

1 (Published in the Topeka Metro News July 18, 2007)

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3 **ORDINANCE NO. 18923**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. establishing a
6 Redevelopment District at or about the area of 15th and Adams in
7 Topeka, Kansas pursuant to K.S.A. 12-1773, *et seq.*, as amended.
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9 WHEREAS, the Council of the City of Topeka, Kansas did hold a public hearing on
10 the advisability of establishing a Redevelopment District at or about the area of 15th and
11 Adams in Topeka, Kansas, said public hearing was held on July 10, 2007, in the City
12 Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by K.S.A. 12-
13 1770, *et seq.*, as amended; and

14 WHEREAS, said public hearing was adjourned on the July 10, 2007; and

15 WHEREAS, notice of said public hearing was duly provided as required by K.S.A.
16 12-1772, as amended.

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 TOPEKA, KANSAS:

19 Section 1. That it finds the following described development district to be
20 advisable and does hereby authorize and order said Redevelopment District to be made
21 established with its findings as follows:

22 The legal description of the Redevelopment District is set forth as Exhibit "A," which
23 is attached hereto and specifically incorporated herein. Additionally, the area contained
24 therein is specifically established as the East Gate Redevelopment District.

25 Section 2. The East Gate Redevelopment District is a "blighted area" as defined
26 under K.S.A. 12-1770a, as amended, in that the following factors are present in the District:

27 A. A substantial number of deteriorating structures;

- 28 B. Predominance of defective or inadequate street layout;
- 29 C. Unsanitary and unsafe conditions;
- 30 D. Deterioration of site improvements;
- 31 E. Improper Subdivision or Obsolete Platting or Land Uses;
- 32 F. Existence of Conditions Which Endanger Life or Property by
- 33 Fire or Other Causes; and
- 34 G. Conditions which create economic obsolescence.

35 Section 3. That the presence of the aforementioned factors in the East Gate
36 Redevelopment District substantially impairs or arrests the development and growth of the
37 City of Topeka, constitutes an economic or social liability of the City of Topeka, or is a
38 menace to the public health, safety, morals or welfare in its present condition and use.

39 Section 4. That because the East Gate Redevelopment District is a “blighted
40 area,” it constitutes an eligible area for redevelopment under K.S.A. 12-1770, *et seq.*, as
41 amended.

42 Section 5. That the redevelopment of the East Gate Redevelopment District is
43 necessary to promote the general and economic welfare of the City of Topeka.

44 Section 6. That the East Gate Redevelopment District Plan is hereby approved
45 and described as follows:

46 The plan for the District would permit the City of Topeka to issue full faith and
47 credit tax increment bonds (“TIF”) to finance all or a portion of the acquisition
48 of the real estate and improvements thereon, such as demolition, site work,
49 parking lots and lighting, as more specifically permitted by Kansas statute, to
50 allow the Developer to then construct buildings and other improvements in
51 said District.

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53 Section 7. That the Clerk is hereby directed to forthwith after the effective date of
54 this Ordinance to provide a copy of this Ordinance by certified mail, return receipt requested,

55 to the Board of Commissioners of Shawnee County, Kansas and Board of Education of
56 Unified School District 501.

57 Section 8. This Ordinance shall take effect and be in force from and after its
58 passage, approval and publication in the official City newspaper.

59 PASSED and APPROVED by the City Council July 10, 2007.

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CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

70 **EXHIBIT "A"**
71 **LEGAL DESCRIPTION:**

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73 LOT 1, SKILES SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF;
74 A PORTION OF LOT 1, BLOCK A, EASTACRE SUBDIVISION, ACCORDING TO THE
75 RECORDED PLAT THEREOF; AND A TRACT OF LAND IN THE SOUTHWEST
76 QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE SIXTH
77 PRINCIPAL MERIDIAN, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS,
78 DESCRIBED AS FOLLOWS:

79 COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER;
80 THENCE ON AN ASSUMED NORTH AZIMUTH OF 87 DEGREES 55 MINUTES 27
81 SECONDS, 257.50 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST
82 QUARTER TO THE SOUTHWEST CORNER OF EASTACRE SUBDIVISION AND THE
83 POINT OF BEGINNING; THENCE ON AZIMUTH 21 DEGREES 52 MINUTES 58
84 SECONDS, 227.24 FEET ALONG THE WEST LINE OF EASTACRE SUBDIVISION TO
85 THE NORTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 108
86 DEGREES 27 MINUTES 01 SECONDS, 370.00 FEET ALONG SAID NORTH LINE TO
87 THE EAST LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 180
88 DEGREES 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID EAST LINE TO
89 THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON AZIMUTH 267
90 DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID SOUTH LINE;
91 THENCE ON AZIMUTH 180 DEGREES 26 MINUTES 42 SECONDS, 80.82 FEET TO
92 THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE ON
93 AZIMUTH 264 DEGREES 53 MINUTES 26 SECONDS, 255.96 FEET ALONG SAID
94 RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF SKILES SUBDIVISION;
95 THENCE ON AZIMUTH 272 DEGREES 19 MINUTES 17 SECONDS, 188.10 FEET
96 ALONG THE SOUTH LINE OF SKILES SUBDIVISION TO THE WEST LINE OF
97 SKILES SUBDIVISION; THENCE ON AZIMUTH 16 DEGREES 24 MINUTES 22
98 SECONDS, 84.21 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SKILES
99 SUBDIVISION; THENCE ON AZIMUTH 87 DEGREES 55 MINUTES 27 SECONDS,
100 10.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

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102 AND

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104 PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH,
105 RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE
106 COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST
107 CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 16 CHAINS; THENCE
108 EAST, PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, 6.25
109 CHAINS; THENCE NORTH, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST
110 QUARTER, 16 CHAINS TO SAID NORTH LINE; THENCE WEST 6.25 CHAINS TO
111 THE POINT OF BEGINNING; EXCEPT BEGINNING AT THE NORTHWEST CORNER
112 OF ABOVE DESCRIBED TRACT OF LAND; THENCE SOUTH ON THE WEST LINE
113 OF SAID SOUTHWEST QUARTER, 471 FEET; THENCE EAST, AT RIGHT ANGLES,
114 25 FEET; THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT ON THE
115 NORTH LINE OF SAID SOUTHWEST QUARTER WHICH IS 231 FEET EAST OF THE

116 NORTHWEST CORNER THEREOF; THENCE WEST TO THE POINT OF
117 BEGINNING; ALSO EXCEPT BEGINNING ON THE NORTH LINE OF SAID
118 SOUTHWEST QUARTER 231 FEET EAST OF SAID NORTHWEST CORNER;
119 THENCE SOUTHWESTERLY 104.04 FEET TO A POINT 95 FEET SOUTHERLY AND
120 188.57 FEET EAST OF SAID QUARTER SECTION CORNER; THENCE EASTERLY,
121 PARALLEL TO SAID NORTH LINE, 28.92 FEET; THENCE NORTHEASTERLY 99.63
122 FEET TO A POINT ON SAID NORTH LINE WHICH IS 16.50 FEET EASTERLY FROM
123 THE POINT OF BEGINNING; THENCE WEST 16.50 FEET TO THE POINT OF
124 BEGINNING, AS TAKEN IN CONDEMNATION CASE NO. 94350, ALSO EXCEPT
125 THAT PART OF SAID TRACT DEEDED TO THE CITY OF TOPEKA IN QUITCLAIM
126 DEED RECORDED IN BOOK 2247, PAGE 284, AND ALSO EXCEPT ANY PART OF
127 SAID TRACT TAKEN OR DEDICATED FOR STREET PURPOSES.

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129 AND

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131 BEGINNING AT A POINT ON THE WEST LINE OF BRANNER STREET, WHICH IS
132 200 FEET SOUTHEASTERLY OF THE SOUTH LINE OF 15TH STREET; THENCE
133 SOUTHWESTERLY AT RIGHT ANGLES TO BRANNER STREET 50 FEET; THENCE
134 SOUTHERLY PARALLEL WITH THE WEST LINE OF BRANNER STREET 50 FEET;
135 THENCE NORTHEASTERLY 50 FEET TO A POINT ON THE WEST LINE OF
136 BRANNER STREET, WHICH IS 50 FEET SOUTHEASTERLY FROM THE PLACE OF
137 BEGINNING, THENCE NORTHWESTERLY 50 FEET TO THE PLACE OF
138 BEGINNING, IN SHAWNEE COUNTY, KANSAS.

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140 AND

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142 A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12
143 SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE
144 COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST
145 CORNER OF 15TH AND BRANNER STREETS; THENCE SOUTHEASTERLY ALONG
146 THE WEST LINE OF BRANNER STREET, 200 FEET; THENCE WESTERLY AT
147 RIGHT ANGLES TO THE WEST LINE OF BRANNER STREET, 50 FEET; THENCE
148 WESTERLY PARALLEL TO THE SOUTH LINE OF 15TH STREET, 65.05 FEET;
149 THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHWEST
150 QUARTER, 206.37 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF 15TH
151 STREET, 62.19 FEET TO THE POINT OF BEGINNING, LESS THAT PART DEEDED
152 TO THE CITY OF TOPEKA, FOR ROAD RIGHT OF WAY, AS RECORDED AT BOOK
153 2242, PAGE 598, BOOK 2247, PAGE 272, BOOK 2247, PAGE 274, AND AT BOOK
154 2247, PAGE 279.

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156 AND

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158 LOT 1, BLOCK A, JORDAN PATTERSON SUBDIVISION IN THE CITY OF TOPEKA,
159 SHAWNEE COUNTY, KANSAS.

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161 AND

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163 LOTS 1, 3 AND 5, YALE STREET AND LOTS 2 AND 4, MARYLAND AVENUE,
164 CAPITOL VIEW ADDITION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
165 KANSAS.
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167 AND
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169 ALL OF LOT 78 AND PART OF LOTS 72, 74, AND 76 ON EDISON STREET,
170 DESCRIBED AS: BEGINNING 15 FEET SOUTH OF THE NORTHWEST CORNER OF
171 LOT 76; THENCE NORTHEASTERLY 129.29 FEET TO A POINT 16.25 FEET SOUTH
172 FROM THE NORTHEAST CORNER OF LOT 72; THENCE SOUTHERLY TO THE
173 SOUTHEAST CORNER OF LOT 78; THENCE WEST TO THE SOUTHWEST
174 CORNER OF LOT 78; THENCE NORTH TO THE POINT OF BEGINNING IN
175 WASHINGTON PARK ADDITION No. 2, TO THE CITY OF TOPEKA, SHAWNEE
176 COUNTY, KANSAS.
177
178 AND
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180 ALL THAT PART OF LOT 51 ON BROCK STREET IN WASHINGTON PARK
181 ADDITION No. 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST, TOPEKA,
182 SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
183 NORTHWEST CORNER OF SAID LOT 51; THENCE SOUTHERLY, ALONG THE
184 WEST LINE OF SAID LOT, A DISTANCE OF 16.25 FEET; THENCE
185 NORTHEASTERLY 43.41 FEET, MORE OR LESS, TO A POINT ON THE NORTH
186 LINE OF SAID LOT, SAID POINT BEING 40.00 FEET EASTERLY FROM THE
187 NORTHWEST CORNER THEREOF; THENCE WESTERLY, ALONG SAID NORTH
188 LINE, TO THE PLACE OF BEGINNING.
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190 AND
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192 LOTS 50, 52, 54 AND 56, ON BROCK STREET, IN WASHINGTON PARK ADDITION
193 NO. 2, TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.
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195 AND
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197 LOTS 21, 23, 25 AND 27, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO
198 THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.
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200 AND
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202 LOT 5, DRAKE SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
203 KANSAS.
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205 AND
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207 LOTS 1, 3, 5, 7, 9,11, 13, 15, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO

208 THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND LOTS 6, 8, 10, 12, 14,
209 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 AND 38, MARYLAND AVENUE, FORMERLY
210 BRANNER STREET, EXCEPT THAT PORTION LOT 6, DESCRIBED AS FOLLOWS;
211 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTERLY
212 20.0 FEET, ALONG THE NORTH LINE OF SAID LOT 6, THENCE SOUTHWESTERLY
213 TO A POINT ON THE WEST LINE OF SAID LOT 6, 25.0 FEET SOUTHERLY OF THE
214 NORTHWEST CORNER OF SAID LOT 6; THENCE NORTHERLY, ALONG THE WEST
215 LINE OF SAID LOT 6, TO THE NORTHWEST CORNER THEREOF AND THE POINT
216 OF BEGINNING, CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE
217 COUNTY, KANSAS; AND EXCEPT THAT PART OF LOT 5 AND ALL OF LOTS 7
218 THRU 15, ODD LOTS ON HUDSON BOULEVARD AND PART OF LOTS 22 THRU 32,
219 EVEN LOTS ON BANNER STREET IN CAPITOL VIEW ADDITION TO THE CITY OF
220 TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING
221 AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 60 DEGREES 32
222 MINUTES 41 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF
223 SAID LOT 15, 171.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15;
224 THENCE SOUTH 13 DEGREES 47 MINUTES 08 SECONDS EAST, 27.48 FEET TO
225 THE SOUTHWEST CORNER OF LOT 19; THENCE NORTH 72 DEGREES 59
226 MINUTES 13 SECONDS WEST, 63.56 FEET; THENCE NORTH 3 DEGREES 10
227 MINUTES 55 SECONDS WEST 75.03 FEET; THENCE NORTH 43 DEGREES 01
228 MINUTES 07 SECONDS EAST, 44.70 FEET TO THE NORTHWEST CORNER OF
229 SAID LOT 5; THENCE NORTH 50 DEGREES 26 MINUTES 51 SECONDS EAST,
230 121.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE
231 SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 455.00
232 FEET, A CHORD BEARING OF SOUTH 41 DEGREES 51 MINUTES 29 SECONDS
233 EAST, A CHORD LENGTH OF 124.61 FEET, AN ARC LENGTH OF 125.00 FEET TO
234 THE POINT OF BEGINNING.

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236 AND

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238 LOTS 17 AND 19, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO THE CITY
239 OF TOPEKA, SHAWNEE COUNTY, KANSAS.

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241 ALONG WITH ALL ADJACENT ROAD RIGHTS OF WAY FOR SE 15TH STREET, SE
242 EDISON STREET, SE BROCK STREET, SE MARYLAND AVENUE, SE HUDSON
243 BOULEVARD AND SE YALE STREET.

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245 SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF
246 ANY, NOW OF RECORD.