

ORDINANCE NO. 1538

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

WHEREAS, the City of Colby, Kansas (the “City”) is authorized by K.S.A. 12-5241 *et seq.* (the “Act”) to establish rural housing incentive districts within the City; and

WHEREAS, by Ordinance No. 1537 passed March 4, 2014 and published on March 7, 2014, the governing body of the City established the Rural Housing Incentive District (Davis Addition Residential Project) pursuant to the Act (the “District”) and approved a plan for the development or redevelopment of housing and public facilities in the District in accordance with the provisions of the Act (the “Plan”); and

WHEREAS, the governing body of the City has found it necessary and desirable to amend the boundaries of the District to remove certain real property and add substitute property to the District (as revised, the “Amended District”); and

WHEREAS, the governing body of the City has further found it necessary and desirable to amend the Plan to reflect the new boundaries of the District; and

WHEREAS, the City has caused to be prepared an amended plan for the development or redevelopment of housing and public facilities in the Amended District in accordance with the provisions of the Act (as revised, the “Amended Plan”); and

WHEREAS, the Amended Plan includes:

1. The revised legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the Amended 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 Amended District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the Amended District, and the location thereof;

5. A listing of the names, addresses and specific interests in real estate in the Amended District of the developers responsible for development of the housing and public facilities in the Amended District;
6. The contractual assurances, if any, the governing body has received from such developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the Amended District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the Amended District as provided in the Act, which shows the public benefits derived from such Amended 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 Amended District, and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 1074 which made a finding that the City is considering the proposed amendment to the District and adoption of the proposed amendment to the Plan pursuant to the Act, set forth the boundaries of the proposed Amended District, provides a summary of the proposed Amended Plan, called a public hearing concerning the establishment of the proposed Amended District for May 6, 2014, and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on May 6, 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 Amended District and to adopt the Amended 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 May 6, 2014, was made in accordance with the provisions of the Act.

Section 2. Amendment of the Rural Housing Incentive District. The Rural Housing Incentive District (Davis Addition Residential Project) previously created within the City in accordance with the provisions of the Act is hereby amended to consist of the following described real property in the City of Colby, Thomas County, Kansas:

Lots Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block One (1), Re-Plat of Davis Addition No. 1, and All of Lots Five (5), Six (6), and Seven (7), Block Two (2), Re-Plat of Davis Addition No. 1, in the City of Colby, Thomas County, Kansas.

Section 3. Approval of Amended Development Plan. The Amended Plan for the development or redevelopment of housing and public facilities in the Amended 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 May 6, 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 Amended 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 Amended 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 Amended 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 May 6, 2014.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

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