

**RESOLUTION NO. 1070**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS REGARDING THE ESTABLISHMENT OF A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY**

**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 the 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 of Kansas (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 approximately 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 the Act; and

**WHEREAS**, the City has conducted a Housing Needs Analysis dated November 16, 2012 (the “Analysis”) to determine what, if any, housing needs exist within its community, a copy of which is on file in the office of the City Clerk.

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

**Section 1. Findings and Determinations.** After review of the Analysis, the governing body of the City hereby finds and determines as follows:

- a. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers;
- b. The shortage of quality housing can be expected to persist and additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing with the City;
- c. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City; and
- d. 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 2. Proposed Rural Housing Incentive District.** Based on the foregoing findings and determinations, the governing body of the City hereby declares its intent to establish a Rural Housing Incentive District (the “District”) within the City. The legal description of the proposed District is attached hereto as *Exhibit A*. A map of the proposed District is attached hereto as *Exhibit B*.

**Section 3. Publication.** This Resolution, including *Exhibits A* and *B* hereto, shall be published once in the official newspaper of the City.

**Section 4. Approval by Secretary of Commerce.** Following the adoption and publication of this Resolution, a certified copy of this Resolution, including *Exhibits A* and *B*, and the Analysis shall be submitted to the Secretary with a request that the Secretary review such documents and advise the governing body whether the Secretary agrees with the findings contained herein. If the Secretary advises the governing body in writing that the Secretary agrees with each of the findings of the governing body, the governing body may proceed to establish the District in accordance with the provisions of the Act.

**ADOPTED** by the Governing Body of the City of Colby, Kansas on December 3, 2013.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

(Seal)

## EXHIBIT A

### LEGAL DESCRIPTION OF PROPOSED DISTRICT

A tract of land located in Block One (1), Davis Family Legacy Subdivision, Thomas County, Kansas, more particularly described as follows:

COMMENCING at the Northwest Corner (NW/c) of the Northwest Quarter (NW/4) of Section Seven (7), Township Eight (8) South, Range Thirty-three (33) West of the 6<sup>th</sup> Principal Meridian; thence on an assumed bearing of S2°06'49"W a distance of 1320.28 feet to a point; thence S87°53'11"E a distance of 94.52 feet to the POINT OF BEGINNING, said point also being the Northwest Corner of Block One (1) of the Davis Family Legacy Subdivision; thence S88°12'35"E a distance of 1859.59 feet; thence S2°00'56"W a distance of 473.51 feet; thence N87°52'00"W a distance of 908.84 feet to the East right-of-way line of Sewell Avenue; thence N2°08'00"E along the East right-of-way line of Sewell Avenue a distance of 80.00 feet; thence N87°52'00"W a distance of 400.00 feet; thence S2°08'00"W a distance of 51.08 feet to the Northeast corner of Davis Addition No. II; thence N88°12'35"W along the North line of Davis Addition No. II a distance of 244.62 feet; thence N1°51'36"E a distance of 220.01 feet; thence N88°12'35"W a distance of 305.00 feet to a point on the East right-of-way line of Highway K-25; thence N1°51'39"E along said East right-of-way line of Highway K-25 a distance of 216.74 feet to the POINT OF BEGINNING.

Said tract contains 17.35 acres, more or less, subject to any and all easements, reservations, restrictions, and conveyances of record.