



CITY OF EMPORIA

**NEIGHBORHOOD REVITALIZATION
PLAN**

TO BE ADOPTED

SEPTEMBER 1, 1997

**CITY OF EMPORIA, KANSAS
NEIGHBORHOOD REVITALIZATION PLAN**

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CITY OF EMPORIA, KANSAS NEIGHBORHOOD REVITALIZATION PLAN

I. Neighborhood Revitalization Area

A. Introduction, purpose and finding.

This plan is intended to promote the revitalization and development of certain areas within the City of Emporia by promoting the rehabilitation, conservation, and redevelopment of areas in order to protect the public health, safety, and welfare of the residents of the City. More specifically, certain incentives will be used for the acquisition and/or removal of uninhabitable structures; and a tax rebate incentive will be available for certain improvements or renovations within this area.

The plan is required by state statute in order to create an incremental tax rebate program intended to encourage both reinvestment and improvement of a blighted, declining urban area of the community. The components of the plan include establishing the neighborhood by district boundaries, examination of the current condition of the neighborhood, identifying the City's near term and long range proposals for public improvements in the neighborhood, and establishing local eligibility criteria and application procedures for the tax rebate program.

The purpose of the Neighborhood Revitalization Plan is to improve the overall appearance of the community, to restore neighborhood pride, to better the quality of life for residents and to create a sense of public equity by encouraging reinvestment in a distressed area which will stabilize a declining tax base and, at the end of the rebate period, will result in enhanced property values.

The governing body of the City of Emporia, Kansas does determine the Neighborhood Revitalization Area is hereinafter defined as an area that meets all three conditions as described in Subsection(c) of K.S.A. 1996 Supp 12-17, 115 (Attachment #1) and does further determine the rehabilitation, conservation and redevelopment of said area is necessary to protect the public health, safety and welfare of the residents of the Neighborhood Revitalization Area and the municipality as a whole.

B. District Boundaries

The boundaries of the Neighborhood Revitalization District shall be Census Tract 001, Block Group 500 and 600; Census Tract 004, Block Group 300 and 400; and Census Tract 005, Block Group 200 and 300 as established by the US Census Bureau for the 1990 census (See Attachment #2). Information from the 1990 census indicates that the percentage of low income residents in the selected Block Groups varies from 59% to 74% with very low income resident's percentages from 29% to 52%.

The area is bounded on the North by 12th Avenue from West Street to Whittier Street; from 12th Avenue to 6th Avenue on Whittier Street; from Whittier to East Street on 6th Avenue; from 6th Avenue to South Avenue on East Street; from East Street to Exchange Street on South Avenue; from South Avenue to Kansas Avenue on Exchange Street; from Exchange Street to Neosho Street on Kansas Avenue; from Kansas Avenue to 3rd Avenue on Neosho Street; from Neosho Street to West Street on 3rd Avenue; and from 3rd Avenue to 12th Avenue on West Street. A map depicting the parcels of real estate is attached and hereby incorporated into the plan. (See Attachment #2)

The adjacent property owners on both sides of any named street shall be eligible for consideration in the improvement tax rebate program created for and by the Neighborhood Revitalization Plan and the boundary is therefore defined as one lot or parcel on the opposing side of the district boundary street. A legal description of the real estate forming the boundaries of the area is attached and incorporated by reference. (See Attachment #3)

An index to ownership of the real estate within the boundary is attached and incorporated by reference. The index includes the assessed value of the land and buildings separately and names and addresses of the owners of record of the properties. (See Attachment #4)

The zoning classifications within the district boundaries include: single family residential, two family residential, three and four family residential, multi-family residential, general commercial, central business, neighborhood shopping, restricted general commercial, light industry and heavy industry. (See Attachment # 5) No changes in zoning classifications are proposed for this plan.

The eastern portion of the target area houses the majority of the City's Black population and the southern portion houses a higher population of

Hispanics. However, there is a cultural mix throughout the area that includes all races.

C. District Data

Census Tract 001, Block Group 500 and 600; Census Tract 004, Block Group 300 and 400; and Census Tract 005, Block Group 200 and 300 exhibit blight, blighting influences and houses a concentration of very low and extremely low income persons/families.

Census Tracts 001, 004 and 005 also include the central business district. The City's Mainstreet Program application identified the most visible problems as poor maintenance, repeated alterations to buildings and streetscapes, evidence of deterioration and neglect to many upper stories of buildings which have been poorly covered over or left in view, and various styles of signs, awnings and streetlight fixtures which add chaotic clutter to the downtown image.

Emporia's business district has evolved over the last century. The Mainstreet Program encourages business owners to examine each building individually in an effort to enhance the building's historic integrity. By coordinating improvements, individual merchants are able to retain their individual identities while strengthening the image of downtown as a whole. The Main Street Program has also developed an improvement plan through the Intermodal Surface Transportation Efficiency Act. Main Street is waiting for Federal approval of the plan. The plan includes landscaping and replacing street light fixtures with a classic turn of the century design to beautify the downtown area.

D. Current Conditions of the Neighborhood

The northern boundary of the neighborhood revitalization area is Emporia State University. The housing in this area has a high concentration of single family homes that have been divided into apartment units. Many of these apartment units are substandard and need a great deal of repair. This need of repair coupled with the high concentration of multi-family dwellings has created an area where property values have not increased to their full potential. A number of single family homes in the area have received major repairs and improvements over the last several years, but the improvements to the single units are dwarfed by the lack of repair to the larger multi-family

units. This is especially unfortunate when homeowners have put much effort into detailed restoration of the Victorian style homes in the neighborhood.

There has been an increase in demolition of the substandard units surrounding the college. The demolition has left a number of vacant lots which could be used for new single or multi-family units. There are 9 homes in the target area which are considered uninhabitable and have been placed on the City's demolition list. The City also has 18 homes that may be placed on the demolition list and 24 vacant lots where demolition has been completed.

One of the main goals of implementing this Neighborhood Revitalization Program is to encourage demolition of condemned properties and infill with new units. The current market value of a new home constructed in the target area would not be high enough to encourage builders and developers to chose infill projects over building in new housing developments. When this tax rebate program goes into effect, it will help make demolition and infill projects financially more attractive. The owner of the new home will not only get the tax rebate, they will also avoid special assessments necessary for development of new housing areas. Financially, it also makes better sense for the City to encourage building in areas where the infrastructure for City services is already in place.

Emporia currently has a total of 14 properties listed on Federal or State Historic Registers. Ten of those commercial and residential properties are in the target area. Some of the properties have already undergone extensive repair and restoration and others are in progress. In particular, the Fox Granada Theater restoration has been in progress for several years. The restoration has been an effort of a volunteer group which was formed specifically for that purpose. The Theater is located at 809 Commercial Street in Emporia's central business district and will benefit from being included in the target area and from the positive effects of improvements in surrounding properties.

Other historic register properties in the target area include:

- William Allen White home at 927 Exchange, which was the home of Emporia's most famous resident and is open for historical tours.
- Kress Building at 702 Commercial, which is a commercial building restored in approximately 1983.

- Plumb House at 224 East 6th Avenue, which is now a rooming house for single women.
- Carnegie Library which is located at 118 East 6th and now serves the community as a history museum.
- Santa Fe Depot at 301 Neosho, which is currently vacant
- Private residences at 827 Mechanic, and 831 Constitution, 606 West 12th Avenue, and 927 State Street which have undergone detailed renovation of their Victorian style design.

Other large Victorian style homes in the target area have been restored for use as a "Bed and Breakfast." The proximity of the "Bed and Breakfast" properties to the Downtown Business District, Government Offices, and Emporia State University makes this type of development desirable.

The entire Emporia Main Street project area is included in the target area for Emporia's Neighborhood Revitalization Plan. Working in conjunction with the Main Street Program should help us use the Neighborhood Revitalization Plan to its full potential. The demolition of the Mit-Way Hotel occurred in the center of the downtown business district several years ago. The lot is often referred to as Emporia's "missing front tooth" due to its location and the fact that it has been left vacant for a number of years. Filling this vacant lot with an architecturally compatible commercial property is one of the main goals hoped to be accomplished within the first year of implementation of this revitalization program.

E. Capitol Improvements Planned for the Area

The City has funds approved and is beginning replacement of a water main which runs along 12th Avenue, from Merchant Street to East Street. This water main replacement is along the north boundary of the target area. Other water line improvements are Congress Street, from 2nd Avenue to 4th Avenue and 10th Avenue, from Merchant to Constitution.

A sanitary sewer improvement is planned on Kansas Avenue, from Market Street to Union Street. Storm sewer improvements are planned for 7th Avenue, from Rural Street to West Street, 10th Avenue from Merchant to Constitution and Rural Street, from 10th Avenue to 11th Avenue.

The intersection of 12th Avenue and Merchant will be changed to straighten Merchant Street and improve the traffic flow in the area. The City plans to have this project completed in 1998.

The Street Department overlay projects planned for the target area include Second Avenue, from Market to Cottonwood and Sylvan to East Street; West Street, from 6th Avenue to 12th Avenue; and Commercial Street, from 6th Avenue to 12th Avenue.

To preserve our community's heritage, the City has implemented a brick street replacement program. The brick streets have already been replaced on Union Street, from 6th Avenue to 10th Avenue and 10th Avenue, from Union to Exchange. The next brick street project will be 9th Avenue from Union to Exchange. Sidewalks are being replaced along Union Street in conjunction with the brick street replacement areas.

The City continues to work through a hazardous sidewalk repair program that is available for sidewalk repair and replacement throughout the planned target area. The repair and replacement program includes curb cuts for handicap accessibility. The majority of downtown sidewalks already have replaced curbs with ramps for greater accessibility, and the hazardous sidewalk program is being used to extend those accessibility improvements into the neighboring residential areas.

Sidewalks are also planned for the perimeter of Peter Pan Park which borders the target area on the South.

II. Criteria for Determination of Eligibility

- A.** Application period for this program will be August 1, 1997 to July 31, 1999.
- B.** Construction of an improvement must have begun on or after August 1, 1997, the date of designation of the neighborhood revitalization area by the City.
- C.** An application for rebate must be filed within thirty (30) days of the issuance of a building permit.
- D.** The minimum cost of the proposed project must be at least \$5,000 for a single residential property and \$10,000 for multi-family residential and commercial properties.

- E. Improvements must conform with Emporia's Comprehensive Land Use Plan and Zoning Ordinance in effect at the time the improvements are made.
- F. The new, as well as existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made and for the length of the rebate or the rebate may be terminated.
- G. A property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all taxes and special assessments have been paid.
- H. Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Emporia's existing tax abatement program pursuant to Article 11, Section 13 of the Kansas Constitution may only submit one application per project to the City for a tax incentive.
- I. Renovation of any property listed on a national or Kansas historical register at the time of application to participate in the program, will qualify for 100% rebate of the incremental increase. Evidence of listing on the historic register must accompany the application.

III. Rebate

- A. The property owner must apply for the rebate prior to starting any improvements and within 30 days of receipt of a building permit for the improvements. The Property owner is responsible for contacting the County Appraiser upon completion of improvements as described in the application for the rebate.
- B. Property improvements which increase total property appraised value, upon and after successful application, shall be deemed eligible for a rebate of the ad valorem taxes generated by the incremental value added to the property's tax prior to improvements. Eligibility for the rebate will be determined by the Human Relations Coordinator based on the criteria and standards set forth in this Neighborhood Revitalization Plan.
- C. The rebates hereinafter described shall be calculated by subtracting the "before" assessed property value as determined by the county appraiser on

the most recent regular valuation, from the value ascribed by the appraiser after the improvements are completed. The difference shall be multiplied by the combined mill levy of Lyon County, USD 253 and The City of Emporia which will establish the amount of rebate. The rebate may be calculated by applying a factor to the property taxes levied. The factor shall be calculated as follows:

$$\begin{array}{ll}
 & \text{Assessed value after improvements} \\
 (\text{minus}) & \text{Assessed value before improvements} \\
 (\text{equals}) & \text{Increase in \$ value due to improvements}
 \end{array}$$

This dollar value will be multiplied by the combined mill levy of Lyon County, USD 253 and The City of Emporia to determine additional taxes due to improvements which will be dispersed in accordance with item III-D, below. The initial dollar amount difference will be used each year to calculate the rebate for the 10 year period.

Within thirty (30) days of distribution of tax funds by the County, a rebate check will be issued to the property owner for the calculated amount. Submission of proof of payment of the property tax bill as receipted by the County Treasurer should be sent to the Human Relations Coordinator by December 31 and/or June 30, for any year the rebate is to be paid.

- D. The tax rebate as calculated in paragraph C, shall be distributed at the following percents:

PROPERTY TYPE	PARTICIPANT'S REBATE	COUNTY HANDLING COSTS
Single Family Residence	95% for 7 years 50% for 3 years	5% for 10 years
Multi-Family Residence	95% for 5 years 50% for 5 years	5% for 10 years
Commercial	95% for 5 years 50% for 5 years	5% for 10 years
Historical Register	100% for 10 years	none

Each year the property is in the rebate program, 5% (subject to a \$20.00 minimum annually) of the tax increment rebate of the improvements is retained by Lyon County to offset expenses and handling costs of this Neighborhood Revitalization Program. Those properties listed on the State or Federal Historical Register will not pay the 5% County handling costs.

E. Application for rebates will be terminated if K.S.A. 12-17,114-120 is repealed.

F. The responsibilities of the signatory agencies are as follows.

(1) USD 253 - none.

(2) County - appraising properties after completion of the project upon notice by the property owner, notifying the City of Emporia Human Relations Coordinator of the change in the assessed value, calculating the rebate, preparing and mailing the rebate checks, notifying the City of Emporia Human Relations Coordinator of the rebate amount and the date the rebate checks are sent.

(3) City of Emporia - as previously outlined in this plan.

G. (1) Revitalization shall be any construction of new buildings, any rehabilitation or extensions or additions to existing buildings, any replacement of existing garages, or any improvements to landscaping and grounds including walkways, curb & gutter, driveways and off street parking areas. However, existing garages, carports landscaping, and out buildings are not eligible for rebate unless upgraded as part of an approved plan to improve the primary structure on the property.

(2) Determination by the Human Relations Coordinator of eligible revitalization projects, or the scope of such projects, may be limited by or may be considered in relation to other City improvement and tax incentives available or already instituted for the property, such as tax abatement or tax increment financing. Any disputed decision at the staff level may be appealed to the governing body by contacting the City Manager's Office at 522 Mechanic, Emporia, Kansas 66801, Phone 316-342-5105.

- H. The project must be completed within one year following acceptance into this program to qualify for the tax rebates. If there is a valid reason the project cannot be completed within a year, an extension may be granted by the City Manager. Determination of compliance with timing requirement will be made by the Housing Specialist.
- I. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate amount shall be applied to any change in the mill levy during subsequent years. The rebate will be calculated annually.
- J. Rebates will be transferred with title to new owners upon notice to the Human Relations Coordinator, but shall not be extended beyond the ten year period. No additional notice or application is required during the ten year rebate period following completion of improvements.
- K.
 - (1) Rebates shall be revoked upon a property owner's failure to pay the current or any previous tax bill or other assessments associated with the property.
 - (2) Rebates shall be revoked if the property owner refuses to comply with other City property maintenance codes intended to maintain and improve neighborhood appearance and the quality of life in Emporia.
 - (3) Notice of revocation will be mailed to the property owner, USD 253 and the Lyon County Treasurer's office.
 - (4) If the property owner wants to appeal the revocation the owner may contact the City Manager's office and ask for reconsideration.
- L. The property owner is responsible for any and all contractual procedures and payment to contractors for the cost of any improvements made under the auspices of this program.
- M. From time to time, this policy may be adjusted as deemed necessary by the Emporia City Commission, USD 253 School Board, and Lyon County Commission. Rebates in effect at the time of adjustments to this policy will not be affected. Adjustments will be made following public hearing pursuant to K.S.A. 12-17,117 (See Attachment #1).

IV. The Application Procedure

- A.** The City will offer and advertise the availability of the rebate program periodically throughout the two years it is available. Persons or businesses planning improvement projects may submit an application to the Human Relations Coordinator at any time for a predetermination of eligibility. There will be a \$25.00 application fee payable to the City of Emporia, which shall be paid when each application is submitted for consideration.
- (1)** The applicant shall complete part 1 of the application and file the original with the Human Relations coordinator within 30 days of issuance of the building permit. A copy of the building permit must be attached to the application. The improvement plan will stipulate the type of improvement to be made, renderings, a time table for completion and any supporting documents appropriate for the type of application. The owner shall apply for a building permit which must be attached to the application.
 - (2)** Once the application and building permit have been submitted, the Human Relations Coordinator and Housing Specialist shall authorize approval of the project. Following approval, the application will be forwarded to the Lyon County Appraiser's Office. Formal notice of acceptance and approval will be sent to the property owner, the County Treasurer, and USD 253 by the Human Relations Coordinator.
 - (3)** Upon completion of the project, the owner shall request a reappraisal by the county appraiser which will determine the property value and shall be used to calculate the tax value increment added by the improvements. At the customary time, the County Treasurer shall mail tax statements based on the new appraised value.
 - (4)** The property owner shall submit proof of payment of the tax bill to the Human Relations Coordinator to initiate the check issuance procedure. Only the increase in taxes resulting from the improvements will be eligible for rebate. By law, the rebate must be issued within thirty days after tax distribution by Lyon County. Only projects predetermined eligible shall receive a rebate.
 - (5)** Upon payment of the real estate tax for the subject property each succeeding tax year extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution

by Lyon County to the other taxing units, a tax rebate in the amount of the tax increment (less an administrative fee as specified in the Interlocal Agreement) will be made to the applicant.

- (6) Should a property become ineligible for the rebate program, the Human Relations Coordinator will inform the owner, the County Treasurer's and Appraiser's Offices, and USD 253. Such notice will include the reason for ineligibility. If the ineligibility is due to the property not complying with City Codes, the owner will have 60 days to bring the property into compliance.

- B. This program is scheduled to begin receiving applications on and after its adoption by the City of Emporia and approval of Interlocal Agreements lawfully entered by the Board of Education of USD #253 and the Lyon County Board of County Commissioners. Thereafter the City will process applications as they are submitted with no monthly or quarterly deadlines.

Application forms will be available at the Lyon County Court House and Emporia Human Relations and City Clerk's Office, and posted with local lenders and real estate agencies.

Questions about the program should be directed to the City Office of the Human Relations Coordinator, (Phone 316-343-4291).

The County Treasurer will perform the calculation of the final rebate amount based on the actual appraised value. Each month in which rebates are paid, the Treasurer will submit a report to the Emporia Human Relations Coordinator showing the property before and after appraisal and the amount of the rebate issued to the property owner.

The Human Relations Coordinator will be responsible for reporting the status of rebates actually sent to property owners during the rebate period. Such report shall include the number of applications received, number approved, number of rebates issued, total dollar value of rebates paid and other matters deemed necessary by the governing body. Quarterly reports of rebates will be distributed to each participating jurisdiction and to the public on request.

- C. The application shall ask the following questions which must be completed by the property owner or someone authorized by the property owner to make the request.

- (1) Name
- (2) Phone number and address
- (3) Social Security Number or Federal Employer I.D. Number
- (4) Most recent paid tax statement showing legal description and address of the property to be improved
- (5) Existing property description, demolition plan (if proposed), and proposed improvement description (applicant may reference the attached development plan).
- (6) Estimated cost of improvements
- (7) Names and status of tenant families or occupants
- (8) Initial estimate of time frame for completion
- (9) Building permit attached to application
- (10) \$25.00 application fee, payable to the City of Emporia attached to application

D. The following will be established by City staff:

- (1) Date application received
- (2) Eligible target area property confirmation
- (3) Appraised value of land and buildings before the start of improvements
- (4) Determination of estimated cost of improvements
- (5) Date of receipt of proof of tax payment in full
- (6) Other pertinent facts

E. The following will be established by County staff:

- (1) Date of completion and reappraisal by county assessor

- (2) Amount of new appraisal
- (3) Calculation of actual rebate based upon taxes generated by the improvements
- (4) Date and amount of rebate checks issued by County Treasurer

VI. Attachments

- (1) K.S.A 17, 114 et seq.
- (2) Map of Target Area
- (3) Legal Description of Boundaries
- (4) Index to Ownership
- (5) Map of existing zoning classifications and district boundaries.
- (6) Resolution by City Commission
- (7) Official Publication Notice for Public Hearing (once weekly for 2 weeks)
- (8) Interlocal Agreement between City of Emporia, Lyon County, & USD #253
- (9) Statement by Director of Planning & Development
- (10) Suggested Application Form
- (11) Participant Survey Form

NRA District Boundary Description

A District comprised of the following described tracts of land in Sections 10, 11 and 15, Township 19 South, Range 11 East of the 6th Principal Meridian, in Lyon County, in the City of Emporia, Kansas, more particularly described as follows:

The South 1/2 of Section 10, and
the West 2,000 feet of the Southwest 1/4 of Section 11, and
the Northeast 1/4 of Section 15, and
the Southeast 1/4 of Section 15, less
the South 1/2 and the East 1,180 feet of said 1/4 Section, and
the North 1/2 of the Northwest 1/4 of Section 15, less the South 130 feet within the West 800 feet
of the N 1/2 of said NW 1/4 Section, and
the South 1/2 of the Northwest 1/4 of Section 15, less
the West 800 feet, and
the North 1/2 of the Southwest 1/4 of Section 15, less
the West 800 feet

Containing approximately 1.3 square miles

