

*(Published in the Topeka Metro News July 17, 2023)*

**RESOLUTION NO. 9438**

A RESOLUTION introduced by Acting City Manager Richard U. Nienstedt making certain findings pursuant to the Kansas Reinvestment Housing Incentive District Act with regard to an application to establish a Reinvestment Housing Incentive District and requesting that the Secretary of Commerce review the Resolution and advise the Governing Body

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

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

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

WHEREAS, the City has performed a housing needs analysis ("the Analysis"); and

WHEREAS, based upon the Analysis, the Governing Body proposes to commence proceedings necessary to create an RHID, in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

Section 1. The Governing Body adopts and incorporates by reference the Analysis, a copy of which is on file in the office of the City Clerk and accessible on the City's website <https://www.topeka.org/finance/rhid> and based on a review of the Analysis makes the following findings and determinations.

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

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

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

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

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

Section 7. The City Clerk is directed to publish this resolution one time in the Topeka Metro News and to send a certified copy of this resolution to the Secretary for the 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.

PASSED and APPROVED by the Governing Body on July 11, 2023.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPOSED REINVESTMENT HOUSING INCENTIVE DISTRICT**

#### **Tract I:**

A tract of land in the Southwest Quarter of Section 12, Township 12, Range 14 East of the 6<sup>th</sup> P.M., Shawnee County, Kansas described as follows:

Current Phase –

Lots 1-7 Blk A  
Lots 1-11 Blk B

Future Phase –

Lots 12-38 Blk B  
Lots 1-12 Blk C  
Lots 1-14 Blk D  
Lots 3-10 Blk E  
Lots 1-10 Blk F

#### **Tract II:**

A tract in the Southeast Quarter of Section 10, Township 12 South, Range 16 East of the 6<sup>th</sup> P.M. in the City of Topeka, Shawnee County, Kansas described as:

Current Phase

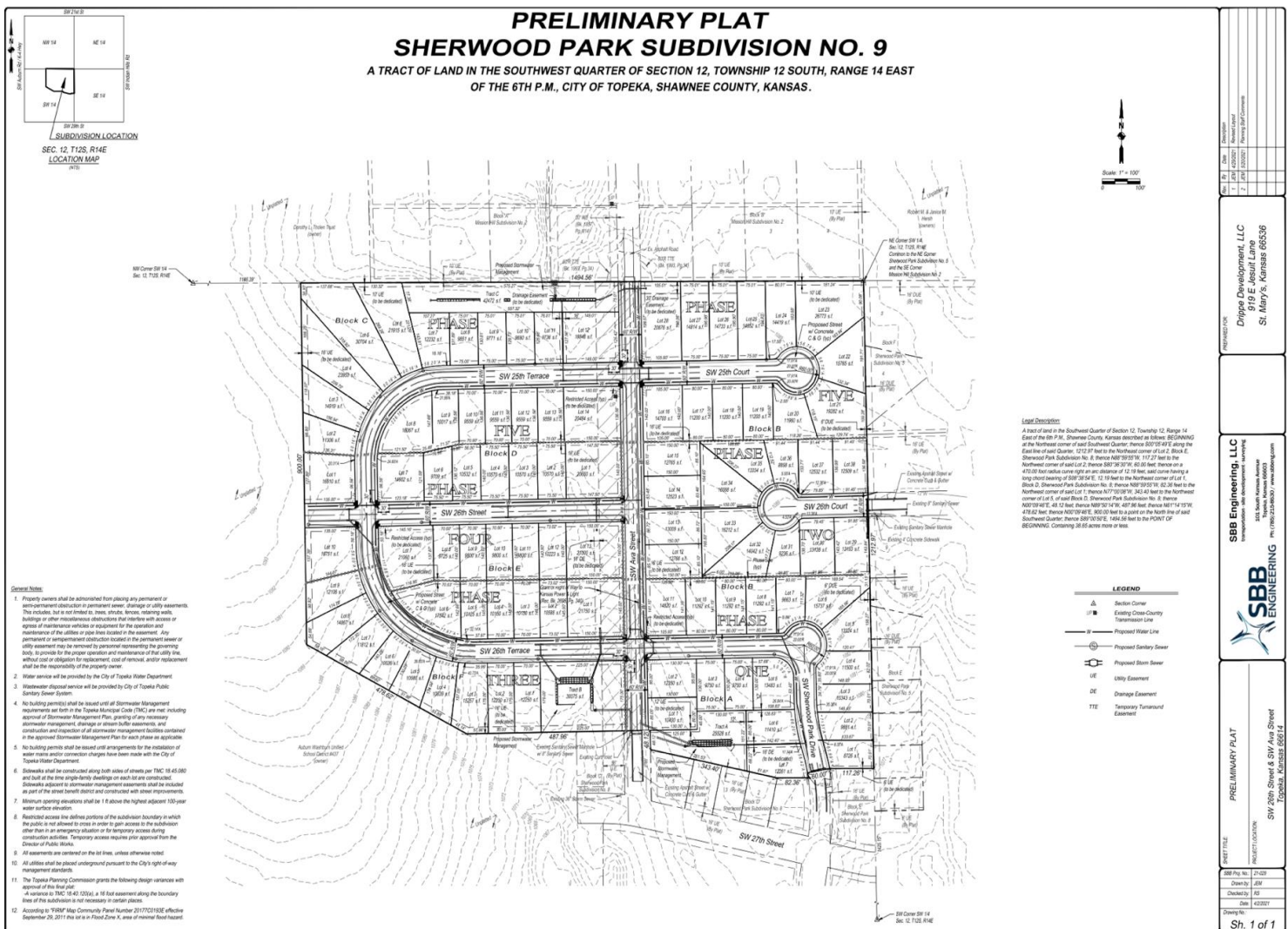
Lot 2-5 Blk F  
Lots 10-15 Blk E  
Lots 2-7 Blk I

Future Phases

Lots 8- 15 Blk I  
Lots 3-9 & 17-27 & 33-42 Blk

# EXHIBIT B

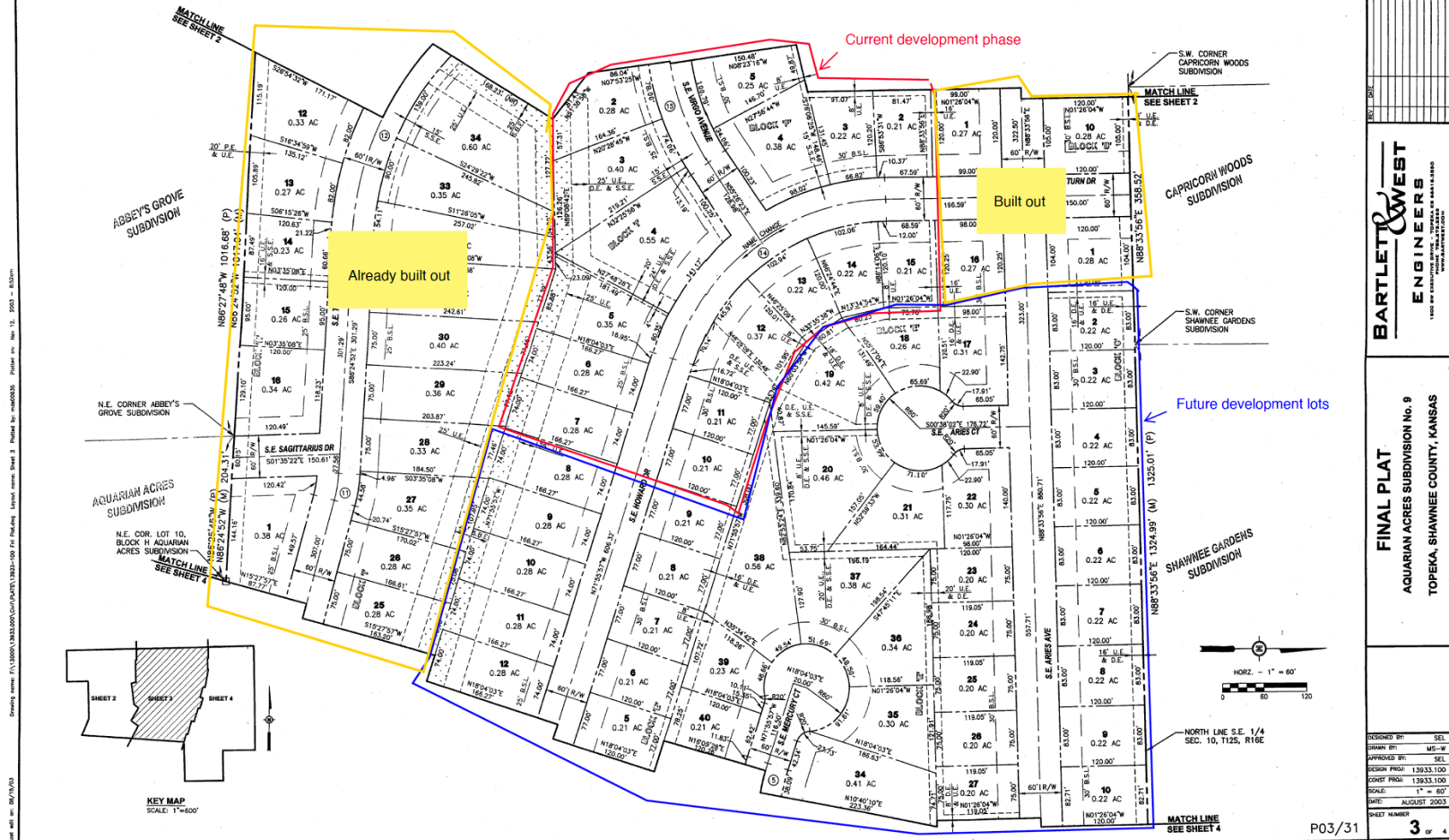
## MAP OF PROPOSED RHID DISTRICT



# A FINAL PLAT FOR : AQUARIAN ACRES SUBDIVISION No. 9

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10,  
TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN,  
IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

BOOK : 39 PAGE : 70



**BARTLETT & WEST**  
ENGINEERS

**FINAL PLAT**  
AQUARIAN ACRES SUBDIVISION No. 9  
TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY: SEIL  
DRAWN BY: AC-W  
APPROVED BY: SEIL  
DESIGN PROJ#: 13633.100  
CONSTR PROJ#: 13633.100  
SCALE: 1" = 60'  
DATE: AUGUST 2003  
SHEET NUMBER  
3 of 4

P03/31



BOOK : 39 PAGE : 71

AQUARIAN ACRES  
SUBDIVISION

1. PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY EASEMENTS. THIS INCLUDES BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT MAY BE PLACED OR ACCIDENTALLY PLACED IN UTILITY EASEMENTS. VEHICLES AND EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF PERMANENT OR SEMI-PERMANENT UTILITY EASEMENTS ARE NOT TO BE PLACED IN PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER EASEMENT MAY BE REMOVED BY PERSONNEL REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, TO PROVIDE FOR THE PROTECTION AND MAINTENANCE OF THAT UTILITY LINE. WITHOUT COST OR OBLIGATION FOR REPLACEMENT, COST OF REMOVAL AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

2. DRAINAGE EASEMENTS HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR THE UNSTRUCTURED OVERLAND FLOW OF SURFACE WATER AND/OR THE CONSTRUCTION AND MAINTENANCE OF PAVED, FLUME, DITCH OR ANY OTHER IMPROVEMENTS FOR THE DRAINAGE OF SAID WATER, ALL AS MAY BE REQUIRED BY THE CITY OF CHICAGO OR APPROVED BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, PROPERTY OWNER(S) OF THE LANDS TO BE DRAINAGE MAINTAINED AND THE PROPERTY OWNER(S) IN SAID EASEMENT, ALL MAINTENANCE WITHIN DRAINAGE EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER IF MAINTENANCE OF THE DRAINAGE EASEMENT IS REQUIRED BY THE CITY OF CHICAGO AND IS DETERMINED TO BE A HAZARD OR RISK TO PUBLIC SAFETY BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE CITY OF CHICAGO AT THE EXPENSE OF THE PROPERTY OWNER(S) OF THE LANDS TO BE DRAINAGE MAINTAINED, AND THE GOVERNING JURISDICTION WITH COSTS OF SUCH MAINTENANCE SHALL BE THE PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.

3. LEFT TURN LANES ON S.E. CROCO ROAD AT S.E. 25TH STREET AND S.E. HOWARD STREET TO BE CONSTRUCTED DURING PHASE I AS STATED IN THE "TIA" TRAFFIC IMPACT ANALYSIS.

4. IF THERE IS A SANITARY PUMP STATION AND FORCE MAIN ASSOCIATED WITH THIS SUBDIVISION, THE DEVELOPER WILL BE REQUIRED TO SUPPLY OODR CONTROL TO THE SANITARY SEWER SYSTEM IMMEDIATELY DOWN FLOW FROM THE FORCE MAIN OUTFALL. DEVELOPER WILL BE REQUIRED TO SUPPLY THIS OODR CONTROL UNTIL THE SUBDIVISION IS BUILT OUT TO THE POINT THAT THERE IS SUFFICIENT SANITARY FLOW INTO THIS PUMP STATION TO ABATE ANY DOWN FLOW OODR CONCERNS.

MATCH LINE  
SEE SHEET

**FINAL PLAT**  
AQUARIAN ACRES SUBDIVISION No. 9  
TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	SEL
DRAWN BY:	MS-W
APPROVED BY:	SEL
DESIGN PROJ:	13933.100
CONST PROJ:	13933.100
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DATE:	AUGUST 2003
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P03/31

**4** of

HORZ. — 1" = 60'

120  
AQUARIAN ACRES  
SUBDIVISION No. 7

**KEY MAP**  
SCALE: 1"=600'