

ORDINANCE NO. ~~#659~~

AN ORDINANCE OF THE CITY OF ROSE HILL, KANSAS (THE "CITY"), AUTHORIZING A PROGRAM FOR REBATES TO HOMEOWNERS OF THE CITY PORTION OF AD VALOREM PROPERTY TAXES PAID ON QUALIFYING NEW HOMES FOR A PERIOD OF UP TO EIGHT YEARS, SUBJECT TO CERTAIN LIMITATIONS, CONDITIONS AND RESTRICTIONS; AUTHORIZING A PROGRAM FOR UTILITY CREDITS; AND AUTHORIZING STAFF TO PREPARE APPROPRIATE APPLICATION FORMS AND AGREEMENTS TO BE EXECUTED BETWEEN THE CITY AND HOMEOWNERS PARTICIPATING IN THE PROGRAM; AND, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SUCH AGREEMENTS ON BEHALF OF THE CITY.

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and

WHEREAS, the Governing Body of the City of Rose Hill, Kansas (the "City"), in furtherance of its objectives to build stronger communities, create jobs and provide a more stable tax base, desires to stimulate new home construction and home ownership within the City's corporate limits; and

WHEREAS, the City recently enacted a Neighborhood Revitalization Plan (NRP), for which certain newly constructed single-family homes were not eligible, and the City wishes to incentivize the continued ownership, marketability and sale of those homes; and

WHEREAS, as a means of stimulating new home ownership, marketability and sales for the newly constructed homes in the City that are not eligible for incentives under the newly-enacted NRP program, the Governing Body of the City finds it necessary and desirable to establish a rebate program to be known as the Rose Hill NRP extension program, which will provide a rebate of the City portion of real property

taxes on eligible properties for a period of up to eight (8) years, subject to certain limitations, conditions and restrictions, as well as utility credits as set forth herein.

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

Section 1. Economic Development. The Governing Body of the City hereby finds and determines that the Rose Hill NRP extension program will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens.

Section 2. Authorization of the Rose Hill NRP extension program. Pursuant to the authority of Article 12, Section 5 of the Kansas Constitution, the Governing Body of the City hereby authorizes and establishes the Rose Hill NRP extension program, which will provide for a rebate of the City portion of real property taxes on eligible properties for a period of up to eight (8) years, subject to certain limitations, conditions and restrictions as hereinafter described. The Plan will also provide for utility credits during the same time period.

Section 3. Eligibility to Apply for Program. Home owners of record may apply for Rose Hill NRP extension program rebates and utility credits on the following single-family homes:

- 260 W. Sunrise Circle
- 261 W. Sunrise Circle
- 1360 N. Countrywalk Ct.
- 1130 N. Countrywalk Ct.

*The legal descriptions for these properties are attached hereto on ***Exhibit A.***

The application will be accepted only if the property, and the applicant, satisfy the following eligibility criteria:

- a) Maximum value: Rebate of taxes on additional new value beyond \$275,000 for all improvements to a property is not permitted in this program.
- b) All existing and new existing improvements on the subject property must conform to all City codes and regulations in effect at the time the application is submitted.
- c) City Staff shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein. If any applicant is dissatisfied with City Staff's decision, a written appeal may be submitted to the City Council for final determination.
- d) All special assessment and general tax obligations on the property for which application is made must have been paid current as of the date of the application.
- e) The property is eligible for the City of Rose Hill NRP program only as it pertains to additional new construction at time of NRP application as determined by the City Administrator.
- f) As part of the application process, the applicant(s) must furnish a properly completed Form W-9 and must enter into a Program Agreement to be developed by City staff, which will include an agreement that all taxes and special assessments will be paid when due during the period the property is covered by the Rose Hill NRP extension program, that the owners will comply with all conditions, limitations and restrictions of the Plan as set forth in the agreement and this

Ordinance, and that the owners will not appeal the valuation of the property or seek refunds of tax for periods for which rebates have been paid.

Section 4. Applications and Application Period. Application for participation in the Rose Hill NRP extension program shall be made on forms to be developed by City staff, and applications will be received from and after publication of this Ordinance through December 31, 2017.

Section 5. Rebates. Once an application is approved for an eligible property, and the owner(s) have entered into the Program Agreement with the City, the City, subject to the limitations and restrictions of the Kansas Cash Basis and Budget Laws and the further conditions, limitations and restrictions referenced in Section 7, below, will issue a rebate payment to the property owner(s) on or about July 1 of each year, continuing for a period of eight (8) years (the "Tax Rebate Period"), which payment shall be in the amount of the City share (as determined by the Butler County Treasurer) of general ad valorem property taxes which the applicant owner(s) or a predecessor in title actually paid or caused to be paid on the property the preceding December and May.

Section 6. Utility Credits. Once an application is approved for an eligible property, and the owner(s) have entered into the Program Agreement with the City, the City, subject to the limitations and restrictions of the Kansas Cash Basis and Budget Laws and the further conditions, limitations and restrictions referenced in Section 7, below, will issue a utility credit, continuing for a period of eight (8) years (the "Utility Credit Period"), up to the following amounts for the following properties:

- 260 W. Sunrise Circle - \$1,050.38

- 261 W. Sunrise Circle - \$972.00
- 1360 N. Countrywalk Ct. - \$1,645.00
- 1130 N. Countrywalk Ct. - \$1,645.00

This utility credit shall not be carried forward or accrued. This annual credit will be credited to the eligible properties' utility bills on or about July 1 of each year of the program.

Section 7. Early Termination of the Rebate Periods. The Tax Rebate Period and Utility Credit Period shall be terminated early, and a property removed from further participation in the Rose Hill NRP extension program, with no payments to be made by the City thereafter, in the event that the owners of the property: a) cease to occupy the property as a residence; b) fail to make (or cause to be made) timely payment of all special assessment obligations, general taxes relating to the property, and utility bills above the utility credit, as and when the same are due; c) appeal the valuation of the property or seek refund of any tax for which tax rebate payments have been made; or, d) fail to comply with any other obligation or condition of the Program Agreement. Provided, however, that a property will not be removed from participation in the Plan due to events described in subsections 7. b) or 7. d), unless the property owner fails to cure a delinquent payment or other event noncompliance with the Program Agreement for a period of thirty days following written notice mailed by the City.

Section 8. Authorization of Program Agreement. City staff are authorized and directed to develop a form of Program Agreement consistent with the requirements, conditions, limitations and restrictions of this Ordinance, and the City

Administrator is hereby authorized to execute and deliver such Program Agreements with home owners whose applications have been approved, on behalf of the City.

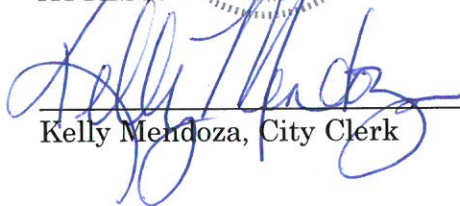
Section 9. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such further actions as may be from time to time necessary for administration of the Rose Hill NRP extension program and to carry out and give effect to the transactions contemplated by this Ordinance.

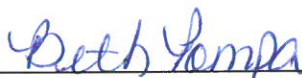
Section 10. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Rose Hill, Kansas, and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Rose Hill, Kansas this 1st day of May, 2017.



ATTEST:


Kelly Mendoza, City Clerk


Beth Pompa, Mayor