

RESOLUTION NO. 7304

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A RESOLUTION introduced by Mayor Harry Felker, granting a waiver of the requirements of City of Topeka Code Sections 138-76 *et seq.* relating to property tax exemptions for the Star-Kist Foods DBA Heinz Pet Products plant located at 220 Brickyard Road in Topeka, Kansas.

WHEREAS, City of Topeka Code Sections 138-76 *et seq.* establish a procedure for the granting of economic development property tax exemptions, as allowed by Article 11, Section 13 of the Kansas Constitution; and

WHEREAS, City of Topeka Code Section 138-91 requires the submission of a new application for exemption and approval by the City Council of the application if there has been a change in the majority ownership of a business which owns exempted property; and

WHEREAS, City of Topeka Code Section 138-90 allows the City Council to waive the application requirement upon a finding that a compelling or imperative reason exists for doing so and such action is found and declared to be in the public interest; and

WHEREAS, the City Council has previously granted Star-Kist Foods DBA Heinz Pet Products, a division of H.J. Heinz Company, L.P. ("Heinz, L.P.") five (5) separate property tax exemptions for its plant located at 2200 Brickyard Road; and

WHEREAS, on December 20, 2002, H.J. Heinz merged with DLM Foods division of Del Monte Corporation ("Del Monte") and transferred ownership of the 2200 Brickyard Road plant to Del Monte; and

WHEREAS, Del Monte wishes to continue the property tax exemptions previously granted to Star-Kist, and has expressed its intention to continue the current level of jobs, payroll and investment at the plant; and

28 WHEREAS, in order to ensure the orderly and timely transfer of the 2200 Brickyard
29 Road plant from Star-Kist to Del Monte, Del Monte has requested that the City Council
30 waive the application requirements of City of Topeka Code Section 138-91 and grant the
31 transfer of the property tax exemptions for this plant to its new owner, Del Monte.

32 NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF
33 TOPEKA, KANSAS THAT:

34 1. Pursuant to City of Topeka Code Section 138-90, the City Council hereby finds
35 that there exist compelling reasons and it is hereby found to be in the public
36 interest to waive the procedural requirements of City of Topeka Code Section
37 138-91 with regard to the transfer of the plant located at 2200 Brickyard Road
38 from Star-Kist to Del Monte.

39 2. This waiver and the approval of the transfer of the property tax exemptions shall
40 be subject to the written agreement of Del Monte to abide by the terms and
41 conditions of the following ordinances which granted the current property tax
42 exemptions:

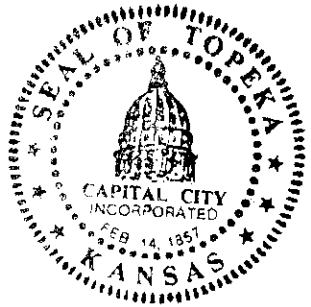
	<u>City of Topeka Ordinance Number</u>	<u>Board of Tax Appeals Number</u>
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44		
45	17369 Millennia Phase 1,2,3	BOTA Number Pending
46	17368 Millennia Phase 1,2,3	BOTA Number Pending
47	17145 Millennia Phase 1,2,3	BOTA 1998-4265
48	17383 Excel Phase I	BOTA 2002-1058 EDX
49	17384 Excel Phase II	BOTA 2002-1059EDX
50	17901	BOTA Pending
51		

52 3. Del Monte shall, at its own expense, take whatever action is necessary to give
53 effect to this transfer of ownership and property tax exemption with the
54 appropriate governmental agencies.

55 ADOPTED and APPROVED by the City Council JAN 07 2003.

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CITY OF TOPEKA, KANSAS



Harry Felker
Harry Felker, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/8/03 BY *[Signature]*