

1 (Published in the Topeka Metro News March 20, 2023)

2
3 **RESOLUTION NO. 9391**

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5 A RESOLUTION introduced by City Manager Stephen Wade making certain findings
6 pursuant to the Kansas Rural Housing Incentive District Act with
7 regard to an application submitted by Dultmeier-Rollenhagen, LLC to
8 establish a Rural Housing Incentive District and requesting that the
9 Secretary of Commerce review the Resolution and advise the
10 Governing Body

11
12 WHEREAS, K.S.A. 12-5241 et seq. (“the Act”) authorizes the City of Topeka (“City”)
13 to establish a Rural Housing Incentive District (“RHID”), the first step of which is to conduct
14 a housing needs analysis to determine what housing needs exist within the community; and

15 WHEREAS, after conducting such analysis, the Governing Body may adopt a
16 resolution making certain findings regarding the establishment of a RHID and providing the
17 legal description of the proposed RHID and a map depicting the existing parcels in the
18 proposed RHID; and

19 WHEREAS, after publishing such resolution, the Governing Body shall send a copy
20 to the Secretary of Commerce (“Secretary”) requesting that the Secretary review the
21 resolution and advise the Governing Body whether the Secretary concurs with the findings;
22 and

23 WHEREAS, the City has performed a housing needs analysis (“the Analysis”); and

24 WHEREAS, based upon the Analysis, the Governing Body proposes to commence
25 proceedings necessary to create the Miller’s Reserve Subdivision RHID, in accordance with
26 the Act.

27 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
28 CITY OF TOPEKA, KANSAS, that:

29 Section 1. The Governing Body adopts and incorporates by reference the

30 Analysis, a copy of which is on file in the office of the City Clerk and accessible on the
31 City's website <https://www.topeka.org/finance/rhid> and based on a review of the
32 Analysis makes the following findings and determinations.

33 Section 2. The Governing Body finds that there is a shortage of quality housing of
34 various price ranges in the City despite the best efforts of public and private housing
35 developers.

36 Section 3. The Governing Body finds that this shortage of quality housing can be
37 expected to persist and that additional financial incentives are necessary in order to
38 encourage the private sector to construct or renovate housing in the City.

39 Section 4. The Governing Body finds that the shortage of quality housing is a
40 substantial deterrent to the future economic growth and development of the City.

41 Section 5. The Governing Body finds that the future economic well-being of the City
42 depends on the Governing Body providing additional incentives for the construction or
43 renovation of quality housing in the City.

44 Section 6. Based upon the findings and determinations contained herein, the
45 Governing Body proposes to establish an RHID pursuant to the Act, within the boundaries
46 of the real estate legally described in Exhibit A, attached hereto and incorporated by
47 reference, and as shown on the map depicting the existing parcels of land attached hereto
48 and incorporated by reference as Exhibit B.

49 Section 7. The City Clerk is directed to publish this resolution one time in the
50 Topeka Metro News and to send a certified copy of this resolution to the Secretary for the
51 latter's review and concurrence with the findings herein.

Section 8. This resolution shall take effect after its adoption and publication once in

the Topeka Metro News.

52 ADOPTED and APPROVED by the Governing Body on March 14, 2023.

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CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A (Legal Description)

A tract of land in the East half of the Northeast Quarter of Section 12, Township 12 South, Range 14 East of the 6th P.M., in Shawnee County, Kansas, being described as follows:

Commencing at the Northeast corner of said Northeast Quarter;

thence South along the East line of said Quarter on and assumed bearing of South 00° 01' 32" West, a distance of 2443.91 feet;

thence North 89° 58' 28" West along the South line of Miller's Reserve Subdivision, 127.50 feet;

thence continuing along the South line of said Miller's Reserve Subdivision, North 50° 15' 08" West, 185.34 feet;

thence continuing along the South line of said Miller's Reserve Subdivision, North 88° 48' 49" West, 633.35 feet to the Southwest corner of said Miller's Reserve Subdivision and the Point of Beginning;

thence continuing North 88° 48' 49" West, 421.33 feet to a point on the West line of said East half of the Northeast Quarter;

thence North 00° 04' 03" East along the West line of said East half, 649.62 feet to the Southwest corner of Miller's Glen Subdivision;

thence North 45° 01' 32" East, along the South line of said Miller's Glen Subdivision, 472.50 feet;

thence continuing along the South line of said Miller's Glen Subdivision, North 71° 26' 12" East, 411.40 feet;

thence continuing along the South line of said Miller's Glen Subdivision, South 89° 58' 28" East, 125.00 feet;

thence South 00° 01' 32" West, 130.00 feet to the Northwest corner of Lot 14, Block A, Miller's Reserve Subdivision;

thence South 33° 27' 18" East along the West line of said Lot 14, 212.84 feet;

thence South 39° 16' 09" West along the West line of said Miller's Reserve Subdivision, 86.96 feet;

thence continuing along the West line of said Miller's Reserve Subdivision, South 47° 35' 05" West, 411.41 feet;

thence continuing along the West line of said Miller's Reserve Subdivision, South 38° 32' 32" West, 108.14 feet;

thence continuing along the South line of said Miller's Reserve Subdivision, South 28° 02' 18" West, 263.84 feet;

thence continuing along the West line of said Miller's Reserve Subdivision, South 01° 32' 26" East, 153.41 feet to the Point of Beginning.

LESS AND EXCEPT A tract of land in the East half of the Northeast Quarter of Section 12, Township 12 South, Range 14 East of the 6th P.M., in Shawnee County, Kansas, adjacent to Miller's Glen Subdivision, in the City of Topeka, being described as follows:

Commencing at the Southwest corner of said Miller's Glen Subdivision;

thence on an Azimuth 45 degrees 01 minute 32 seconds, coincident with the South line of said Subdivision, a distance of 438.80 feet to the point of beginning;

thence on an Azimuth 45 degrees 01 minutes 32 seconds, a distance of 33.70 feet;

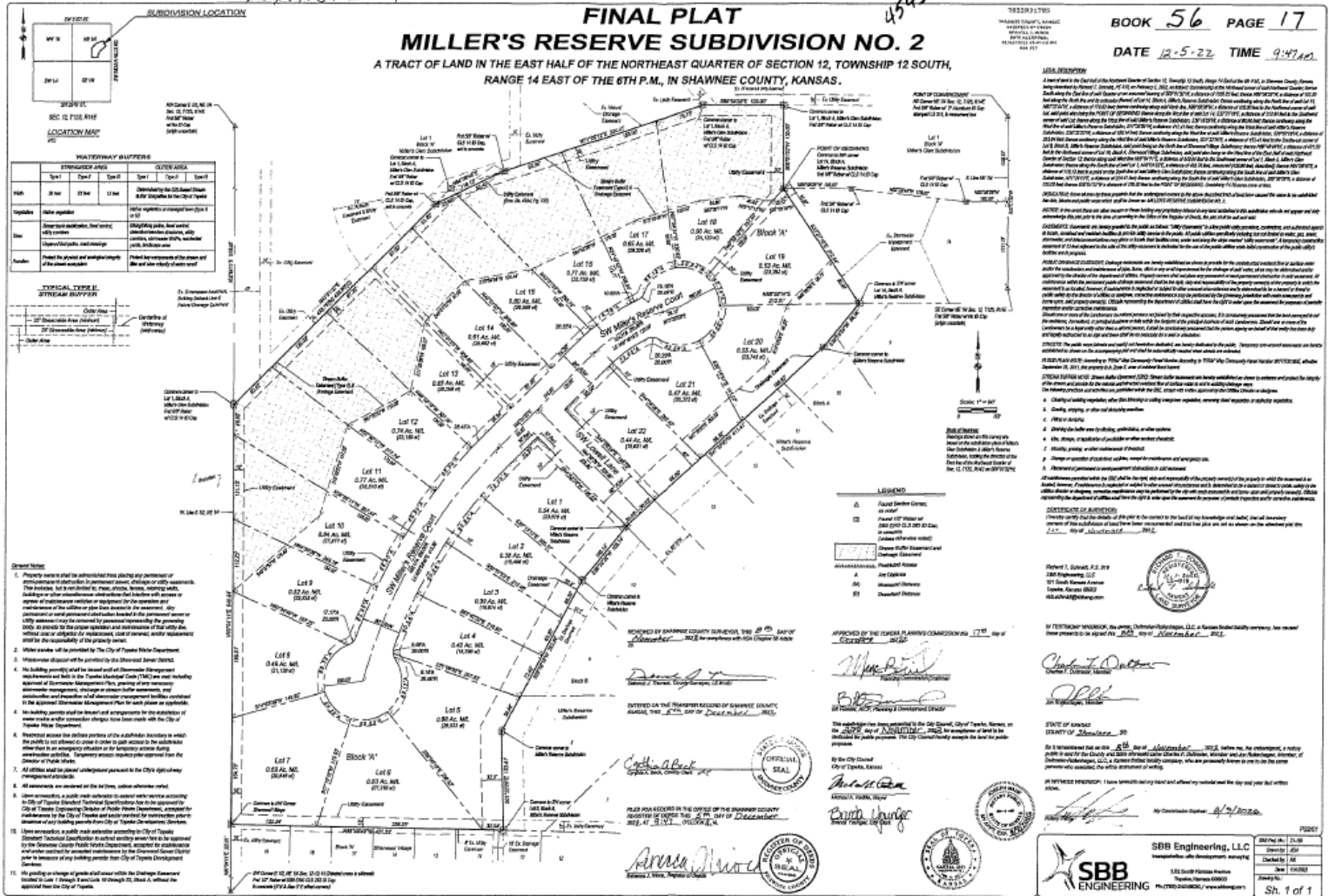
thence on an Azimuth 71 degrees 26 minutes 12 seconds, a distance of 86.99 feet;

thence on an Azimuth 244 degrees 08 minutes 46 seconds, a distance of 118.13 feet to the point of beginning,

said tract being adjacent to Tract B-4 of Miller's Glen Subdivision.

EXHIBIT B (Map; Existing Parcels in Proposed RHID)

Exhibit B



BOOK 56 PAGE 17
DATE 12-5-22 TIME 9:47 am

WATERWAY BUFFERS

Stream	100'	50'	25'	10'	5'
100'	100'	100'	100'	100'	100'
50'	50'	50'	50'	50'	50'
25'	25'	25'	25'	25'	25'
10'	10'	10'	10'	10'	10'
5'	5'	5'	5'	5'	5'

TYPICAL TYPE II STREET BUFFER

1. Property owner shall be responsible for obtaining any necessary permits or approvals from the City of Topeka for any proposed construction or use of the property. The applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
2. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for obtaining the permit from the City of Topeka.
3. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
4. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
5. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
6. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
7. All utility easements shall be shown on the plat and approved by the City of Topeka.
8. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
9. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
10. Where a building permit is required for the proposed construction or use of the property, the applicant shall be responsible for providing all necessary information to the City of Topeka for the review and approval of the proposed construction or use of the property.
11. The platting of this subdivision is subject to the approval of the City of Topeka.

APPROVED BY SHAWNEE COUNTY CLERK, THIS 22ND DAY OF DECEMBER, 2022.

APPROVED BY THE FEDERAL PLANNING COMMISSIONERS, THIS 22ND DAY OF DECEMBER, 2022.

APPROVED BY THE CITY OF TOPEKA, KANSAS, THIS 22ND DAY OF DECEMBER, 2022.

PLAT RECORD IN THE OFFICE OF THE SHAWNEE COUNTY CLERK, THIS 22ND DAY OF DECEMBER, 2022.

STATE OF KANSAS
SBB Engineering, LLC
1100 East 10th Street
Topeka, Kansas 66603
PH: 781-233-0333 | www.sbbe.com

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