

(Published July 27, 2016)

ORDINANCE NO. 1572

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 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 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 of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district 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 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 Thomas County, Kansas, which has an estimated population of approximately 7,900, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the Governing Body of the City has performed a Housing Needs Analysis and adopted the same by Resolution 1091 on February 4, 2016 (the “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. 1091 on February 4, 2016, 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 of the Kansas Department of Commerce, pursuant to a letter dated May 10, 2016, authorized the City to proceed with the establishment of Rural Housing Incentive Districts 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. 12-5244;
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 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 incentives 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 April 26th, 2016, and provided for notice of such public hearing as provided in the Act.

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 1096 on June 7, 2016, 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 July 19, 2016, and provided for notice of such hearing as provided in the Act; and

WHEREAS, a public hearing was held on July 19, 2016, after due published and delivered notice in accordance with the provisions of the Act; and

WHEREAS, upon and 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:

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted on July 19, 2016, was made in accordance with the provisions of the Act.

Section 2. Creation of 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, an addition to the City of Colby, Thomas County, Kansas:

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.

The boundaries of the District do not contain any property not referenced in Resolution No. 1096, which provided notice of public hearing on the creation of the District and adoption of the Plan.

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 Governmental Units. If, within 30 days following the conclusion of the public hearing on July 19, 2016, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

- a. 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
- b. The Board of County Commissioners of Thomas County, Kansas, determines by resolution that the District will have an adverse effect on such county; or
- c. The Board of Trustees of Colby Community College determines by resolution that the District will have an adverse effect on such community college.

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 Thomas County, U.S.D. 315, or Colby Community College.

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 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 of a summary of this Ordinance one time in the official City newspaper, the Colby Kansan.

PASSED by the City Commission and signed by the Mayor this this 19th day of July, 2016.

CITY OF COLBY, KANSAS

Gary L. Adrian, Mayor

SEAL:

Attest:

Joni L. Ketchum, City Clerk