

CITY OF ROSE HILL

NEIGHBORHOOD

REVITALIZATION PLAN

Adopted: January 1, 2023

Expires: December 31, 2027

ADOPTED by Attorney General Office: Nov 14, 2022

CITY OF ROSE HILL, KANSAS  
NEIGHBORHOOD REVITALIZATION PLAN

PURPOSE

This City of Rose Hill, Kansas Neighborhood Revitalization Plan (the "Plan") shall take effect on January 1, 2023 and is intended to promote the revitalization and development of certain areas within the City of Rose Hill, Kansas (the "City") in order to protect the public health, safety, and welfare of the residents of the City. More specifically, through the Plan the City, Butler County, USD No. 394, and Butler Community College, to the extent the same participate and adopt the Plan, offer property tax rebates for certain improvements or renovation of property within the designated areas in accordance with the provisions of K.S.A. 12-17,114 et seq. (the "Act").

NEIGHBORHOOD REVITALIZATION AREA

The City's Neighborhood Revitalization District (the "District") includes those areas depicted on the Area map included as Exhibit A to this Plan and legally described in Exhibit B & B2 to this Plan. The map included as Exhibit C to this Plan contains the zoning classifications and existing and proposed land uses for all areas within the District, all as of the adoption of this Plan. Exhibit D to this Plan contains the names and addresses of all property owners within the District as of the adoption of this Plan.

The appraised valuation of the real estate contained in the Neighborhood Revitalization District is available at the Butler County Courthouse at 205 West Central El Dorado, KS 67042 and via the Butler County, Kansas web site at [www.bucoks.com/index.aspx?nid=159](http://www.bucoks.com/index.aspx?nid=159).

Subject to the terms and conditions of the Act and this Plan, the owner of property and improvements participating in the Plan may receive a rebate of a portion of the incremental increase in real property taxes resulting from any increased appraised property valuation from the approved improvements.

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- I. Subject to the requirements of this Plan, all real property improvements (including rehabilitations<sup>1</sup>, alterations and additions to any existing structures and construction of new structures) within the District are eligible for participation in the Plan. This includes commercial properties as well as single family homes and multi-family homes.
- II. Subject to the requirements of this Plan, improvements to "dilapidated structures", as defined in the Act, which are outside of the District are eligible for participation in the Plan upon approval by the City Council. "Dilapidated structures" include any building which is at least 25 years old and "which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is

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<sup>1</sup> Projects that are more likely to increase a structure's appraised value include additions and major renovations etc. Projects such as painting and carpet, windows, siding, are eligible, but may not result in much, if any, increase in value (and consequently, little if any tax rebate).

otherwise in a condition detrimental to the health, safety or welfare of its inhabitants", or "which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation."

- III. City Staff will use the following criteria to determine eligibility for participation in the Plan and property tax rebates:
- i Construction of improvements must begin on or after the application date. No applications will be accepted for completed or under-construction improvements.
  - ii Minimum value: Improvements in Area B/Two must have a value of at least \$50,000 based upon building permit value; improvements in Area A/One must have a value of at least \$ 10,000 based upon building permit value.
  - iii Maximum value: Rebate of taxes on additional new value beyond \$275,000 for all improvements to a property is not permitted in this program.
  - iv Upon completion, all existing and new existing improvements on the subject property must conform to all City codes and regulations in effect at the time the improvements are made. Building permits must be approved before commencement of construction. Only one building permit will be required for each application and will be available at no charge.
  - v City and County Staff shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein and in the Act. If any applicant is dissatisfied with City Staffs decision, a written appeal may be submitted to the City Council for final determination. If any applicant is dissatisfied with County Staffs decision, a written appeal may be submitted to the Butler County Board of Commissioners.
  - vi A property may only participate in one tax incentive program at a time. For example, improvements constructed in a tax increment finance district or with the proceeds of industrial revenue bonds are not eligible for participation in the Plan.

### APPLICATION PROCEDURE

Prior to filing an application for a tax rebate, the following steps must be taken:

- A. Application Forms: The application form is included as Exhibit E to this Plan.
- B. COMPLETE PART I: Prior to the commencement of construction on any improvement or new construction, the property owner must complete and submit to the City Building Official, Part I of the application together with a nonrefundable \$25.00 application fee payable to the City.

- C. Preliminary Approval and County Inspection: The City will forward the application to the County after certifying the application, property, and proposed improvements meet the requirements of this Plan and the Act. The County Appraiser's office will return a copy of Part I to the City within fifteen (15) working days indicating approval or denial of participation in the Plan. The City then will send notice of approval or denial to the applicant either by forwarding the County letter to the applicant or some other means.
- D. Notice of Final Approval and Procedure Construction: Upon approval, the City Clerk will forward a copy of Part I to the City Building Inspector for notification and information purposes. The County Appraiser will forward a copy of the application to the County Clerk for monitoring purposes. Note: Commencing construction prior to receiving this notice from the City will cause the property and improvements to be ruled ineligible for participation.
- E. COMPLETE PART II: If construction of the improvements has not been completed by January 1 of any year, the property owner must complete and submit to the City Building Official, Part II of the application by January 15 of the same year.
- F. The owner will have a maximum of one year to complete the improvements. Applicants are not allowed to phase-in improvements and a property may only have one active rebate at a time.
- G. COMPLETE PART III: Immediately upon completion of the improvements, but no later than November 1 of the year in which the improvements are completed, the property owner shall file Part III of the application with the City Building Official. Upon receipt of Part III, and no later than November 30, the City Building Official's Office will conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) to confirm completion, confirm compliance with all applicable building codes and regulations, and issue any occupancy permits. The City Building Official may deny the property and improvements participation in the Plan for any violation of applicable building codes or regulations or failure to qualify for an occupancy permit. The County Appraiser must receive Part III prior to December 1.
- H. New Valuation: After confirmation of completion by City Building Official 's Office, the completed application will be forwarded to the County, certifying the property and improvements are in compliance with the eligibility requirements for the Plan. In accordance with its procedures, the County Appraiser will report the new valuation to the County Clerk by June 1.

## FURTHER TERMS AND CONDITIONS

- A. Applicants may not "phase-in" improvements. Additional increases in valuation to the property shall not be considered in the rebate calculation after the original improvement value is established by the County Appraiser. Construction must be on one parcel at one time. Parcels are determined by CAMA Number.
- B. All current and future rebates will be immediately forfeited with respect to any property for which payment to Butler County of any real estate tax, including special assessments, becomes delinquent; however, such rebates may be reinstated, at the City's sole discretion, upon full payment of such taxes and assessments; provided further, rebates may only be reinstated one time during the property's participation in the Plan. No rebates shall be reinstated if the property was disqualified from the City's previous neighborhood revitalization plan or has previously been allowed back into this Plan after being delinquent on taxes or assessments.
- C. If the property that has been approved for a tax rebate is sold, the rebate remains in effect and will transfer to the new property owner. Only owners are eligible for tax rebates.
- D. Upon timely payment in full of all real estate tax and special assessments for the property, a rebate of the taxes related to the valuation improvement (less a 5% administrative fee) will be made to the property owner within 45 days of the tax due date. Butler County will issue the rebate checks to the individual taxpayers.
- E. Participating Plan property owners that disagree with their property's valuation may protest the property's value by hearing after valuation notices are sent each Spring. Payments made "under protest" will not be accepted after a participating property's taxes have been calculated. No rebate will be provided for any property with open valuation and/or classification appeals until all disputes have been fully litigated.

## REBATE FORMULA

**Program Period:** This Plan will terminate on December 31, 2027, unless terminated sooner by State action or extended by the parties to the interlocal cooperation agreement.

**Rebate Period:**

Rebates granted under this Plan for improvements in Area A/One will be in effect for:

- (i) 10 years for rehabilitations, alterations, or additions.
- (ii) 10 years for new construction on a vacant lot (if demolishing an existing structure, rebate can be maximized by leaving the lot vacant until the next regular appraisal in January).

Rebates granted under this Plan for improvements in Area B/Two will be in effect for:

- (i) 5 years for rehabilitations, alterations, or additions.
- (ii) 5 years for new construction on a vacant lot (if demolishing an existing structure, rebate can be maximized by leaving the lot vacant until the next regular appraisal in January).

**Rebate Amount:** Rebates granted under this Plan shall be calculated as:

- (i) 95% of the property tax corresponding to the increase in appraised value (on building only, not land) resulting from new construction as identified on the application. The increase in appraised value will not necessarily match the construction cost shown on the building permit.<sup>2</sup>
- (ii) 95% of the property tax corresponding to the increase in appraised value (on building only) resulting from rehabilitation/repair as identified on the application. The increase in appraised value will not necessarily match the construction cost shown on the building permit.

The 95% rebate is applied to the annual appraised value of the property, which may fluctuate with market conditions. Under no circumstances will the appraised value eligible for rebate on any property exceed the base value of the original increase of improvement.

Five percent (5%) of the tax corresponding to the increase in appraised value will be retained by the Butler County Clerk's Office to cover administrative costs that include data entry, database management, software licensing and updates, and rebate calculation and processing.

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<sup>2</sup> Projects that are more likely to increase a structure's appraised value include additions and major renovations etc.

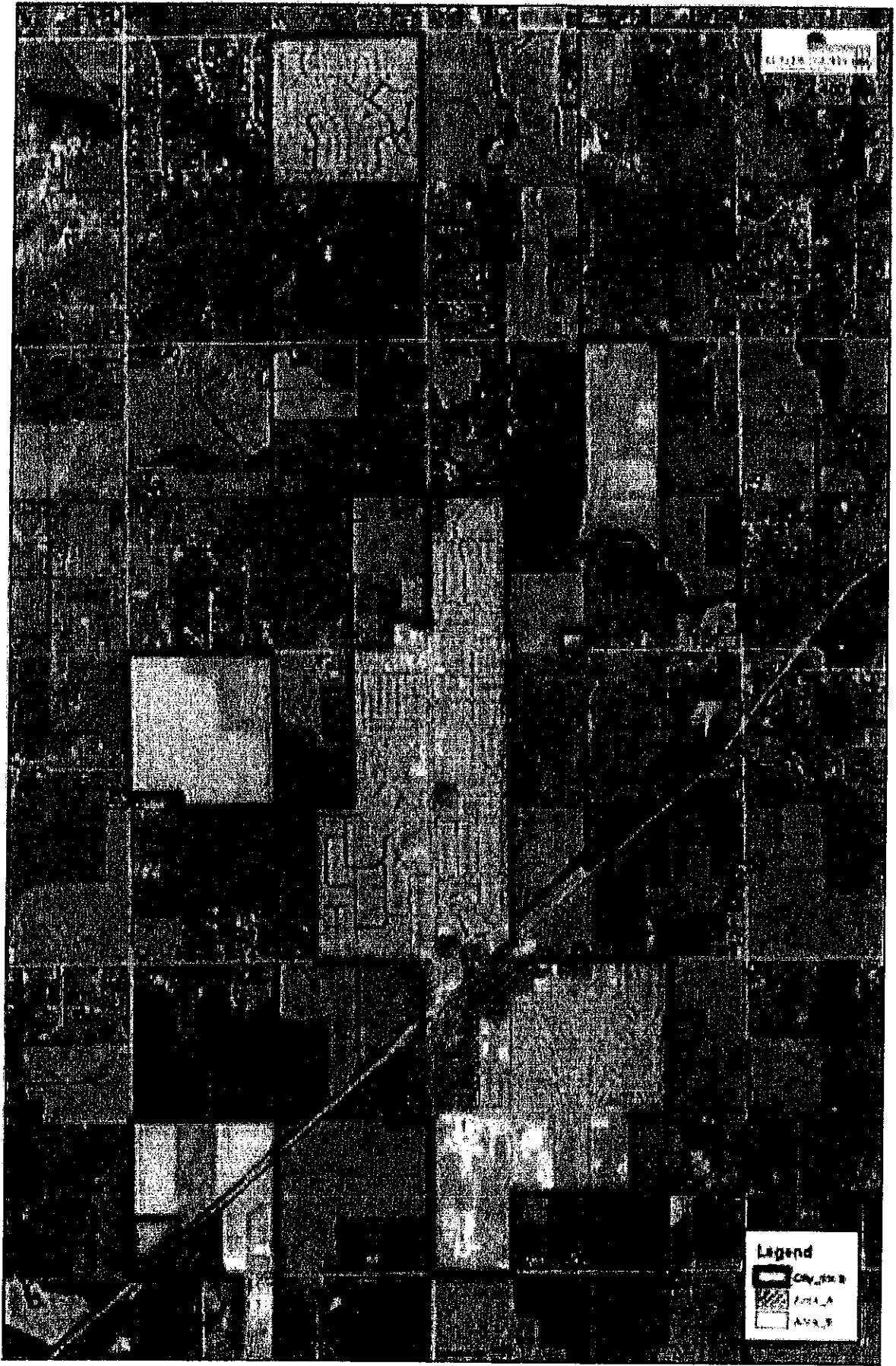
<sup>3</sup> Projects that are more likely to increase a structure's appraised value include additions and major renovations etc.

Exhibit A

NEIGHBORHOOD REVITALIZATION DISTRICT MAP

The current Neighborhood Revitalization District map is available at the Rose Hill City Hall located at 125 W. Rosewood, Rose Hill, KS 67133. The current Neighborhood Revitalization District map is also available online at <https://cityofrosehill.com/rose-hill-neighborhood-revitalization-plan>.

See Next Page.



City, 1948  
Area A  
Area B

**Legend**  
City, 1948  
Area A  
Area B



## AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") entered into as of the 13<sup>th</sup> day of July, 2022, by and between the City of Rose Hill, a duly organized municipal corporation (hereinafter referred to as "City"), Board of Butler County Commissioners of Butler County, Kansas, ( hereinafter referred to as "Butler County"), Unified School District #394 (hereinafter referred to as "USD 394"), and Butler Community College (hereinafter referred to as "BCC"). The parties to this Agreement shall be referred to as the "Public Agencies".

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development;

WHEREAS, the agreement shall be submitted, pursuant to law, to the Attorney General of the State of Kansas for determination whether the agreement is in proper form and compatible with the laws of the State of Kansas;

WHEREAS, all parties are pursuant to K.S.A. 12-2903 public agencies, capable of entering into interlocal agreements;

WHEREAS, K.S.A. 12-17, 114 et. seq. (Kansas Neighborhood Revitalization Act ("KNRA")) provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in K.S.A. 12-17,114 et. seq. by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to consider and adopt a neighborhood revitalization plan in substantially the same form and content as Exhibit A, attached hereto and incorporated by reference as if fully set forth herein. If any provision of this Agreement shall be held to be inoperative or unenforceable as applied in any particular case or to any particular participating Public Agencies, or in all cases because it conflicts with any other provision or any other constitution or statute, or for any other such reason, such circumstances shall not render the provision in question inoperative or unenforceable in any other case or circumstance or render any other provision invalid, inoperative, or unenforceable to any extent. The effect and meaning of this Agreement, and the plan and the rights of all Public Agencies shall be governed by and construed according to the laws of the State of Kansas.

2. The purpose of this agreement is to join and cooperate in exercising the powers and duties authorized by K.S.A. 12-17,114 et seq., the Kansas Neighborhood Revitalization Act.

3. The parties further agree that Butler County shall administer the neighborhood revitalization plan as adopted by each party on behalf of the signatory parties. The parties acknowledge and agree that five (5) percent of the increment, as defined in K.S.A. 12-17, 115(e), shall be utilized to pay for administrative costs in implementing and administering the plan, with the five (5) percent being utilized by Butler County, all as described in the neighborhood revitalization plan.

4. Butler County shall create a neighborhood revitalization fund pursuant to K.S.A. 12-17,118 for the purpose of financing the redevelopment and to provide rebates. Any increment in property taxes received by Butler County, USD 394, City and BCC resulting from qualified improvements to property pursuant to the neighborhood revitalization plan shall be credited to the neighborhood revitalization fund.

5. This Agreement shall expire December 31, 2027. The parties agree to undertake review of the neighborhood revitalization plan commencing on January 1, 2023, to determine continuation of a neighborhood revitalization plan and participation in a new interlocal agreement.

6. This Agreement shall be executed in several counterparts, all of which together shall constitute one original agreement.

7. The parties further agree that any party may terminate this Agreement by providing 90 days' notice in writing to the other parties. Provided, however, that any application for tax rebate submitted prior to the effective date of the termination shall, if approved, be considered eligible for the duration of the rebate period.

8. Prior to its entry into force, this Agreement shall be filed with the register of deeds of Butler County and with the secretary of state.

IN WITNESS, WHEREOF, the Public Agencies have caused this Agreement to be duly executed by their respective appropriate representatives.

[APPROVALS ON FOLLOWING PAGES]

City of Rose Hill, Kansas

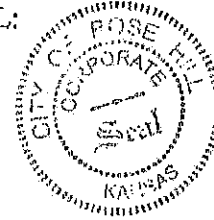
*[Handwritten Signature]*  
Mayor

7/18/22  
Date

ATTEST:

SEAL:

*[Handwritten Signature]*  
City Clerk



Butler County

*Kelly Hoyt*  
Chairman

Board of County Commissioners, Butler County, Kansas

7-19-22

Date

ATTEST:

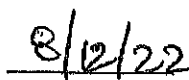
SEAL:

*Chatum Stafford*  
County Clerk



Butler County Community  
College

  
Board Chair

  
Date

ATTEST:

  
Clerk

Unified School District No. 394

Hartz Wells  
President


8/10/2022  
Date

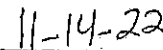
ATTEST:

J. Kocher  
Clerk

APPROVED AS TO FORM:

Office of the Attorney General  
Derek Schmidt

  
\_\_\_\_\_  
Richard D. Smith  
Assistant Attorney General

  
\_\_\_\_\_  
Date



GENERAL DERRICK SCHMIDT

MEMORIAL HILL

20 S. WORTH AVE. 2ND FLOOR  
TOPEKA, KS 66604-3153

REQUESTED

PRESORT  
FIRST CLASS



ZIP 64108 \$001.03<sup>5</sup>  
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0000343259 NOV. 15. 2022

Richard A. Samaniego, City Attorney  
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Wichita, KS 67202-4813

Received

NOV 15 2022

Gibson Watson Marino, LLC

66604-3153

MEMORIAL HILL

