

(Published in the Butter County Times Gazette on the 14th day of June, 2022)

ORDINANCE NO. 2192

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF AUGUSTA, 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 WITH THE SHADOW RIDGE RURAL HOUSING INCENTIVE DISTRICT

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 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 rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

WHEREAS, the City of Augusta, Kansas (the “City”) has an estimated population of 9,274 (2010) and therefore constitutes a city as said term is defined in this act; and

WHEREAS, the Governing Body of the City adopted Resolution No. 2020-20 (“Resolution No. 1”) on November 2, 2020, which made certain findings relating to the need for financial incentives for 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 February 5, 2021, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”), to be hereafter called the Shadow Ridge Rural Housing Incentive 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 Shadow Ridge Rural Housing Incentive 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 of 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 June 6, 2022 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. 2022-13 dated May 2, 2022, 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 June 6, 2022 and provided for notice of such hearing as provided in the Act; and

WHEREAS, the Governing Body of the City published a copy of Resolution No. 2022-13 on May 24, 2022 giving statutory notice of the public hearing; and

WHEREAS, a public hearing was held on June 6, 2022 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 AUGUSTA, KANSAS:

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted June 6, 2022 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 Augusta, Butler County, Kansas:

- 3 Parcels: E30 W105 N/2 NE/4 LESS ROW 30.0 X 1300; BEG 208S NE/C NW1/4 S203 W240 NE240 E65.4 TO POB; AND BEG 208S NE/C NW1/4 S648.6 W269.2 NW80.7 SW121 NW10 SW160 NW261.89 NE620 E240 N203 E75 TO POB (6.1 ACRES), S14, T27, R04E ; AND
- Belmont Place 3rd Add Block A, Lots 1 – 9 and Lot 12; AND
- Belmont Place 3rd Add Block B, Lots 1 – 3; AND
- Reserve A, Lakepoint Sixth Addition to the City of Augusta, Butler County, Kansas

The District does not contain any property not referenced in Resolution No. XXX, 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, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

- a. The Board of Education of U.S.D. 402 determines by resolution that the District will have an adverse effect on such school district; or
- b. The Board of County Commissioners of Butler 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 Butler County or U.S.D. 402.

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 Augusta, Kansas and publication of a summary of this Ordinance one time in the official City newspaper.

PASSED by the City Council and signed by the Mayor this 6th day of June, 2022.





Mike L. Rawlings, Mayor

Attest:



Erica L. Jones, City Clerk