

1 (Published in the Topeka Metro News January 23, 2008)

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3 **ORDINANCE NO. 19019**

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5 AN ORDINANCE introduced by Norton N. Bonaparte, Jr., relating to the Capital City
6 Downtown Business Improvement District, establishing a service fee
7 levy for 2008, amending City of Topeka Code § 42-38 and specifically
8 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
14 amended to read as follows:

15
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
1000 plus	0.049 <u>\$0.0525</u>

25
26 However, the maximum service fee per business shall be ~~eleven~~twelve thousand
27 dollars (\$142,000.00) regardless of the number of square feet.

28 (c) For the purposes of this article, the number of square feet of floor area
29 occupied shall be determined as the total area designated for the exclusive use by the
30 owner or tenants expressed in square feet and measured from the centerline of joint

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

40 (d) Service fees under this section shall be levied for the year 2007~~8~~ and shall be
41 due and payable in two (2) semiannual installments. Service fees shall be deemed
42 delinquent if not paid within thirty (30) days of the due date provided for the second
43 semiannual installment.

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 Original City of Topeka Code § 42-38 is hereby specifically repealed.

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

47 PASSED and APPROVED by the City Council January 15, 2008.

48 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

53 ATTEST:

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57 Brenda Younger, City Clerk