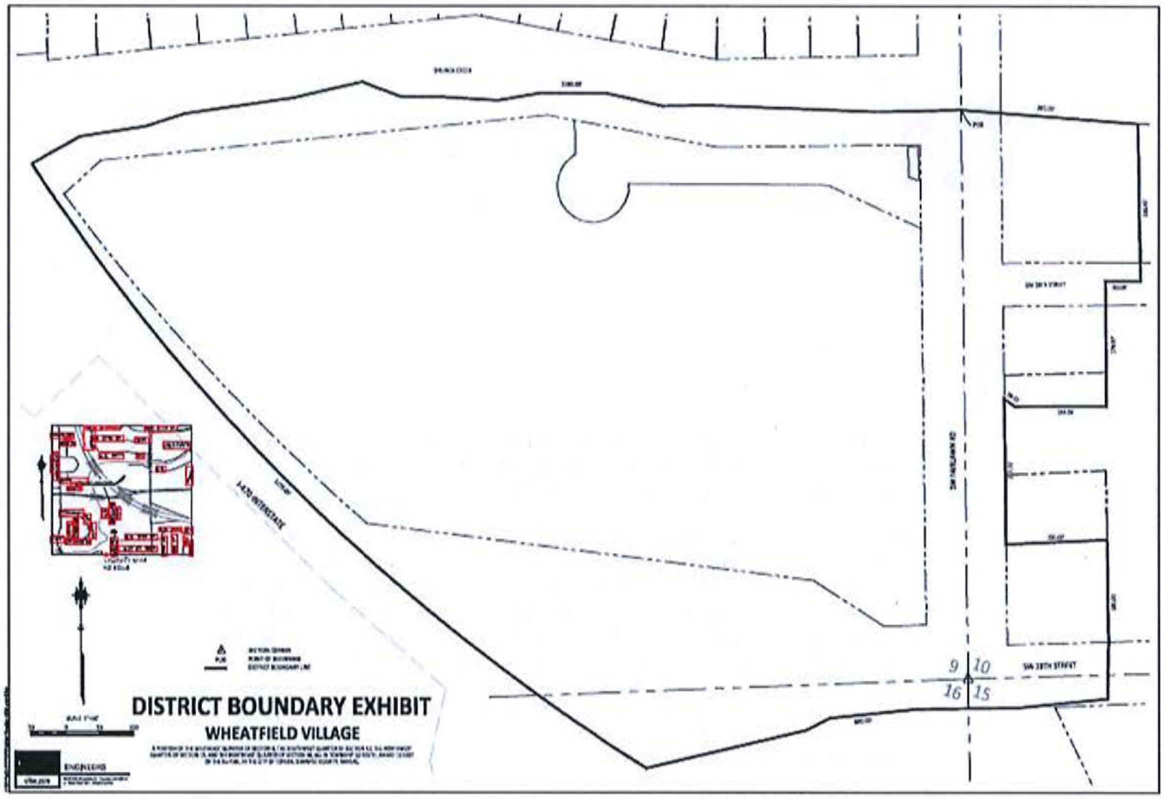


EXHIBIT B-1

PROJECT AREA 1 LEGAL DESCRIPTION

CFS ENGINEERS
cfse.com

WHEATFIELD VILLAGE

Project 14-5195
July 26, 2017

TIF PROJECT AREA 1 BOUNDARY

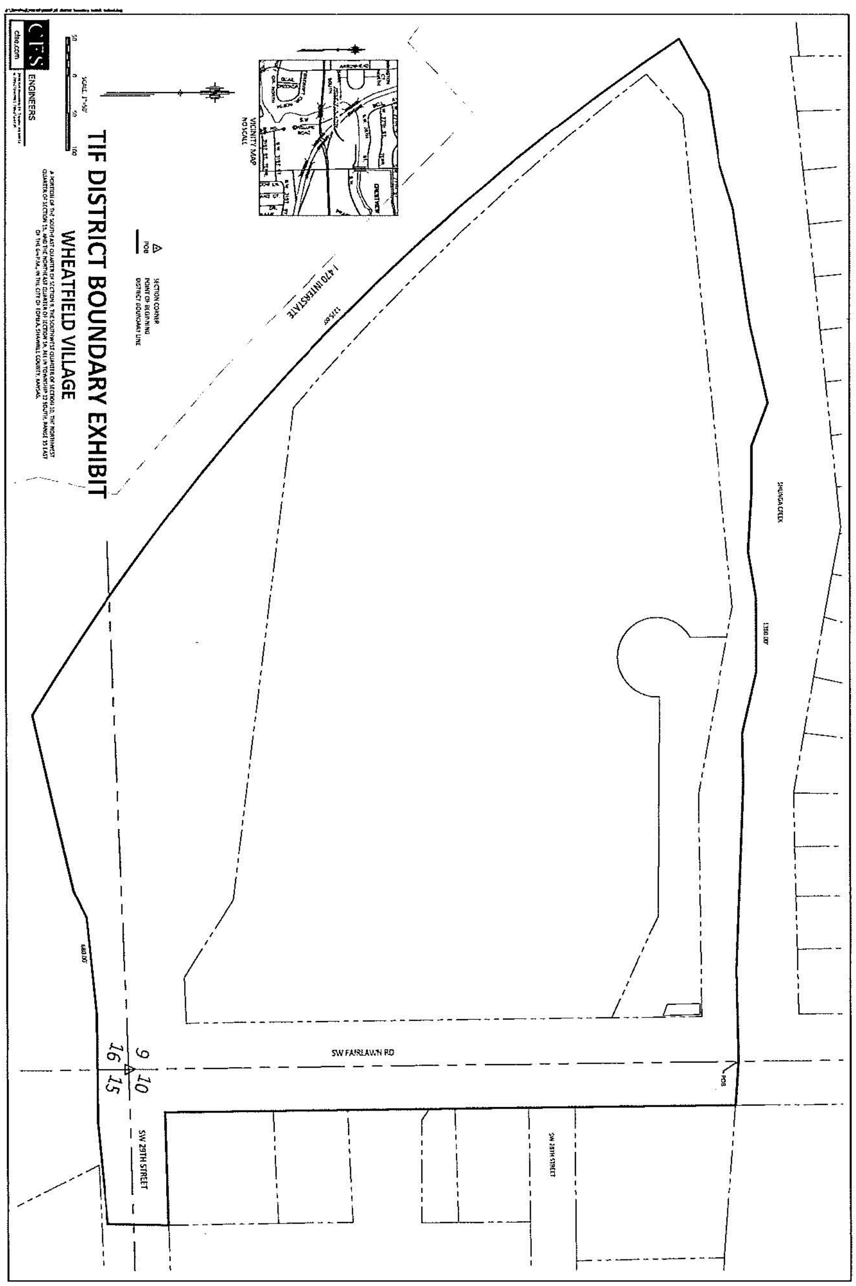
A portion on the Southeast Quarter of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 12 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas described as follows:

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.

2930 SW Woodside Drive | Topeka, KS 66614 | 785.272.4706 | 785.272.4736 fax

EXHIBIT B-2

PROJECT AREA 1 BOUNDARY MAP



City of Topeka

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 3, 2017

DATE:	**October 3, 2017**		
CONTACT PERSON:	**Nickie Lee, Director of Finance**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**018 Public Hearings / 011 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

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 levying a CID sales tax of two percent (2%) within the CID.

(A public hearing will be conducted for the purpose of considering the advisability of establishing a community improvement district at SW 29th Street and SW Fairlawn Road and imposing a 2% retailers sales tax on retail sales or services within the district. The ordinance approving the establishment of a CID will be placed on a future agenda.)

VOTING REQUIREMENTS:

No vote required by Governing Body.

POLICY ISSUE:

Whether to create a community improvement district and impose a 2% sales tax.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing.

BACKGROUND:

The owner of Wheatfield Village has petitioned the governing body to establish a CID pursuant to K.S.A. 12-6a26. The owner initially requested that the City impose a 1.5% sales tax on retail purchases of property and services within the district; however, the owner is now requesting a 2% sales tax. No bonds would be issued for the project, and reimbursements to the developer would be pay-as-you-go. The sales tax would expire 22 years from the date collections start or when the developer's reimbursable costs have been paid.

The total costs of the project are approximately $93 million. Reimbursements for the eligible CID project costs would be distributed once received from the State of Kansas and certified as eligible costs. The 2% sales tax revenue would be generated based upon taxable sales in the district.

BUDGETARY IMPACT:

A CID is a self-supporting economic development tool. The CID levies an incremental sales tax on businesses within the district. The state collects the incremental sales tax, remitting it to the City for reimbursement of qualified CID project costs as certified by the project developer. The only budgetary impact to the City is the administration of the monies and per City policy an administrative fee is charged to the sales tax received.

SOURCE OF FUNDING:

2% Sales Tax Revenue

ATTACHMENTS:

Description

Resolution 8948 - Public Hearing Notice

CID Petition

(Published in the Topeka Metro News September 11, 2017 and September 18, 2017)

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

Larry E. Wolgast

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger

Brenda Younger, City Clerk

EXHIBIT A

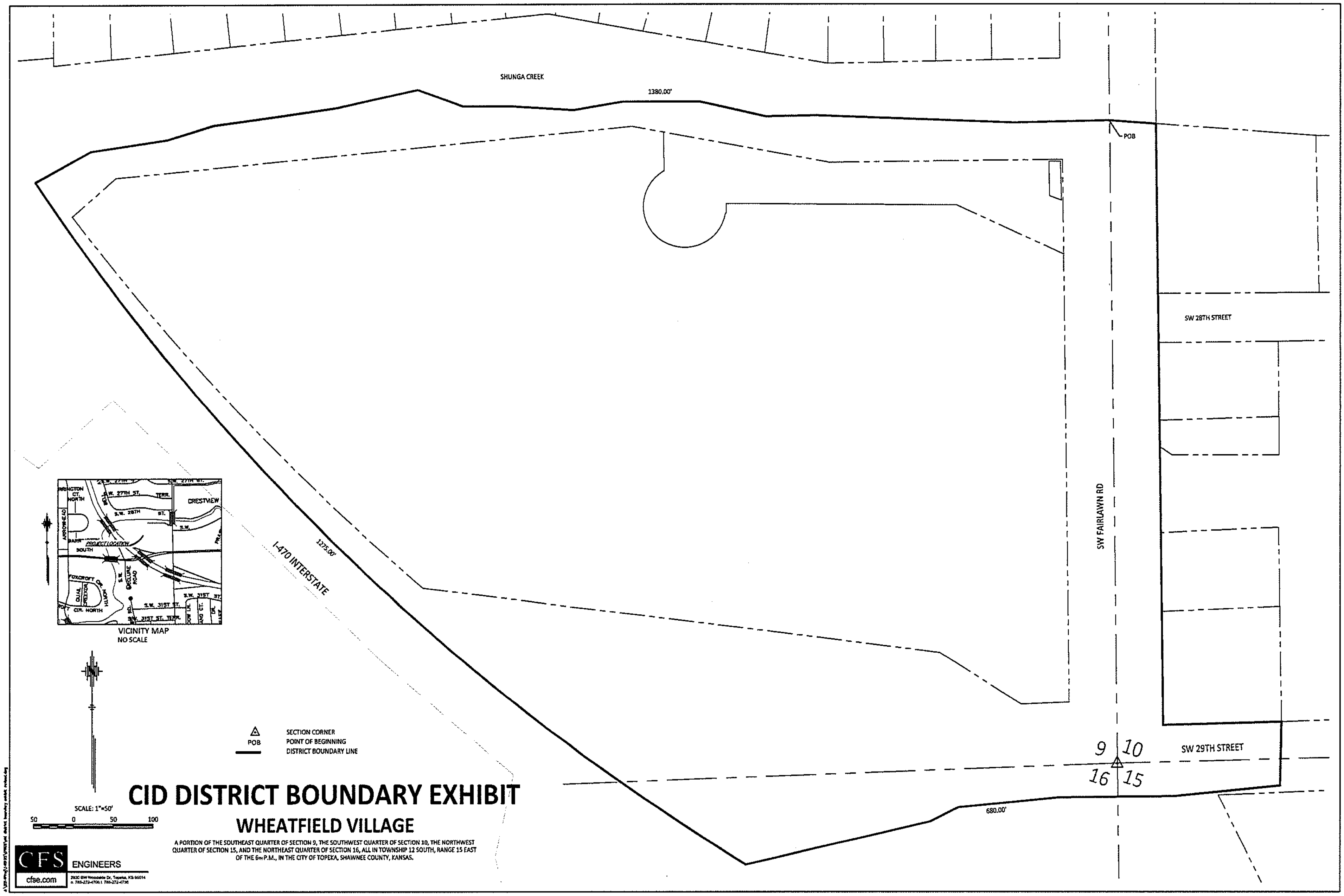

SHUNGA CREEK
1380.00'
POB
SW 28TH STREET
SW FAIRLAWN RD
SW 29TH STREET
9
10
16
15
680.00'
1275.00'
I-470 INTERSTATE
VICINITY MAP
NO SCALE
SECTION CORNER
POB
POINT OF BEGINNING
DISTRICT BOUNDARY LINE
CID DISTRICT BOUNDARY EXHIBIT
WHEATFIELD VILLAGE
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 9, THE 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.
SCALE: 1"=50'
50
0
50
100
CFS
ENGINEERS
cfse.com

EXHIBIT B

CFS ENGINEERS
cfse.com

WHEATFIELD VILLAGE

Project 14-5195
July 26, 2017

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.

PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT (WHEATFIELD VILLAGE)

RECEIVED
CITY CLERK

2017 AUG 31 A 9:28

TOPEKA, KANSAS

TO: City Council,
City of Topeka, Kansas

The undersigned (the "**Petitioner**"), being the owner of record, whether resident or not, of the following:

1. Not less than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. Not less than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

hereby petitions the City of Topeka, Kansas (the "**City**") to create the Wheatfield Village Community Improvement District ("**CID**") and authorize the proposed CID project (the "**CID Project**") hereinafter set forth, all in the manner provided by K.S.A. § 12-6a26, *et seq.* (the "**Act**"). In furtherance of such request, the Petitioner states as follows:

1. GENERAL NATURE

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 in accordance with this petition and the Act to finance 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.

2. ESTIMATED COST

The total estimated cost of the CID Project is $93,222,834, plus interest. It is anticipated that revenue generated from collection of the CID sales tax described in paragraph 5 of this Petition will be utilized to reimburse a portion of the cost of the CID Project.

3. PROPOSED METHOD OF FINANCING

The proposed method of financing the CID Project is from the CID sales tax described in paragraph 5 of this Petition through Pay-as-you-go financing.

4. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

Petitioner does not propose that the CID Project be financed through the levying of assessments.

5. PROPOSED AMOUNT OF SALES TAX

Petitioner proposes that the CID Project be financed through the levying of a CID sales tax in the amount of 2% for a 22 year term as authorized by the Act.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

A map of the CID is attached hereto at **EXHIBIT A**.

The legal description of the CID is attached hereto at **EXHIBIT B**.

7. NOTICE TO PETITION SIGNER

Petitioner hereby acknowledges that signatures may not be withdrawn from this Petition by the signer hereof after the Governing Body of the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

8. PETITION BINDING ON FUTURE OWNERS

Petitioner hereby acknowledges that if this Petition is not properly withdrawn as permitted by the Act, any future owners of the property within the CID shall be bound by this Petition.

9. BOND MARKETABILITY

Petitioner hereby acknowledges that the City will record this Petition if the proposed CID Project is approved by the City Council and that by the acceptance of this Petition, the City Council is not making any representation as to the issuance or marketability of CID bonds/notes, if any, to finance the CID Project described in this Petition. The Petitioner assumes the risk that such CID bonds/notes can be issued under terms acceptable to the City.

10. ACKNOWLEDGMENTS

Petitioner acknowledges that:

(A) the City's approval of this Petition or of the CID Project set forth in this Petition and creation of a CID by the City as proposed in this Petition does not eliminate independent requirements by the Petitioner to comply with all applicable zoning, planning, permit and other laws relating to the development of property;

(B) the City is relying on the estimated costs of the CID Project set forth in this Petition without independent investigation as to the accuracy of such estimates; and

(C) the implementation of the CID proposed by the Petition and the receipt of CID sales tax proposed by this Petition may be governed by the terms of a reimbursement or development agreement entered into between the City and the Petitioner, or any successor or assigns of the Petitioner approved by the City.

No further text on this page

IN WITNESS WHEREOF, the undersigned have executed the above foregoing Petition to create the CID on the date set forth below:

29 FAIRLAWN, LLC, a Kansas limited liability company

By: ______________________
Name: James A. Klausman
Title: Vice-President
Date: August 30, 2017

<u>**ACKNOWLEDGMENT**</u>

STATE OF Kansas)
) ss.
COUNTY OF Shawnee)

BE IT REMEMBERED, that on this 30 day of August, 2017, before me, the undersigned, a Notary Public in and for said County and State, came James A. Klausman, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal) Susan Brooks
NOTARY PUBLIC~STATE OF KANSAS
MY APPT EXP: 9-17-2018

____
Notary Public ~~in~~ and for said
County and State

My Commission Expires:
9-17-2018
____

60147346.1

EXHIBIT A

MAP OF CID

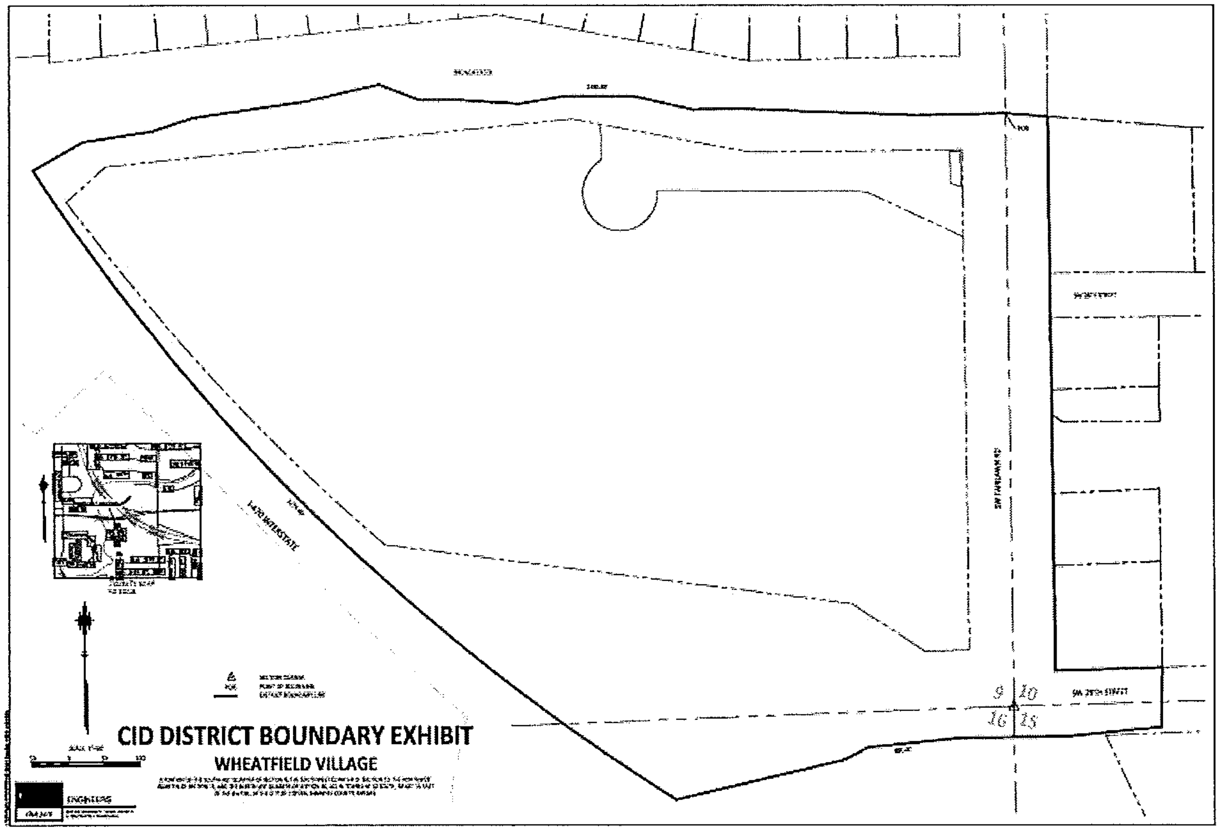


EXHIBIT B

LEGAL DESCRIPTION OF CID

CFS ENGINEERS
cfse.com

WHEATFIELD VILLAGE

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