

ORDINANCE NO. 1537

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (DAVIS ADDITION RESIDENTIAL PROJECT)

WHEREAS, 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 within such city; 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 of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district 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 5,438, is located in Thomas County, Kansas which has an estimated population of 7,977 and therefore constitutes a city as said term is defined in this Act; and

WHEREAS, in November of 2012 the Governing Body of the City updated the Housing Needs Analysis, a copy of which is on file in the office of the City Clerk; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 1063 which made certain findings relating to the need for financial incentives relating to 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, pursuant to a letter dated November 27, 2013, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed Rural Housing Incentive District (the “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. 12-5244;
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 proposed District, and the location thereof;
5. A listing of names, addresses, and specific interest 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, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for March 4, 2014, and provided for notice of such public hearing as provided in the Act; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 1072 which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provides a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for March 4, 2014, and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on March 4, 2014, after due published and delivered notice in accordance with the provisions of the Act; and

WHEREAS, upon considering the information and public comments received at the public hearing, the Governing Body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Colby, Kansas as follows:

Section 1. Findings. The Governing hereby finds that due notice of the public hearing conducted March 4, 2014, was made in accordance with the provisions of the Act.

Section 2. Creation of the Rural Housing Incentive District. A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property in the Development, in the City of Colby, Thomas County, Kansas:

Lots Eight (8), Nine (9), Ten (10), and Eleven (11), Block One (1), Re-Plat of Davis Addition No. 1, and All of Lots Five (5), Six (6), Seven (7), and Eight (8), Block Two (2), Re-Plat of Davis Addition No. 1, in the City of Colby, Thomas County, Kansas.

Section 3. Approval of Development Plan. The Plan for the development or redevelopment of housing and public facilities in the District as presented to the Governing Body this date, is hereby approved.

Section 4. Adverse Effect on Other Government Units. If, within thirty (30) days following the conclusion of the public hearing on March 4, 2014, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

1. The Board of Education of U.S.D. 315 determines by resolution that the District will have an adverse effect on such school district; or
2. The Board of County Commissioners of Thomas County, Kansas determines by resolution that the District will have an adverse effect on such county.

As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Unified School District 315 or Thomas County.

Section 5. Reimbursement. The Act authorizes the City to reimburse the developer for all or a portion of the costs of implementing the Plan through the use of property tax increments allocated to the City under the provisions of the Act.

Section 6. Further Action. The Mayor, City Clerk and other 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 to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body of the City of Colby, Kansas and publication one time in the official City newspaper.

PASSED by the Governing Body of the City of Colby, Kansas and signed by the Mayor on March 4, 2014.

ATTEST:

Gary L. Adrian, Mayor

Joni L. Ketchum, City Clerk