

RESOLUTION NO. 1074

A RESOLUTION 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; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.

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 a rural housing incentive district 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 hereby finds 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 hereby further finds 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 proposes to continue proceedings necessary to create the Amended District, in accordance with the provisions of the Act, and adopt the Amended 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. Amended Rural Housing Incentive District. The governing body hereby declares intent to amend the Rural Housing Incentive District created by Ordinance No. 1537. The Amended 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 Amended District and the existing assessed valuation of said real estate, listing the land improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Amended Plan. The governing body hereby further declares intent to amend the Plan in substantially the form presented to the governing body on this date. A copy of the Amended 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 Amended 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 amendment of the District and amendment of the Plan on May 6, 2014, in Council Chambers at City Hall, 585 N. Franklin Avenue, Colby, Kansas 67701; the public hearing to commence at 7:30 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 amendment of the District and amendment 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; and
 - C. The Planning Commission of the City.
2. This Resolution, specifically including *Exhibit 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.

Section 5. Further Action. The Mayor, City Manager, 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 April 1, 2014.

Gary L. Adrian, Mayor

Attest:

Joni L. Ketchum, City Clerk

Seal

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 1074 adopted by the governing body of the City on April 1, 2014 as the same appears of record in my office.

DATED: April 1, 2014

Joni L. Ketchum, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

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.

EXHIBIT B

MAP OF PROPOSED RURAL HOUSING INCENTIVE DISTRICT BOUNDARIES FOR THE DAVIS ADDITION RESIDENTIAL PROJECT

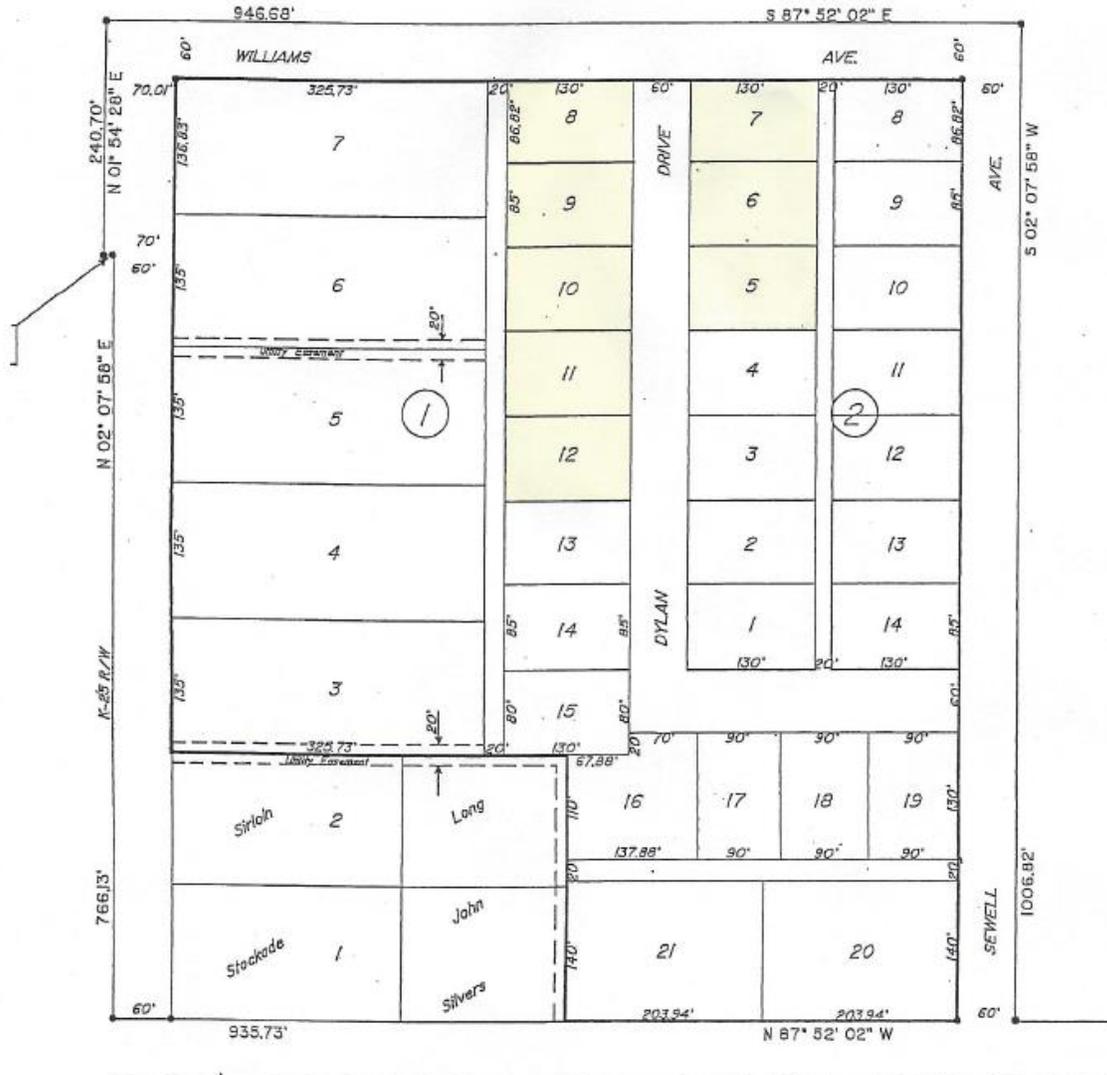


EXHIBIT C

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

Bainter Construction
P.O. Box 705
Hoxie, KS 67740

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 be composed of eight single family homes. The homes will have three bedrooms, two bathrooms, unfinished basement and two-car garage.

Public Facilities

Public improvements will include acquisition of land and construction of infrastructure improvements located within the boundaries of the District, including street, 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 has entered into a development agreement with Colby Estates, LLC. 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.

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.