

1 (Published in the Topeka Metro News June 13, 2007)

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3 **RESOLUTION NO. 7959**

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5 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., setting
6 the public hearing for Establishment of a Redevelopment
7 District for the East Gate Project area.

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9 BE IT RESOLVED by the Council of the City of Topeka, Kansas, that a public
10 hearing shall be held by the Governing Body of the City of Topeka, Kansas, on the
11 advisability of the establishment of a redevelopment district for the East Gate Project area;
12 said hearing to be held on July 10, 2007, in the City Council Chambers of City Hall, 214 E.
13 8th Street, at 6:00 p.m., as provided by K.S.A. § 12-1770, *et seq.*, as amended.

14 BE IT FURTHER RESOLVED that the City Clerk shall publish the following notice of
15 such public hearing in the official City newspaper and give notice to all affected persons
16 and entities in the manner provided by K.S.A. § 12-1772, as amended.

17 NOTICE OF PUBLIC HEARING:

18 Notice is hereby given that the Council of the City of Topeka, Kansas, will meet for
19 the purpose of holding a public hearing as provided by K.S.A. § 12-1770, *et seq.*, as
20 amended, in the City Council Chambers of City Hall 214 E. 8th Street, at 6:00 p.m. on July
21 10, 2007, to consider the advisability of the establishment of a redevelopment district for
22 the East Gate Project area described as follows:

23 A. PROPOSED BOUNDARIES OF THE DISTRICT:

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25 LOT 1, SKILES SUBDIVISION, ACCORDING TO THE RECORDED PLAT
26 THEREOF; A PORTION OF LOT 1, BLOCK A, EASTACRE SUBDIVISION,
27 ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND IN
28 THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16
29 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TOPEKA,
30 SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
31 COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER;

32 THENCE ON AN ASSUMED NORTH AZIMUTH OF 87 DEGREES 55 MINUTES 27
33 SECONDS, 257.50 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST
34 QUARTER TO THE SOUTHWEST CORNER OF EASTACRE SUBDIVISION AND
35 THE POINT OF BEGINNING; THENCE ON AZIMUTH 21 DEGREES 52 MINUTES
36 58 SECONDS, 227.24 FEET ALONG THE WEST LINE OF EASTACRE
37 SUBDIVISION TO THE NORTH LINE OF EASTACRE SUBDIVISION; THENCE ON
38 AZIMUTH 108 DEGREES 27 MINUTES 01 SECONDS, 370.00 FEET ALONG SAID
39 NORTH LINE TO THE EAST LINE OF EASTACRE SUBDIVISION; THENCE ON
40 AZIMUTH 180 DEGREES 20 MINUTES 24 SECONDS, 78.00 FEET ALONG SAID
41 EAST LINE TO THE SOUTH LINE OF EASTACRE SUBDIVISION; THENCE ON
42 AZIMUTH 267 DEGREES 55 MINUTES 27 SECONDS, 25.50 FEET ALONG SAID
43 SOUTH LINE; THENCE ON AZIMUTH 180 DEGREES 26 MINUTES 42 SECONDS,
44 80.82 FEET TO THE NORTH RIGHT OF WAY LINE OF SOUTHEAST 15TH
45 STREET; THENCE ON AZIMUTH 264 DEGREES 53 MINUTES 26 SECONDS,
46 255.96 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER
47 OF SKILES SUBDIVISION; THENCE ON AZIMUTH 272 DEGREES 19 MINUTES 17
48 SECONDS, 188.10 FEET ALONG THE SOUTH LINE OF SKILES SUBDIVISION TO
49 THE WEST LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 16 DEGREES
50 24 MINUTES 22 SECONDS, 84.21 FEET ALONG SAID WEST LINE TO THE
51 NORTH LINE OF SKILES SUBDIVISION; THENCE ON AZIMUTH 87 DEGREES 55
52 MINUTES 27 SECONDS, 10.00 FEET ALONG SAID NORTH LINE TO THE POINT
53 OF BEGINNING.

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55 AND

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57 PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH,
58 RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE
59 COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
60 NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 16
61 CHAINS; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID
62 SOUTHWEST QUARTER, 6.25 CHAINS; THENCE NORTH, PARALLEL TO THE
63 WEST LINE OF SAID SOUTHWEST QUARTER, 16 CHAINS TO SAID NORTH
64 LINE; THENCE WEST 6.25 CHAINS TO THE POINT OF BEGINNING; EXCEPT
65 BEGINNING AT THE NORTHWEST CORNER OF ABOVE DESCRIBED TRACT OF
66 LAND; THENCE SOUTH ON THE WEST LINE OF SAID SOUTHWEST QUARTER,
67 471 FEET; THENCE EAST, AT RIGHT ANGLES, 25 FEET; THENCE
68 NORTHEASTERLY IN A STRAIGHT LINE TO A POINT ON THE NORTH LINE OF
69 SAID SOUTHWEST QUARTER WHICH IS 231 FEET EAST OF THE NORTHWEST
70 CORNER THEREOF; THENCE WEST TO THE POINT OF BEGINNING; ALSO
71 EXCEPT BEGINNING ON THE NORTH LINE OF SAID SOUTHWEST QUARTER
72 231 FEET EAST OF SAID NORTHWEST CORNER; THENCE SOUTHWESTERLY
73 104.04 FEET TO A POINT 95 FEET SOUTHERLY AND 188.57 FEET EAST OF
74 SAID QUARTER SECTION CORNER; THENCE EASTERLY, PARALLEL TO SAID
75 NORTH LINE, 28.92 FEET; THENCE NORTHEASTERLY 99.63 FEET TO A POINT
76 ON SAID NORTH LINE WHICH IS 16.50 FEET EASTERLY FROM THE POINT OF

77 BEGINNING; THENCE WEST 16.50 FEET TO THE POINT OF BEGINNING, AS
78 TAKEN IN CONDEMNATION CASE NO. 94350, ALSO EXCEPT THAT PART OF
79 SAID TRACT DEEDED TO THE CITY OF TOPEKA IN QUITCLAIM DEED
80 RECORDED IN BOOK 2247, PAGE 284, AND ALSO EXCEPT ANY PART OF SAID
81 TRACT TAKEN OR DEDICATED FOR STREET PURPOSES.

82

83 AND

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85 BEGINNING AT A POINT ON THE WEST LINE OF BRANNER STREET, WHICH IS
86 200 FEET SOUTHEASTERLY OF THE SOUTH LINE OF 15TH STREET; THENCE
87 SOUTHWESTERLY AT RIGHT ANGLES TO BRANNER STREET 50 FEET;
88 THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF BRANNER STREET
89 50 FEET; THENCE NORTHEASTERLY 50 FEET TO A POINT ON THE WEST LINE
90 OF BRANNER STREET, WHICH IS 50 FEET SOUTHEASTERLY FROM THE
91 PLACE OF BEGINNING, THENCE NORTHWESTERLY 50 FEET TO THE PLACE
92 OF BEGINNING, IN SHAWNEE COUNTY, KANSAS.

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94 AND

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96 A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP
97 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA,
98 SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
99 SOUTHWEST CORNER OF 15TH AND BRANNER STREETS; THENCE
100 SOUTHEASTERLY ALONG THE WEST LINE OF BRANNER STREET, 200 FEET;
101 THENCE WESTERLY AT RIGHT ANGLES TO THE WEST LINE OF BRANNER
102 STREET, 50 FEET; THENCE WESTERLY PARALLEL TO THE SOUTH LINE OF
103 15TH STREET, 65.05 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF
104 SAID SOUTHWEST QUARTER, 206.37 FEET; THENCE EASTERLY ALONG THE
105 SOUTH LINE OF 15TH STREET, 62.19 FEET TO THE POINT OF BEGINNING,
106 LESS THAT PART DEEDED TO THE CITY OF TOPEKA, FOR ROAD RIGHT OF
107 WAY, AS RECORDED AT BOOK 2242, PAGE 598, BOOK 2247, PAGE 272, BOOK
108 2247, PAGE 274, AND AT BOOK 2247, PAGE 279.

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110 AND

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

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115 AND

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117 LOTS 1, 3 AND 5, YALE STREET AND LOTS 2 AND 4, MARYLAND AVENUE,
118 CAPITOL VIEW ADDITION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
119 KANSAS.

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121 AND

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123 ALL OF LOT 78 AND PART OF LOTS 72, 74, AND 76 ON EDISON STREET,
124 DESCRIBED AS: BEGINNING 15 FEET SOUTH OF THE NORTHWEST CORNER
125 OF LOT 76; THENCE NORTHEASTERLY 129.29 FEET TO A POINT 16.25 FEET
126 SOUTH FROM THE NORTHEAST CORNER OF LOT 72; THENCE SOUTHERLY
127 TO THE SOUTHEAST CORNER OF LOT 78; THENCE WEST TO THE
128 SOUTHWEST CORNER OF LOT 78; THENCE NORTH TO THE POINT OF
129 BEGINNING IN WASHINGTON PARK ADDITION No. 2, TO THE CITY OF
130 TOPEKA, SHAWNEE COUNTY, KANSAS.

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132 AND

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134 ALL THAT PART OF LOT 51 ON BROCK STREET IN WASHINGTON PARK
135 ADDITION No. 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 16 EAST,
136 TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
137 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 51; THENCE
138 SOUTHERLY, ALONG THE WEST LINE OF SAID LOT, A DISTANCE OF 16.25
139 FEET; THENCE NORTHEASTERLY 43.41 FEET, MORE OR LESS, TO A POINT
140 ON THE NORTH LINE OF SAID LOT, SAID POINT BEING 40.00 FEET EASTERLY
141 FROM THE NORTHWEST CORNER THEREOF; THENCE WESTERLY, ALONG
142 SAID NORTH LINE, TO THE PLACE OF BEGINNING.

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144 AND

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146 LOTS 50, 52, 54 AND 56, ON BROCK STREET, IN WASHINGTON PARK
147 ADDITION NO. 2, TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

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149 AND

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151 LOTS 21, 23, 25 AND 27, HUDSON BOULEVARD, CAPITOL VIEW ADDITION TO
152 THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

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154 AND

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156 LOT 5, DRAKE SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY,
157 KANSAS.

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159 AND

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161 LOTS 1, 3, 5, 7, 9, 11, 13, 15, HUDSON BOULEVARD, CAPITOL VIEW ADDITION
162 TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND LOTS 6, 8, 10,
163 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 AND 38, MARYLAND AVENUE,
164 FORMERLY BRANNER STREET, EXCEPT THAT PORTION LOT 6, DESCRIBED
165 AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6,
166 THENCE EASTERLY 20.0 FEET, ALONG THE NORTH LINE OF SAID LOT 6,

167 THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 6,
168 25.0 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID LOT 6;
169 THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 6, TO THE
170 NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING, CAPITOL
171 VIEW ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; AND
172 EXCEPT THAT PART OF LOT 5 AND ALL OF LOTS 7 THRU 15, ODD LOTS ON
173 HUDSON BOULEVARD AND PART OF LOTS 22 THRU 32, EVEN LOTS ON
174 BANNER STREET IN CAPITOL VIEW ADDITION TO THE CITY OF TOPEKA,
175 SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
176 SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 60 DEGREES 32
177 MINUTES 41 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE
178 OF SAID LOT 15, 171.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15;
179 THENCE SOUTH 13 DEGREES 47 MINUTES 08 SECONDS EAST, 27.48 FEET TO
180 THE SOUTHWEST CORNER OF LOT 19; THENCE NORTH 72 DEGREES 59
181 MINUTES 13 SECONDS WEST, 63.56 FEET; THENCE NORTH 3 DEGREES 10
182 MINUTES 55 SECONDS WEST 75.03 FEET; THENCE NORTH 43 DEGREES 01
183 MINUTES 07 SECONDS EAST, 44.70 FEET TO THE NORTHWEST CORNER OF
184 SAID LOT 5; THENCE NORTH 50 DEGREES 26 MINUTES 51 SECONDS EAST,
185 121.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE
186 SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF
187 455.00 FEET, A CHORD BEARING OF SOUTH 41 DEGREES 51 MINUTES 29
188 SECONDS EAST, A CHORD LENGTH OF 124.61 FEET, AN ARC LENGTH OF
189 125.00 FEET TO THE POINT OF BEGINNING.

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191 AND

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

195
196 ALONG WITH ALL ADJACENT ROAD RIGHTS OF WAY FOR SE 15TH STREET,
197 SE EDISON STREET, SE BROCK STREET, SE MARYLAND AVENUE, SE
198 HUDSON BOULEVARD AND SE YALE STREET.

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200 SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS,
201 IF ANY, NOW OF RECORD.

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203 B. PROPOSED DISTRICT PLAN:

204 The proposed district plan for the Redevelopment District would allow the Applicant
205 to redevelop the area described above to provide new retail development. Further, the
206 proposed District plan would permit the City of Topeka to issue full faith and credit tax
207 increment bonds ("TIF") funds to finance all or a portion thereof, the acquisition of the real

208 estate and improvements thereon such as demolition, site work, parking lots and lighting,
209 as more specifically permitted by Kansas statute to allow the developer to then construct
210 buildings and other improvements thereon, including approximately 150,000 to 170,000
211 square feet of retail space (over the course of two anticipated phases) in said
212 Redevelopment District.

213 C. DESCRIPTION AND MAP AVAILABLE FOR INSPECTION:

214 A description of the proposed Redevelopment District, map and legal description of
215 the proposed Redevelopment District are available for inspection at the office of the Topeka
216 City Clerk on Monday through Friday, except holidays during regular business hours from
217 8:00 a.m. to 5:00 p.m.

218 D. PUBLIC HEARING/FINDINGS TO BE CONSIDERED/RECESS:

219 During said hearing, that the City Council will consider findings necessary for the
220 establishment of the Redevelopment District. The hearing may be recessed from time to
221 time by the City Council to allow for the presentation and consideration of relevant
222 information to make its findings.

223 E. POSTHEARING PROCEDURE:

224 The City Council may upon conclusion of the public hearing pass an ordinance
225 establishing the Redevelopment District pursuant to the requirements contained in
226 K.S.A.§12-1771, as amended.

227 ADOPTED and APPROVED by the City Council June 5, 2007.

228 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

232 ATTEST:

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Brenda Younger, City Clerk