

1 (Published in the Topeka Metro News December 27, 2006)

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3 **ORDINANCE NO. 18780**

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5 AN ORDINANCE introduced by Council Member Lana Kennedy, relating to the Capital
6 City Downtown Business Improvement District, establishing a service
7 fee levy for 2007, amending City of Topeka Code § 42-38 and
8 specifically repealing said original section.
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10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

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12 Section 1. City of Topeka Code § 42-38, Method of raising revenue, is hereby
13 amended to read as follows:
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16 **Method of raising revenue.**

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18 (a) The method to be used to raise the funds necessary for the district shall be
19 the levy of service fees upon all businesses located within the district, as defined by K.S.A.
20 12-1782(b), based on the number of square feet of floor area occupied by each business
21 within the district. For the purposes of this article, the operation of multifamily residential
22 property and the operation of structured parking facilities shall not be considered to be a
23 business.

24 (b) The service fees assessed shall be as follows:

<i>Number of square feet</i>	<i>Rate per square foot</i>
0 – 999	\$0.00
1,000 plus	0.049

28 However, the maximum service fee per business shall be eleven thousand dollars
29 (\$11,000.00) regardless of the number of square feet.

30 (c) For the purposes of this article, the number of square feet of floor area
31 occupied shall be determined as the total area designated for the exclusive use by the
32 owner or tenants expressed in square feet and measured from the centerline of joint
33 partitions and from outside wall faces. In the case of leased property, square feet of floor

34 area occupied is considered that area for which tenants pay rent. In no event shall square
35 feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical
36 equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall
37 square feet of floor area occupied include area which is unusable, is not occupied due to
38 applicable city codes, or is not in active use by a tenant. In the case of a building occupied
39 by a single business, the gross floor area may be reduced by subtracting the actual
40 measured square footage of excluded areas as defined in this section or by subtracting
41 fifteen (15) percent of the gross floor area, whichever is greater.

42 (d) Service fees under this section shall be levied for the year 2006~~7~~ and shall be
43 due and payable in two (2) semiannual installments. Service fees shall be deemed
44 delinquent if not paid within thirty (30) days of the due date provided for the second
45 semiannual installment.

46 Section 2. Original City of Topeka Code § 42-38 is hereby specifically repealed.

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

49 PASSED and APPROVED by the City Council December 19, 2006.

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William W. Bunten, Mayor

ATTEST:

Brenda Younger, Interim City Clerk