

**Resolution No. 1096**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (DAVIS ADDITION PHASE II RURAL HOUSING INCENTIVE DISTRICT)**

**WHEREAS**, the Kansas Rural Housing Incentive District Act, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the State) with a population of less than 60,000 located in a county with a population of less than 80,000, to designate rural housing incentive districts (“RHID”) within such city; and

**WHEREAS**, any city governing body may designate one or more such districts in such city, and any county governing body may designate one or more such districts in any part of the unincorporated territory of such county; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and containing a legal description of property to be contained therein, a map of the existing parcels of real estate in the proposed district, and a statement of findings and determinations set forth in K.S.A. 12-5244(a); and

**WHEREAS**, after publishing such resolution at least once in the official newspaper of the city or county, the governing body of such city shall send a certified copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary review the resolution and advise the governing body whether the Secretary agrees with the finding contained therein; and

**WHEREAS**, if the Secretary agrees with such findings, the governing body may proceed with the establishment of a RHID within such city, and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

**WHEREAS**, the City of Colby, Kansas (the “City”) has an estimated population of approximately 5,387 is located in Colby, Kansas, which has an estimated population of approximately 7,900, and therefore constitutes a Rural City as said term is defined in the Act; and

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated November 16, 2012 (the “Analysis”), and approved by the February 4, 2016 Resolution, a copy of which is on file in the office of the City Clerk.

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 1091 which made certain findings relating to the need for financial incentives for the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

**WHEREAS**, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated May 10, 2016 authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”); and

**WHEREAS**, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the Plan); and

**WHEREAS**, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-524;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows that the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis; and

**WHEREAS**, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

**THEREFORE BE IT RESOLVED** by the Governing Body of the City of Colby, Kansas as follows:

**Section 1. Proposed Rural Housing Incentive District.** The Governing Body hereby declares intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached herein, and shown on the map depicting the existing parcels of land attached herein as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land improvement values separately, is attached hereto as *Exhibit C*.

**Section 2. Proposed Plan.** The Governing Body hereby further declares intent to adopt the Plan in substantially the form presented to the Governing Body on this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

**Section 3. Public Hearing.** Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on July 19, 2016 at Council Chambers at City Hall, 585 N. Franklin Avenue, Colby, Kansas 67701 the public hearing to commence at 5:30 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

**Section 4. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

1. A certified copy of this resolution shall be delivered to:
  - A. The Board of County Commissioners of Thomas County, Kansas;
  - B. The Board of Education of U.S.D. 315;
  - C. The Board of Trustees of Colby Community College; and
  - D. The Planning Commission of the City.
2. This Resolution, specifically including *Exhibits A* thru *E* attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.
3. The Resolution, including *Exhibits A* thru *E* attached hereto, is available for inspection at the office of the City Clerk during normal business hours. Members of the public are invited to review the plan and attend the public hearing on the date announced in this Resolution.

**Section 5. Further Action.** The Mayor, City Administrator, City Clerk and the officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 6. Effective Date.** This Resolution shall take effect after its adoption by the Governing Body.

**ADOPTED** by the Governing Body of the City of Colby, Kansas on this 7th day of June, 2016.

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Joni L. Ketchum, City Clerk

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Gary L. Adrian, Mayor

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 1096 adopted by the Governing Body of the City on this 7<sup>th</sup> day of June, 2016 as the same appear of record in my office.

DATED: June, 7, 2016

(SEAL)

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Joni L. Ketchum, City Clerk

***EXHIBIT A***

**LEGAL DESCRIPTION OF PROPOSED RURAL HOUSING INCENTIVE DISTRICT  
BOUNDARIES FOR THE DAVIS ADDITION PHASE II**

**LEGAL DESCRIPTION:**

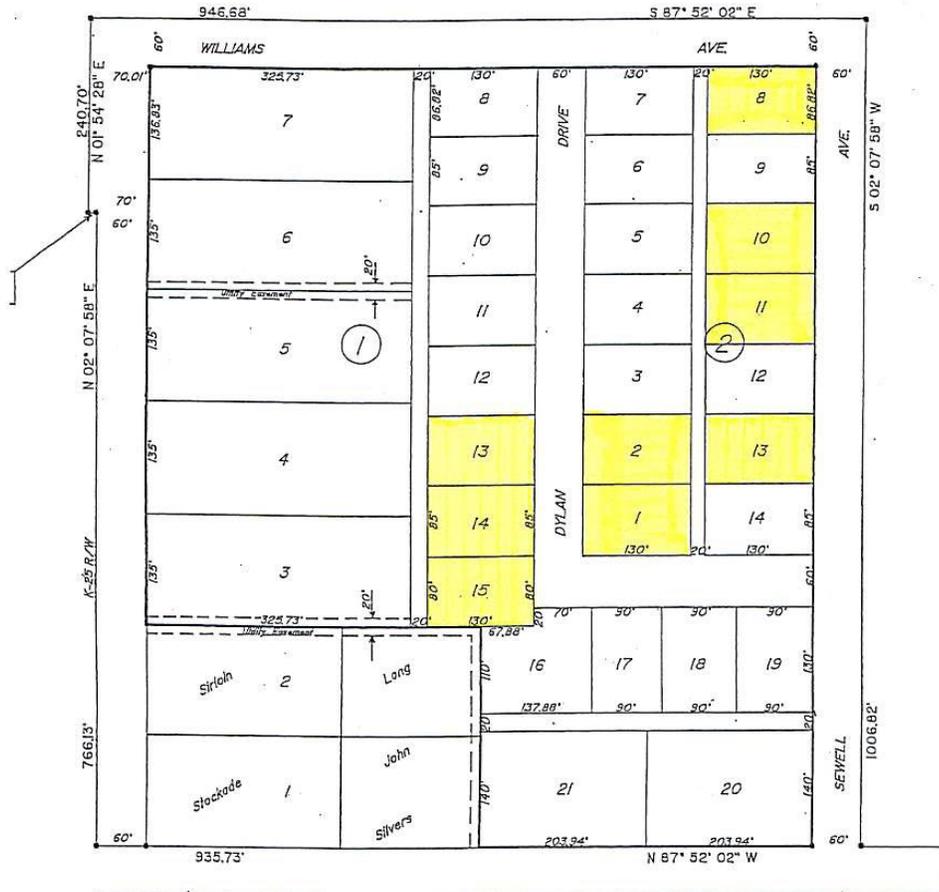
All of Lots Thirteen (13), Fourteen (14) and Fifteen (15), Block One (1), Re-Plat of Davis Addition No. 1 to the City of Colby, Kansas, as shown by the recorded plat thereof.

**AND**

All of Lots One (1), Two (2), Eight (8), Ten (10), Eleven (11) and Thirteen (13), Block Two (2), Re-Plat of Davis Addition No. 1 to the City of Colby, Kansas as shown by the recorded plat thereof.

**EXHIBIT B**

**MAP OF PROPOSED RURAL HOUSING INCENTIVE DISTRICT BOUNDARIES FOR DAVIS ADDITION PHASE II RURAL HOUSING INCENTIVE DISTRICT**



*EXHIBIT C*

**LIST OF NAMES AND ADDRESSES OF THE OWNERS OF RECORD OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED DISTRICT AND THE ASSESSED VALUATION OF THOSE PARCELS**

Owners of Record:

BAINTER CONSTRUCTION COMPANY, INC  
C/O WES BAINTER  
PO Box 705  
Hoxie, KS 67740  
(785) 675-3297

2015 Assessed Valuation:	Land:	\$6,050.00
	Improvements:	\$0.00

***EXHIBIT D***

**DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR  
PROJECTS THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE  
PROPOSED RURAL HOUSING INCENTIVE DISTRICT**

**Housing Facilities**

The housing facilities will include all infrastructure needed to develop Nine (9) single family homes anticipated to range from approximately 1,500-1,600 square feet each. Each home will include three upstairs bedrooms, two full bathrooms, unfinished basements with four (4) escape basement windows, attached two-car garages, energy efficient HVAC systems and water heaters, and Hardie Board siding with metal fascia and soffits.

**Public Facilities**

Public improvements will include construction of infrastructure improvements located within the boundaries of the District, including parking, water, sanitary sewer, and electric improvements. Infrastructure improvements will be constructed concurrently with the project.

***EXHIBIT E***

**SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND OF  
THE COMPREHENSIVE FEASIBILITY ANALYSIS**

***Contractual Assurances***

The Governing Body of the City of Colby, Kansas has entered into a development agreement with Bainter Construction Company, Inc. This agreement, as supplemented and amended, includes the project construction schedule, a description of projects to be constructed, financial obligations of the developer and financial and administrative support from the City of Colby, Kansas.

***Feasibility Study***

The City conducted a study to determine whether the public benefits derived from the rebate would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the Development, less existing property taxes to determine the revenue stream available to support the costs of the public infrastructure. The estimates indicate that the revenue realized from the project would be adequate to pay the costs of the public infrastructure.

**CERTIFICATE OF DELIVERY AND PUBLICATION**

STATE OF KANSAS            )

  ) §:

COUNTY OF THOMAS        )

The undersigned, City Clerk of the City of Colby, Kansas (the “City”), does hereby certify, as follows:

- (a) On the \_\_\_\_ day of \_\_\_\_\_, 2016, I caused a certified copy of Resolution No. 1096 with ***Exhibits A through E*** attached (the Resolution), to be delivered to the following:
  - 1) The Board of County Commissioners of Thomas County, Kansas;
  - 2) The Board of Education of U.S.D. 315;
  - 3) The Board of Trustees of Colby Community College; and
  - 4) The Planning Commission of the City.
- (b) I caused a copy of the Resolution to be published one time in ***The Colby Free Press***, the official newspaper of the City, on the \_\_\_\_ day of \_\_\_\_\_, 2016, which date was not less than one week nor more than two weeks preceding the date fixed for the public hearing. A true copy of the affidavit of publication of the Resolution is attached to this Certificate.

**WITNESS** my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joni L. Ketchum, City Clerk

(SEAL)