

ORDINANCE NO. 482

AN ORDINANCE APPROVING AND ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN FOR THE CITY OF WATHENA, KANSAS, AND ALL PROVISIONS, TERMS AND CONDITIONS THEREOF AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AND ATTEST SUCH REVITALIZATION PLAN FOR AND ON BEHALF OF THE CITY, ALL PURSUANT TO THE KANSAS NEIGHBORHOOD REVITALIZATION ACT.

WHEREAS, the Kansas Neighborhood Revitalization Act, as set forth in K.S.A. 1994 Supp. 12-17,114 et. seq. authorizes and empowers the Governing Body of the City of Wathena, Kansas (herein CITY) to designate any area within the CITY as a Neighborhood Revitalization area if the Governing Body finds that one or more of the conditions described in Subsection (b) of K.S.A. 1994 Supp. 12-17,115 exists thereby encouraging and facilitating the rehabilitation, conservation and redevelopment of any such designated area and, also, thereby protecting and promoting the public health, safety and welfare of the residents of the CITY; and,

WHEREAS, the CITY pursuant to the aforesaid statute, has found and determined that all area and land lying within the corporate limits of the CITY is eligible for designation as a Neighborhood Revitalization area:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS, AS FOLLOWS:

SECTION 1. REVITALIZATION PLAN APPROVED AND ADOPTED. The twenty-two (22) page document produced and presented at this meeting of the Governing Body entitled "Revitalization Plan" and each and every part thereof is, in all respects, approved, authorized, confirmed and adopted by the City of Wathena as the Revitalization Plan for the City of Wathena, County of Doniphan, Kansas, such Plan to be in force and effect on and after January 1, 1996. A fully executed copy of such Revitalization Plan shall be filed in the office of the City Clerk and shall be available for inspection by the public at any time during regular business hours.

SECTION 2. EXECUTION OF REVITALIZATION PLAN AUTHORIZED. The Mayor and the City Clerk of the CITY are hereby authorized and empowered for and on behalf of the CITY to execute and attest the CITY'S Revitalization Plan herein adopted and to do and perform any

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and all other acts and procedures which may be necessary and required to fully implement the CITY'S Revitalization Plan.

SECTION 3. AUTHORITY FOR ADOPTION. This Ordinance is adopted pursuant to the provisions of the Kansas Neighborhood Revitalization Act, as set forth in K.S.A. 1994 Supp. 12-17,114 et. seq.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after the date of its approval and adoption as shown below and its publication in the official City newspaper.

PASSED by the Council and APPROVED by the MAYOR on the 19th day of December, 1995.

  
\_\_\_\_\_  
Mayor

ATTEST:

(CITY SEAL)

  
\_\_\_\_\_  
City Clerk

EXTRACT OF MINUTES OF CITY OF WATHENA REFLECTING ADOPTION  
OF NEIGHBORHOOD REVITALIZATION PLAN

Robert Wisler, Jr. introduced an Ordinance entitled  
(Name)

"AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN FOR THE CITY OF WATHENA, COUNTY OF DONIPHAN, KANSAS." and moved for its adoption. The motion was seconded by Scott Hoffman. Following a discussion of the Ordinance and the Revitalization Plan, the question was called for and the vote on the motion for adoption of the Ordinance was as follows: 5 Yes and 0 No. The Motion, the Ordinance, and the Revitalization Plan were thereupon all declared approved and adopted by the Mayor. Original copies of such Ordinance and Revitalization Plan were thereupon signed by the Mayor and attested by the Clerk and ordered filed in the official records of the City and duplicate original executed and certified copies thereof were ordered delivered by the City Clerk to the County Clerk of Doniphan County. The Ordinance was assigned No. 482 and the City Clerk was directed to forthwith publish the Ordinance in the official City paper.

Laralee Miller  
City Clerk



BEFORE THE GOVERNING BODY OF THE CITY OF WATHENA, COUNTY OF DONIPHAN, KANSAS.

IN THE MATTER OF THE ADOPTION OF A NEIGHBORHOOD REVITALIZATION PLAN.

## REVITALIZATION PLAN

The City of Wathena, County of Doniphan, Kansas, pursuant to the Kansas Neighborhood Revitalization Act, K.S.A. 1994 Supp. 12-17,114 et. seq., does hereby adopt a Neighborhood Revitalization Plan for such City as follows:

## FINDINGS

Pursuant to K.S.A. 1994 Supp. 12-17,116, the Governing Body FINDS:

1. A certified, full, true and correct copy of the Revitalization Plan as Approved and Adopted by the Board of County Commissioners of Doniphan County, Kansas, for the County of Doniphan on November 20, 1995, consisting in all of seventeen (17) pages, is attached to this Plan, marked "Exhibit Z", and adopted as a part of this Plan by reference insofar as such Plan concerns and relates to this Municipality.

2. All findings made and set forth in the Revitalization Plan for the County of Doniphan adopted November 20, 1995, as set forth in Findings paragraph 1 thereof are adopted in and made a part of this Plan by reference.

3. Notice of hearing on this Plan has been given pursuant to K.S.A., 1994 Supp, 12-17,117 (b) by publication in the Wathena Times, a newspaper of general circulation within the Municipality and authorized by law to publish legal notices, in the December 7 and 14, 1995, editions of such newspaper and proof of such publication has been filed in the office of the Clerk of the Municipality.

4. By reason of the findings made in paragraphs 1, 2 and 3 above, the Governing Body further finds that a majority of the conditions as described in subsection (b) of K.S.A. 1994 Supp. 12-17,115 exist in the entire area lying within the corporate limits

of the Municipality as a single unit or area eligible for designation under the Kansas Neighborhood Revitalization Act and that the rehabilitation, conservation and redevelopment thereof is necessary to protect the public health, safety and welfare of the residents of the Municipality.

## PLAN

1. LEGAL DESCRIPTION OF AREA IN PLAN. (a) A legal description of the real estate forming the boundaries of the area included within the Plan is that description of the entire Municipality as set forth in ordinances and other documents and records as filed for record and recorded in the records in the Offices of Register of Deeds, County Clerk and County Appraiser of Doniphan County, Kansas and such description is adopted in and made a part of this Plan by reference.

(b) Maps depicting the existing Parcels of real estate covered by this Plan have been prepared and are on file in the office of the County Appraiser of Doniphan County and the same are adopted as a part of the Plan by reference.

2. ASSESSED VALUATION. The existing (i.e. 1995) assessed valuation of the real estate included in the Plan, listing land and building values separately, is as follows:

Land	\$ 300,837.00;
Buildings	\$2,090,256.00;
Total	\$2,391,093.00.

3. NAMES AND ADDRESSES OF OWNERS. A list of the names and addresses of the Owners of record of the real estate included within the Plan constitutes a part of the records in the office of the County Appraiser, and such list is adopted in and made a part of this Plan by reference.



4. ZONING CLASSIFICATIONS. The existing zoning classifications and zoning district boundaries and the existing land uses within the area included in the Plan are as set forth in the official zoning maps, records, and ordinances of this Municipality.

5. MUNICIPAL SERVICES. The Plan does not include any proposals for improving or expanding municipal services as described in K.S.A. 1994 Supp. 12-17,117(a)(5) and, if any proposals for any such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then any such proposal will be prepared and considered independently of this Plan.

6. REAL PROPERTY ELIGIBLE. (a) All real property and all improvements thereon situate in the Municipality are eligible to apply for Revitalization under the Plan.

(b) Rehabilitation of and additions to existing buildings and, also, a construction of new buildings are each and all eligible to apply for Revitalization under the Plan.

7. CRITERIA FOR ELIGIBILITY; PROCEDURE TO COMPLETE APPLICATION TO QUALIFY. (a) The criteria to be used by the Governing Body to determine what specific real property is eligible for Revitalization and for Property Tax Increment Rebates is as set forth in paragraph (a) of Section 7 of the Revitalization Plan for the County of Doniphan and the same are adopted in and made a part of this Plan by reference.

(b)(i) The procedure for completing an Application To Qualify And To Participate is as set forth in paragraph (b) of Section 7 of the Revitalization Plan for the County of Doniphan and the same is adopted in and made a part of this Plan by reference.

(ii) The provisions of subparagraph (i) last above to the contrary notwithstanding, if the Municipality contracts with the County of Doniphan to administer the Plan then the Municipality shall not charge any Application Fee for the filing of an Application.

(c) The form attached to the Revitalization Plan for the County of Doniphan as "Exhibit A" and entitled "Application To Qualify And To Participate" is hereby approved and adopted for use in this Plan and the same is incorporated herein by reference.

8. CONTENT OF APPLICATION FOR REBATE. The content of an Application for Rebate as authorized under K.S.A. 1994 Supp. 12-17,118 is as set forth in the document attached to the Revitalization Plan by the County of Doniphan as "Exhibit B" and the same is hereby adopted for use in this Plan and is incorporated in and made a part of this Plan by reference.

9. PROCEDURE FOR APPLYING FOR REBATE. The procedure for preparing and submitting an Application For Rebate Of Property Tax Increments is as set forth in Section 9 of the Revitalization Plan for the County of Doniphan and such Section 9 is adopted in and made a part of this Plan by reference.

10. CRITERIA TO BE USED WHEN CONSIDERING MERIT OF APPLICATIONS FOR REBATE. The standards or criteria to be used when reviewing Applications For Rebate for approval or disapproval thereof shall be as set forth in Section 10 of the Revitalization Plan for the County of Doniphan and such Section 10 is adopted in and made a part of this Plan by reference.

11. MAXIMUM TAX REBATABLE; YEARS OF ELIGIBILITY. (a) The maximum tax rebatable and the years of eligibility for rebates shall be as set forth in Section 11 of the Revitalization Plan for the County of Doniphan and said Section 11 is adopted in and made a part of this Plan by reference.

12. DURATION OF PLAN; CONTINUATION OF REBATES ON QUALIFIED PROPERTY. The duration of this Plan and the repeal or the extension thereof and the continuation of rebates on qualified property in the event of the repeal or other termination of the Plan shall be as set forth in Section 12 of the Revitalization Plan for the County of Doniphan and the provisions of said Section 12 are adopted in and made a part of this Plan by reference.

13. DEFINITIONS. Except only as otherwise provided in subparagraphs (x), (xix) and (xx) below, all definitions as set

forth in Section 13 of the Revitalization Plan for the County of Doniphan adopted in and made a part of this Plan by reference.

- (x) Governing Body means and refers to the Mayor and Council of the City of Wathena, Kansas.
- (xix) Taxing District means and refers to the City of Wathena, Kansas.
- (xx) Municipality means and refers to the City of Wathena, Kansas.

14. AMENDMENT OR REPEAL. The provisions for amendment or repeal of this Plan shall be the same as those which are set forth in Section 14 of the Revitalization Plan of the County of Doniphan and said Section 14 is adopted in and made a part of this Section by reference.

APPROVED and ADOPTED by the Mayor and Council of the City of Wathena, Kansas, on the 19th day of December, 1995.

CITY OF WATHENA, COUNTY OF DONIPHAN,  
KANSAS

BY:   
Mayor

ATTEST:

(CITY SEAL)

  
City Clerk



# "EXHIBIT Z"

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF DONIPHAN COUNTY, KANSAS.

FILED

IN THE MATTER OF THE ADOPTION OF A  
NEIGHBORHOOD REVITALIZATION PLAN.

NOV 20 1995

COUNTY CLERK  
DONIPHAN COUNTY, KANSAS

## REVITALIZATION PLAN

The Board of County Commissioners of Doniphan County, Kansas, (herein sometimes called "Governing Body") pursuant to the Kansas Neighborhood Revitalization Act, K.S.A. 1994 Supp. 12-17,114 et. seq., does hereby adopt a Neighborhood Revitalization Plan (herein sometimes called "Plan") for the County of Doniphan as follows:

### FINDINGS

Pursuant to K.S.A. 1994 Supp. 12-17,116, the Governing Body FINDS:

1. (a) Doniphan County's development history has followed the rest of the United States. Sometimes Doniphan County has come out ahead, sometimes it hasn't. During the 19th century, river traffic, then rail traffic shaped progress for Doniphan County. But in the 20th century, major highways and urbanization have passed it by. Its population and employment have declined slowly over the last few decades.

(b) In 1992, the County's Economic Vitality/Distress ranked 102 out of 105 counties. The county's 1994 population was 7,625 down 6.26% from a 1990 population of 8,134, which was down 12.2% from a 1980 population of 9,268 and the projected percent population change, 1990-2030 for Doniphan County is -26.5 (Source: Institute of Public Policy and Business Research, based on "Kansas Population Projections, 1995-2030, Kansas Division of Budget, September 1992)

(c) The 1990 median age of residents of Doniphan is 35.1 years. This is significantly higher than the state and U.S. median age of 32.9 years. 18.1% of the county population is 75 or older compared with a national percentage of 12.1%. The older population means that the labor force is less able to adapt to new technologies and to undergo new training.

(d) Out migration of the younger, more educated population make this effect more acute. In the 1960-90 period, the

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hardest hit was the 15-35 age group. This poses problems for future income earnings and leadership in the county. If this continues, either tax rates must increase, or cut backs made to public services. Our most glaring weakness is the inability of the tax base to support the levels of governmental services residents have come to expect.

(e) Doniphan County's 1991 per capita personal income of \$15,472 per annum is significantly lower than both state per capita personal income of \$18,306 per annum and U.S. per capita income of \$19,091. Only 38.5% of personal income came from wages compared with a state level of 58.1% and U.S. level of 61.1%. 14.3% of personal income in Doniphan County came from farming in 1991. This compared with 1.4% of state personal income and 1.7% of U.S. personal income.

(f) In 1990, 15.9% of Doniphan County residents had poverty status compared with a state percent of 11.5%. Average wage and salary earnings per job were \$17,629 in Doniphan County in 1991. This was 15% lower than the state earnings.

(g) The economy is not well diversified and is undesirable skewed toward government employment that would be hit hard if the county economy worsens. Also, the number of dependents on welfare assistance is above the state average. People in this group are often suited to service jobs. However, these are less available on a percentage basis than in the state as a whole.

(h) Retail in Doniphan county is hurt by a declining population (fewer customers) and the fact there is no one large retail center which would create a "critical mass". Also, retail buying patterns have changed and customers prefer comparison shopping.

(i) A good measure of the health of the retail sector is the retail pull factor. This measures per capita sales tax collections in terms relative to the surrounding areas. A pull factor greater than 1.0 means that retail business is being attracted into the county; a value of less than 1.0 means retail business is being lost to other areas. Doniphan County's pull factor has ranged between 0.43 (1994) and 0.68 (1992), with the most prevalent value being 0.49. This means that doniphan County is capturing only half its share of retail business.

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(j) Doniphan county's retail sales, estimated from sales tax collections, rose briefly during 1991 and 1992. In 1993, however, sales returned to levels achieved during 1988 and 1989. Once these sales are converted to real sales (adjusted for inflation) retail sales in the county fell 15% between 1987 and 1993.

(k) Housing stock accounts for 24% of the County's tax base and it is limited in supply and price range. Three-quarters of doniphan homes are Owner occupied, but 44.6% were built in 1939 or earlier. the median value of the homes in Doniphan County in 1990 was \$29,400. This was significantly lower than the state value of \$51,800 and the U.S. value of \$78,500. 1,489 of the 3,337 homes in Doniphan County were built before 1940 and 1,019 homes were built between 1960 and 1979.

(l) Unemployment remains high in Doniphan County despite stable employment levels. This is due principally to overall growth in the size of the labor force.

2. Notice of hearing on this Plan has been given pursuant to K.S.A., 1994 Supp, 12-17,117 (b) by publication in the Wathena Times, official county newspaper, in the November 9th and 16th, 1995, editions of such newspaper and proof of such publication has been filed in the office of the County Clerk of Doniphan County.

3. By reason of the findings made in paragraphs 1 and 2 above, the Governing Body further finds that a majority of the conditions as described in subsection (b) of K.S.A. 1994 Supp. 12-17,115 exist in the entire County of Doniphan as a single unit or area eligible for designation under the Kansas Neighborhood Revitalization Act and that the rehabilitation, conservation and redevelopment thereof is necessary to protect the public health, safety and welfare of the residents of the County of Doniphan.

## PLAN

1. LEGAL DESCRIPTION OF AREA IN PLAN. (a) A legal description of the real estate forming the boundaries of the area included within the Plan is that description of Doniphan County, Kansas, as set forth in K.S.A. 18-122 and such statute is adopted herein by reference.

(b) Maps depicting the existing Parcels of real estate



covered by this Plan have been prepared and are on file in the office of the County Appraiser of Doniphan County and the same are adopted as a part of the Plan by reference.

2. ASSESSED VALUATION. The existing (i.e.1995) assessed valuation of the real estate included in the Plan, listing land and building values separately, is as follows:

Land	\$ <u>12,198,762</u> ;
Buildings	\$ <u>16,807,164</u> .
Total	\$ <u>29,005,926</u>

3. NAMES AND ADDRESSES OF OWNERS. A list of the names and addresses of the Owners of record of the real estate included within the Plan constitutes a part of the records in the office of the County Appraiser of Doniphan County, and such list is adopted in and made a part of this Plan by reference.

4. ZONING CLASSIFICATIONS. The existing zoning classifications and zoning district boundaries and the existing land uses within the area included in the Plan (exclusive of those cities within the County of Doniphan which have not adopted zoning plans and ordinances) are as set forth in the official zoning maps, records, resolutions and ordinances of the County of Doniphan and the cities of Highland, Troy, Wathena and Elwood.

5. MUNICIPAL SERVICES. The Plan does not include any proposals for improving or expanding municipal services as described in K.S.A. 1994 Supp. 12-17,117(a)(5) and, if any proposals for any such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then any such proposal will be prepared and considered independently of this Plan.

6. REAL PROPERTY ELIGIBLE. (a) All real property and all improvements thereon situate in the County of Doniphan are eligible to apply for Revitalization under the Plan.

(b) Rehabilitation of and additions to existing buildings and, also, Construction of new buildings are each and all eligible to apply for Revitalization under the Plan.

7. CRITERIA FOR ELIGIBILITY; PROCEDURE TO COMPLETE APPLICATION TO QUALIFY. (a) The criteria to be used by the Governing Body to determine what specific real property is eligible for Revitalization and for Property Tax Increment Rebates as follows:

- (i) (A) Construction of an improvement must have begun on or after January 1, 1996, the effective date of this Plan.
- (B) Construction must be completed and such fact reported to the County Appraiser no later than the second January 1st following the date on which the County Appraiser conditionally approved the Application under Part II of the Application To Qualify And To Participate; otherwise the Conditional Approval will become null and void and the Improvements, if any, theretofore completed will not be eligible to participate in the Plan and Rebate Program.
- (ii) In order to qualify for Revitalization, a Parcel of real estate:
  - (A) Must have a minimum increase of \$5,000.00 in the County Appraiser's appraised value, directly resulting from a qualified Construction and Improvement, for a Parcel of residential, agricultural, recreational, commercial and/or industrial real estate in order to be eligible to receive a Rebate, and,
  - (B) Sufficient written documentation (i.e. copies of invoices, canceled checks, etc.) must be provided to establish the expenditure of a minimum required investment of \$5,000.00. Such minimum expenditure must be based upon actual out of pocket expenditures; personal or donated labor of the Owner or of other persons will not qualify.
- (iii) (A) All new Construction and all Improvements to existing property must comply with all zoning

and building codes, rules, and regulations in effect at the time the improvements are made, and,

- (B) To maintain its eligibility, such Parcel must continue to remain in compliance with all zoning and building codes, rules, and regulations during the entire period of time the Parcel remains eligible for Rebates.
- (iv) Any Parcel that is delinquent in the payment of any ad valorem property tax assessment or special assessment shall not be eligible for any Rebate.
- (v) The Owner of commercial or industrial property eligible for Property Tax Increment Rebates under any adopted Neighborhood Revitalization Plan and, also, eligible for property tax exemption under K.S.A. 1994 Supp 79-201a Second or any other existing ad valorem tax exemption law will be eligible to secure relief under only one such Plan or law, as the Owner shall elect.
- (vi) Eligibility for Rebates is subject to the adoption and approval of a Plan by each taxing district. See County Clerk for taxing districts who have adopted a Neighborhood Revitalization Plan.
- (vii) In the event of a transfer of ownership of a Parcel during the eligible Rebate period, such Parcel and the new Owner thereof shall remain eligible to apply for the Rebate during the remainder of the time for which such Parcel remains eligible for Rebates.
- (viii) (A) Multiple qualified improvements to the same Parcel completed within one calendar year shall be treated as one improvement.  
(B) In the event of multiple qualified improvements made to the same Parcel in different or succeeding years, which meet the required minimum requirements in any given year, and, therefore, create an additional qualification for and period of eligibility



for a Rebate, the total Rebate in any succeeding year will be calculated and determined after the initial qualified Rebate is determined, and will be based upon the additional increase in the assessed value directly resulting from the succeeding qualified improvement.

(ix) Rebates shall be payable only after Application is made and approved therefor pursuant to Sections 8, 9 and 10 of the Plan. Rebates approved for payment shall be made on that one of the distribution dates provided for in K.S.A. 12-1678a next following approval for payment of the Rebate.

(b) In completing an Application To Qualify And To Participate, the Applicant shall:

(i) If required, secure a building permit prior to filing an Application.

(ii) Prior to commencement of construction, complete all parts of Part I of the Application, sign and date the Application, and file all copies thereof in the office of the County Appraiser.

(iii) Concurrently with filing the Application with the County Appraiser, the Applicant shall pay to the County Appraiser a non-refundable Application Fee, the amount thereof to be determined from the following schedule:

<u>Estimated Improvement Costs</u>	<u>Amount Of Fee</u>
\$ 5,000 - 250,000	\$ 25
\$ 250,000 - 500,000	\$ 35
\$ 500,000 - 1,000,000	\$ 50
\$ 1,000,000 - 5,000,000	\$100
\$ 5,000,000 +	\$150

(iv) Within fifteen (15) working days following filing of the Application, the County Appraiser will take action on the Application and will complete Part II thereof. Immediately following completion of Part

II, the County Appraiser shall deliver a true and correct photocopy of completed Parts I and II of the Application to the Owner by personal delivery or via U.S. Mail, first class, postage prepaid.

- (v) When Parts I and II of the Application are completed, the County Appraiser shall deliver a photocopy thereof to the County Clerk for notification and information purposes.
- (vi) As to any Construction and Improvement which is only partially completed as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the Application, the Owner shall report such fact in person to the County Appraiser and shall complete Part III (a) of the Application. Such report shall be completed within fifteen (15) working days following January 1st.
- (vii) As to any Construction and Improvement which is reported by the Owner pursuant to (vi) above as being only partially completed, the County Appraiser shall view, value and appraise such partially completed Construction and Improvement as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the Application and such partially completed Construction and Improvement shall have taxes levied, assessed, and collected thereon in the usual and customary manner and the same shall not be eligible in the year of such levy and assessment as a partially completed Construction and Improvement for a Rebate under the Plan.
- (viii) Within fifteen (15) working days after any Construction and Improvement is completed, the Owner shall report such fact in person to the County Appraiser and shall complete Part III(b) of the Application.
- (ix) Within fifteen (15) working days after the Owner shall have completed Part III(b) of the Application and filed the same with the County Appraiser, the County Appraiser shall conduct an on-site

inspection of the Construction and Improvement completed on the Parcel of real estate described in the Application and shall determine the actual out-of-pocket expenditures incurred by the Owner in completing such Construction and Improvement and, in addition, the County Appraiser shall determine the increase in the appraised value of the Parcel of real estate described in the Application which is directly attributable to the Construction and Improvement described in Parts I, II and III of the Application, following which, the County Appraiser shall complete Part IV of the Application.

- (x)(A) Within five (5) working days following the County Appraiser's compliance with (ix) next above, the County Appraiser shall deliver a true and correct photocopy of the fully completed Application (i.e. Parts I, II, III, and IV are all completed) to the Owner by personal delivery or via U.S. Mail, first class, postage prepaid.
- (B) In addition to complying with (A) last above, if Part IV is approved by the County Appraiser, the County Appraiser shall also forthwith deliver a true and correct copy of the fully completed, fully approved Application to the County Clerk thereby certifying that the Application and the Construction and Improvement completed pursuant thereto are now qualified to participate in the Rebate program pursuant to the Plan.
- (xi) If the Owner is aggrieved by any act, action or omission by the County Appraiser pursuant to Parts II and/or IV of the Application the Owner, if possible, shall complete such remedial action, as shall be necessary to secure the required approval of the County Appraiser or, if the Owner cannot secure such approval, then the Owner may appeal the County Appraiser's decision to the Board and thence to the District Court using the procedures provided therefor in Section 9(c)(ii)(B) of the Plan as set forth hereinbelow.



- (x) In completing an Application To Qualify And To Participate all actions required under this Section 7(b) shall be made and completed in person by the Owner or the Owner's agent or attorney unless the County Appraiser shall, in writing, authorize the Application to be prepared and filed by the U.S. Mail or by some other alternative method.
- (C) The form attached hereto as Exhibit A and entitled "Application To Qualify And To Participate" is hereby approved and adopted for use in completing an Application pursuant to this Section 7.

8. CONTENT OF APPLICATION FOR REBATE. The content of an Application for Rebate as authorized under K.S.A. 1994 Supp. 12-17118 is as set forth in the document which is attached hereto as Exhibit B and adopted as a part of the Plan by reference.

9. PROCEDURE FOR APPLYING FOR REBATE. The procedure for submission of an Application for Rebate of Property Tax Increments is as follows:

- (a) (i) On each November 1st hereafter, concurrently with the mailing of annual real estate tax statements, the County Treasurer will mail to the Owner of each Parcel of real estate approved for Revitalization pursuant to Paragraph 7 above an Application for Rebate form.
- (ii) Should any approved Owner, for whatsoever reason, fail to receive an Application for Rebate pursuant to (i) above, then such Owner may secure an Application for Rebate form from the County Appraiser's office.
- (b) The Taxpayer will complete the Application for Rebate, with assistance from the County Appraiser and County Clerk where necessary, and, upon completion thereof, shall submit the same to the County Appraiser for his consideration and approval.

(c) (i) Upon the County Appraiser's receipt of a completed Application for Rebate, the County Appraiser shall determine whether or not such Application meets all of the criteria to qualify for a Rebate under paragraphs (7) and (10) of the Plan and the County Appraiser shall thereupon either approve or disapprove payment on the Application for Rebate.

(c) (ii) (A) If the County Appraiser approves the Owner's Application for Rebate, then the Owner shall file such Application with the County Clerk as per (d) next below.

(B) If the County Appraiser disapproves the Application, then the Owner, if possible, shall amend the Application as necessary to secure the approval of County Appraiser and shall thereupon proceed to file the Application with the County Clerk as per (d) next below, or, if the County Appraiser will not approve the Application, then the Owner may appeal the County Appraiser's decision to the Board in the manner provided for the filing of appeals by Taxpayers in K.S.A. 1994 Supp. 79-1606(a) and (b). On the filing of any such appeal, the same shall be heard by the Board prior to the September 1st next following filing of any such appeal. If the Board likewise disapproves such Application, then the Taxpayer may appeal to the District Court in the manner authorized K.S.A. 19-223.

(d) Following the filing of an approved Application for Rebate in the office of the County Clerk, the County Clerk shall thereupon proceed to process such Application as a Claim in the manner authorized and provided in K.S.A. 12-105a and 12-105b.

(e) An Application for Rebate approved for payment as a Claim pursuant to (a) through (d) above shall be paid by the County Treasurer, but such payment shall be made only at the next occurring time

provided for the distribution of taxes by the County Treasurer pursuant to K.S.A. 12-1678a (c) which follows the approval for payment of an Application for Rebate.

- (f) The Application for Rebate provided for in this Section 9 shall be made in person by the Taxpayer or the Taxpayer's agent or attorney unless the County Appraiser shall, in writing, authorize the Application to be prepared and filed via the U.S. Mail or some other alternative method.

10. CRITERIA TO BE USED WHEN CONSIDERING MERIT OF APPLICATIONS FOR REBATE. The standards or criteria to be used when reviewing Applications for Rebate for approval or disapproval thereof are as follows:

- (a) The Parcel must meet all criteria for eligibility as set forth in paragraph 7 above as of the date that the Application for Rebate is filed.
- (b) The Procedure for submission of an Application for Rebate as set forth in paragraph 9 above must have been fully and correctly complied with.
- (c) All ad valorem taxes and all special assessments levied against the Parcel on which the Rebate is sought must have been paid in full prior to filing of the Application for Rebate.
- (d) The Application for Rebate must be filed on or before the July 20th next following the June 20th deadline for the payment of all taxes for which the Rebate is sought.
- (e) In the case of multiple Owners of a property eligible for a Rebate, absent a written agreement providing otherwise, the Rebate will be made payable to all Owners of record.

11. MAXIMUM TAX REBATABLE; YEARS OF ELIGIBILITY. (a) The amount of the Rebate is the resulting increase in the ad valorem tax, if any, which is directly attributable to the Construction and Improvement to the qualified Parcel and to the increase in assessed valuation directly resulting therefrom, in any given year during the period of eligibility, calculated in accordance with the applicable percentage amounts as set forth in the following table:

<u>Years of Eligibility</u>	<u>Percentage of Property Tax Increment Rebatale*</u>
Year 1-3	90%
Year 4	80%
Year 5	70%
Year 6	60%
Year 7	50%
Year 8	40%
Year 9	30%
Year 10	20%

\* Percentage rebatable is of the increase in the amount of ad valorem property tax (tax increment) directly resulting from the qualified Construction and Improvement.

(b) (i) Five percent (5%) of the Increment on any given Parcel, for any given year, shall be retained by Doniphan County for services rendered in connection with administration of the Plan, subject, however, to the condition that a minimum amount of \$10.00 shall be retained per Rebate transaction.

(ii) Property Tax Increment not Rebated to the Taxpayer in accordance with the table set forth in (a) last above or retained by Doniphan County pursuant to (i) last above shall be distributed to the Taxing District for whom the Increment was collected.

(c) A Parcel determined qualified for Rebates shall be entitled to such Rebates in decreasing percentage amounts for a period of ten (10) years provided the property declared qualified shall continuously maintain such qualification.

(d) The full amount of the tax due, including the increase in the ad valorem tax (property tax increment) resulting from the qualified Construction and Improvement shall be paid over to the Neighborhood Revitalization Fund in accordance with the provisions of the NRA to be distributed as provided by law and this Plan.

12. DURATION OF PLAN; CONTINUATION OF REBATES ON QUALIFIED PROPERTY. (a) Unless hereafter repealed prior thereto, this Plan

shall remain in full force and effect for a period of three (3) years from and after January 1, 1996. The Plan may also be extended by the Governing Body for additional periods of time.

(b) At any time during the period that this Plan remains in effect, any Owner of eligible real property may apply for Revitalization of such real property pursuant to paragraph 7 of the Plan.

(c) Unless otherwise provided by any law of the State of Kansas hereafter enacted, any and all real property which shall have qualified for Revitalization and for Rebates prior to the final termination date of the Plan as provided in (a) and (b) above shall continue to be and remain qualified for Rebates pursuant to paragraphs 8, 9, 10, and 11 of the Plan notwithstanding the fact that other real property described in paragraph 1 above which has not theretofore qualified for participation under the Plan will no longer be eligible to do so.

13. DEFINITIONS. (a) When the words "Applicant", "Applicant for Rebate", "Owner" and "Taxpayer", are used and referred to in the Plan, the same, where applicable, include the plural, as well as the singular.

(b) As used in this Plan:

- (i) Applicant means and refers to each and every person filing an Application pursuant to Section 7 and Section 9 of this Plan. Such word also means and refers to "Owner" and "Taxpayer" as defined in this Plan.
- (ii) Application means and refers to each and all Applications which shall be filed pursuant to Section 7 of this Plan.
- (iii) Application for Rebate means and refers to Applications filed pursuant to Sections 8 and 9 of this Plan.
- (iv) Board means and refers to the Board of County Commissioners of Doniphan County, Kansas.
- (v) Construction and Improvement means and refers to rehabilitation of and additions to existing buildings or new construction, or both, which are completed and qualified under the Plan.



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- (vi) County Appraiser means and refers to the County Appraiser of Doniphan County, Kansas.
- (vii) County Clerk means and refers to the County Clerk of Doniphan County, Kansas.
- (viii) County Treasurer means and refers to the County Treasurer of Doniphan County, Kansas.
- (ix) District Court means and refers to the District Court of Doniphan County, Kansas.
- (x) Governing Body means and refers to the Board of County Commissioners of Doniphan County, Kansas.
- (xi) Increment means and refers to that amount of ad valorem taxes collected from the Parcel qualified under the Plan which is in excess of the amount which was produced from such Parcel and was attributable to the assessed valuation of such Parcel prior to the qualification of the Parcel under the Plan and which is directly attributable to that part of the assessed valuation of the Parcel directly resulting from Revitalization of the Parcel under the Plan. The term "Property Tax Increment", where used in the Plan, is synonymous with the word "Increment" as defined herein.
- (xii) NRA means and refers to the Kansas Neighborhood Revitalization Act as set forth in K.S.A. 1994 Supp. 12-17,114 et seq.
- (xiii) Owner means the Owner or Lessor of real estate which is described in an Application and in an Application for Rebate when filed pursuant to the Plan. Owner also means and refers to "Applicant" and "Taxpayer" as defined in this Plan.
- (xiv) Parcel means and refers to the tract or piece or parcel of real estate which is described by County Appraiser parcel number and by legal description in the Application and in the Application For Rebate.
- (xv) Plan means and refers to this Revitalization Plan adopted pursuant to the NRA.

- (xvi) Rebate means and refers to that part of the ad valorem property tax paid by a Taxpayer on a Parcel qualified under the Plan that is attributable to the increase in the assessed valuation of the Parcel which is directly attributable to Revitalization and which is refundable to the Taxpayer by a taxing district which has adopted a plan under the NRA.
- (xvii) Revitalization means and refers to all Construction and Improvement completed on a Parcel which is qualified under the Plan.
- (xviii) Taxpayer means and refers to the Owner of a qualified Parcel who pays the ad valorem property taxes levied and assessed thereon.
- (xix) Taxing District means and refers to the County of Doniphan and any and every other unit of local government within the County of Doniphan which shall have adopted an NRA Plan and for whose use and purposes any Property Tax Increment shall be hereafter levied and collected.

14. AMENDMENT OR REPEAL. (a) This Plan may at any time hereafter, in whole or in part, be amended, supplemented, or repealed using the procedures set forth in subparagraph (b) of this section.

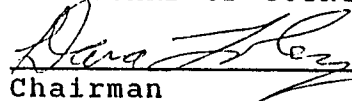
(b) Prior to amending, supplementing, or repealing this Plan, or any part thereof, the Governing Body shall first conduct a public hearing upon the feasibility of any such amendment or repeal after first publishing notice of any such hearing at least once each week for two (2) consecutive weeks in a newspaper of general circulation within Doniphan County. Such notice shall set forth the specific change or changes proposed, or a summary thereof, and shall advise of the time and place at which such proposed supplement, amendment or repeal shall be heard.

APPROVED and ADOPTED by the Board of County Commissioners of Doniphan County, Kansas, on the 20th day of November, 1995.

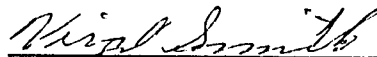
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COUNTY OF DONIPHAN, STATE OF KANSAS

BY: THE BOARD OF COUNTY COMMISSIONERS

  
Chairman

  
Member

  
Member

BEFORE THE COUNTY APPRAISER OF DONIPHAN COUNTY, KANSAS.

IN THE MATTER OF QUALIFICATION OF PARCEL NO. \_\_\_\_\_  
FOR PARTICIPATION IN NEIGHBORHOOD REVITALIZATION PLAN.

APPLICATION TO QUALIFY AND TO PARTICIPATE

PART I

1. OWNER'S NAME \_\_\_\_\_ 2. OWNER'S SOCIAL SECURITY NO: \_\_\_\_\_

3. (a) OWNER'S MAILING ADDRESS: \_\_\_\_\_

(b) OWNER'S DAY PHONE NO. \_\_\_\_\_

4. PROPERTY ADDRESS: \_\_\_\_\_

5. LEGAL DESCRIPTION OF PROPERTY: (Attach separate sheet if more space  
needed) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. APPLICATION FEE: \$ \_\_\_\_\_ 7. BUILDING PERMIT NO: \_\_\_\_\_  
(if applicable)

INTENDED USE AND CLASSIFICATION OF PROPOSED IMPROVEMENT  
(Circle word applicable in 8, 9, 10, 11 below)

- 8. COMMERCIAL; INDUSTRIAL; AGRICULTURAL; RECREATIONAL; OTHER.
- 9. NEW; REHABILITATION.
- 10. RENTAL; OWNER OCCUPIED.
- 11. If residential: Single Family; Multi-family \_\_\_\_\_ No. Units.
- 12. (a) DESCRIBE PROPOSED IMPROVEMENTS: (Also attach drawings with  
dimensions: ) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(b) Buildings to be razed, if any: \_\_\_\_\_

- 13. ESTIMATED DATE CONSTRUCTION TO BE COMMENCED: \_\_\_\_\_
- 14. ESTIMATED DATE CONSTRUCTION TO BE COMPLETED: \_\_\_\_\_
- 15. ESTIMATED COST OF IMPROVEMENTS:
  - \$ \_\_\_\_\_ Materials
  - \$ \_\_\_\_\_ Labor
  - \$ \_\_\_\_\_ TOTAL

16. Applicant agrees and acknowledges that: (a) Applicant has received, read and understands the criteria for qualification and the procedure to be completed to qualify, (b) Applicant will follow all required procedures, (c) Within 15 days after completion, Applicant will report such completion to the County Appraiser, (d) If construction is not completed on the January 1st following approval of this Application, Applicant will report such fact to County Appraiser prior to January 15th next following, (e) Any approval issued pursuant to this Application becomes null and void one year from date of approval if construction not commenced prior to the expiration of such one year period, and (f) If construction is not completed on the second January 1st following County Appraiser's approval under Part II, then such approval becomes null and void and all construction completed, if any, will not be eligible to participate in the Rebate Program.

Under penalty of perjury, I hereby state that all information contained in the above Application is true and correct.

\_\_\_\_\_  
Landowner

**PART II**

COUNTY APPRAISER'S ACTION ON APPLICATION

Subject to meeting the minimum expenditure requirement of \$5,000.00 and meeting the minimum increase in appraised value directly attributable to the improvement requirement of \$5,000.00, the above Application is hereby (Circle word applicable):

CONDITIONALLY APPROVED.

DENIED.

\_\_\_\_\_  
County Appraiser

\_\_\_\_\_  
Date

(completed on other side)



**PART III**

**OWNER'S REPORT(S) OF STATUS OF CONSTRUCTION**

(a) (To be used only if construction not completed on the January 1st first following date of County Appraiser's Approval under Part II)

Construction and Improvement was not completed on the January 1st next following date of County Appraiser's Approval under Part II. Estimated completion date is \_\_\_\_\_.

\_\_\_\_\_ Dated: \_\_\_\_\_  
Owner's Signature

(b) (To be used only when Construction is completed)

All Construction and Improvement described in Application was completed on \_\_\_\_\_.  
(here insert date of completion) Actual out-of-pocket costs incurred in completing such Construction and Improvement were in the total amount of \$ \_\_\_\_\_ and written documents evidencing such expenditures are submitted with this Report.

\_\_\_\_\_ Dated: \_\_\_\_\_  
Owner's Signature

PART IV

COUNTY APPRAISER'S FINAL ACTION ON APPLICATION.

Based upon the Owner's report under Part III (b) above and on an on-site inspection by the undersigned County Appraiser and/or a Deputy County Appraiser of the parcel of real estate described in the Application the County Appraiser FINDS and ORDERS the following final action on the Application:

(a) The Application is finally approved and it is determined that the construction and improvement completed pursuant to the Application involved actual out of pocket expenditures by the Owner of \$\_\_\_\_\_ and an increase in the appraised value of the parcel of real estate described in the Application which is directly attributable to such Construction and Improvement in the amount of \$\_\_\_\_\_.

or

(b) The Application is finally rejected and denied for the following reasons: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ Dated: \_\_\_\_\_  
County Appraiser's Signature