

Neighborhood Revitalization Plan

BEFORE THE CITY COUNCIL OF THE CITY OF LEWIS, EDWARDS COUNTY
THE MATTER OF THE ADOPTION OF A NEIGHBORHOOD REVITALIZATION

REVITALIZATION PLAN

The City Council of The City of Lewis, Edwards County, Kansas, (herein sometimes "Body") pursuant to the Kansas Neighborhood Revitalization Act, K.S.A.12-17, 114, adopt a Neighborhood Revitalization Plan (herein sometimes called "Plan") for the following:

FINDINGS

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

1. The City of Lewis and Edwards County currently suffer from poor economic conditions by the following:

(a) EDWARDS County incomes are significantly below statewide averages. The wage per job annually for EDWARDS County in 1998 was \$18,980.00, with the average being \$26,303.00. In 1997, the U.S. Census Bureau estimated that the population, earned incomes below the poverty level. (Source: Policy Research Kansas Statistical Abstract. 1999).

(b) The City of Lewis and Edwards County's population growth is below state norms. The County population has dropped 8.9 %, from 3,787 to 3,449 between 1999 according to the latest U.S. Census figures. In the City of Lewis there is a modest population growth from 451 in 1990 to 486 in 2000. It was projected that County population would decline another 3.6% from April 1, 2000 to July 1, 2001. The State of Kansas grew by over 8.5% percent during this same period.

(c) Nearly 20.8% percent of the population of Edwards County is 65 years of age or older. With nearly 45% of the population not in the labor force, and living on fixed incomes, renovating and rehabilitating existing housing is not possible.

(d) Coupling the aging population with the out-migration of youth to urban areas creates problems for future income earnings and leadership in the County. If this decline continues, either tax rates must increase, or cut backs will be made to public services. The most glaring weakness is the inability of the tax base to support the levels of services residents have come to expect.

(e) The number of housing units has gone from 1,990 in 1980 to 1,754 in 2000. The value of a home in EDWARDS County is \$36,300, well below the \$83,500 State of Kansas average.

(f) The total assessed valuation for EDWARDS County in 2001 was \$38,62 million, less than the Kansas average. Retail sales have fallen 15% percent since 1995 from 8.3 million in 1995 to 8.3 million in 2000.

(g) Numerous circumstances account for the poor economic conditions in County. A continuing decline in the number of farms as well as the depressed economy has continued to cause a decline in retail sales. The resulting drop in the area schools has forced school boards to increase taxes to make up for the This increase in taxes has kept many people from renovating existing housing needed improvements to property.

Cutbacks in the local workforce required by some of the leading businesses and the lack of adequate housing has forced many families to live outside the County has also suffered from the continued outmigration of our youth to the areas. This has had a negative effect on the number of available employees and leadership of the County.

2. Notice of hearing on this Plan has been given pursuant to K.S.A., 12-17,117© by the Edwards County Sentinel, official county newspaper, on the dates published, 2002, and newspaper and proof of such publication has been filed in the office of the City Clerk Lewis.

3. By reason of the findings made in paragraphs 1 and 2 above, the Governing Body is a majority of the conditions as described in subsection © of K.S.A. 12-17, 115 exist in Lewis as a single unit or area eligible for designation under the Kansas Neighborhood Act and that the rehabilitation, conservation and redevelopment thereof is necessary to the health, safety and welfare of the residents of EDWARDS County.

Plan

1. LEGAL DESCRIPTION OF AREA IN PLAN.

(a) A legal description of the real estate forming the boundaries of the area included in the Plan is the entire area of The City of Lewis, Edwards County, Kansas, as defined by K.S.A 18-1,101 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 EDWARDS County. The same are adopted as a part of the Plan by reference.

2. ASSESSED VALUATION. The existing (i.e. 2001) assessed valuation of the real estate in the Plan, listing land and building values separately, is as follows:

Buildings \$927,881.00

Land \$ 35,406.00

Total \$963,287.00

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 of the County Appraiser of EDWARDS County, and such list is adopted in and made a part of the Plan by reference.

4. ZONING CLASSIFICATIONS. The existing zoning classifications and zoning and the existing land uses within the area included in the Plan are as set forth in maps, records, resolutions and ordinances of the City of Lewis and County of EDWA

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

6. REAL PROPERTY ELIGIBLE.

(a) All real property and all improvements thereon situated in The City of Lew: to apply for Revitalization under the Plan.

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

7. CRITERIA FOR ELIGIBILITY: PROCEDURE TO COMPLETE APPLICATION

(a) The criteria to be used by the Governing Body to determine what specific is eligible for Revitalization and for Property Tax Increment Rebates are as foll

(i) (A) Construction of an improvement must have begun on or March 1, 2002, 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 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) Construction of an improvement must have begun on or after adop the plan unless a specific project has been pre-approved pending the ac of neighborhood Revitalization.

(iii) The minimum investment required for participation in the prog \$5,000.00

(iv) A property owner must apply for Neighborhood Revitalization p commencing construction.

(v) Sufficient written documentation (receipts, copies of invoices, ca checks etc.) must be provided to establish the expenditure of \$5,000.00 minimum expenditure must be based upon actual out of pocket expenc personal or donated labor of the owners or of other persons will not quali

(vi) All new construction and all improvements must comply with all and building codes, rules, and regulations in effect at the tin

improvements are made and must continue to remain in compliance during the entire time the parcel remains eligible for rebates. This will require approval from the appropriate code enforcement officer within each jurisdiction participating.

(vii) Any parcel that is delinquent in the payment of any ad valorem property tax or under appeal or protest shall not be eligible.

(viii) Commercial or industrial property eligible for property tax relief under any other provision of Kansas law will be eligible to secure relief under one such plan or law as the owner shall select.

(ix) Eligibility for rebates is subject to the adoption and approval of a plan by each taxing district.

(x) Eligibility for tax rebates transfer with the property to a new owner.

(xi) A parcel of land may participate in the program only once at any time. A property owner may, however, ask to have a remaining term of a period terminated for the purpose of re-applying for an additional improvement.

(xii) If the Neighborhood Revitalization plan is terminated prior to the conclusion of a previously approved rebate period for a property, the property shall remain eligible for the full term for which it was approved.

(xiii) Rebates shall be payable only after application is made and approved. Rebates approved for payment shall be made on that one of the dates provided for in K.S.A. 12-1678a next following approval for payment of the rebate.

(xiv) There will be a non-refundable application fee for the program. The fee shall be \$50.00 for remodel/rehabilitation projects and \$100.00 for new construction projects.

(xv) The county shall retain 10% of any rebate due for administration of the program.

(xvi) No rebates will be paid if the rebate due is \$10.00 or less.

(xvii) "Structure" means any building, wall or other structure, including additions, building and improvements to existing structures and fixtures permanently attached to the real estate. Exceptions will include, but not be limited to:

Non real estate items:

Sprinkling systems, fences, landscaping, gazebos, garden type structures, patios, hot tubs, swimming pools, irrigation wells and equipment, both agricultural and residential.

(xviii) Residential or commercial structures not placed on a permanent foundation will not be eligible.

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

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

(ii) Prior to commencement of construction, complete 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 of \$50.00 for remodeling and rehabilitation projects and \$100.00 for new construction projects.

(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. If deemed necessary, the County Appraiser has the option to inspect the property prior to completing Part II of the Application.

(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 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 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 assessed, and collected thereon in the usual and customary manner as if 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 Improvement completed on the Parcel of real estate described in the Application. On or before March 1st of the following tax year, 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 determination of 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 of the Application 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, who shall 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 obtain the required approval of the County Appraiser or, if the Owner cannot obtain such approval, then the Owner may appeal the County Appraiser's decision to the Board of the EDWARDS County Commissioners and thence to the District Court using the procedures provided therefore in Section 9© (ii) (B) of the Plan as set forth hereinbelow.

(xii) (A) 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.

(B) 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

authorized under K.S.A 12-17,118 is as set forth in the document which is attached and entitled "Application for Rebate Neighborhood Revitalization Plan" and is hereby adopted as a part of the Plan by reference.

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

(a)

(i) On or about each November 1st hereafter, concurrently with the mailing of each Parcel of real estate approved for Revitalization pursuant to Section 12-17,118 above, an Application for Rebate form. (ii) Should any approved Owner for whatever reason, fail to receive an Application for Rebate form pursuant to Section 12-17,118 above, then such Owner may secure an Application for Rebate form from the County Appraiser's Office.

(b)

(i) 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 Treasurer for consideration and approval.

(c)

(i) Upon the County Treasurer's receipt of a completed Application for Rebate, the County Treasurer shall determine whether or not such Application meets the criteria to qualify for a Rebate.

(ii)

(A) If the County Treasurer 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 Treasurer disapproves the Application, then the Owner, if possible, shall amend the Application as necessary to secure the approval of County Treasurer and shall thereupon proceed to file the Application with the County Clerk as per (d) next below, or, if the County Treasurer will not approve the Application, then the Owner may appeal the County Treasurer's decision to the Board in the manner provided for the filing of appeals by Taxpayers in K.S.A. 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 by 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 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) above shall be paid by the County Treasurer, but such payment shall be made at the next occurring time provided for the distribution of taxes by the County Treasurer 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 Treasurer shall authorize the Application to be prepared and filed via the U.S. Mail or any alternative method.

10. CRITERIA TO BE USED WHEN CONSIDERING MERIT OF APPLICATION

The standards or criteria to be used when reviewing Applications for Rebate for approval thereof are as follows:

(a) The Parcel must meet all criteria for eligibility as set forth in Section 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 Section 9 above must have been fully and correctly complied with.

(c) All ad valorem taxes and all special assessments levied against the Parcel properties owned by the Owner on which the Rebate is sought and all other taxes owned by the Owner must have been paid in full prior to filing of the Application for Rebate.

(d) 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.

(e) In the event the Owner does not pay all taxes and special assessments levied against the Parcel on which the Rebate is sought by December 20, then the Application must be filed on or before July 20th next following the June 20th deadline for payment of all taxes for which the Rebate is sought.

(f) In the case of multiple Owners of a property eligible for a Rebate, absent an agreement providing otherwise, the Rebate will be made payable to all Owners.

11. MAXIMUM TAX REBATE; YEARS OF ELIGIBILITY.

(a) The amount of the Rebate is the resulting increase in the ad valorem tax, if any, directly attributable to the Construction and Improvement to the qualified Parcel, divided by the increase in assessed valuation directly resulting therefrom, in any given year of eligibility, calculated in accordance with the applicable percentage set forth in the following table:

FOR REMODELING AND REHABILITATION PROJECTS:

--	--

Years of Eligibility	Tax Increment Rebatable*
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%

FOR NEW CONSTRUCTION PROJECTS:

Years of Eligibility	Tax Increment Rebatable*
Year 1	50%
Year 2	50%
Year 3	50%
Year 4	50%
Year 5	50%

* Percentage rebatable is of the increase in the amount of ad valorem prop increment) directly resulting from the qualified Construction and Improvement

(b) A Parcel determined qualified for Rebates shall be entitled to such R aforementioned percentage amounts for a period of five (5) years provided declared qualified shall continuously maintain such qualification. There is a th application period. The tax rebate will be in effect for five years following th date. Rebates do not include the State mill levy.

© The full amount of the tax due, including the increase in the ad valorem tax increment) resulting from the qualified Construction and Improvement shall be the Neighborhood Revitalization Fund in accordance with the provis Neighborhood Revitalization Act to be distributed as provided by law and this

(d) No Rebate shall be paid to the Owner if it is \$10.00 or less, but shall b Edwards County for services rendered in connection with administration of the

(e) Property Tax Increment not Rebated to the Taxpayer in accordance with forth in (a) last above or retained by Edwards County pursuant to (d) last al distributed to the Taxing District for whom the Increment was collected.

12. DURATION OF PLAN; CONTINUATION OF REBATES ON QUALIFIED PR

(a) Unless hereafter repealed prior thereto, this Plan shall remain in full force ; a period of five (5) years from and after March 1, 2002. The Plan may also be the Governing Body for additional periods of time.

(b) At any time during the period that this Plan remains in effect, any Own real property may apply for Revitalization of such real property pursuant to Se

Plan.

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

13. DEFINITIONS.

(a) When the words "Applicant", "Applicant for Rebate", "Owners" and "Taxpayers" 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 for Rebate 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 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 EDWARDS County, Kansas.

(v) Construction and Improvement means and refers to rehabilitation, reconstruction, additions to existing buildings or new construction, or both, which are completed and qualified under the Plan.

(vi) County Appraiser means and refers to the County Appraiser of EDWARDS County, Kansas.

(vii) County Clerk means and refers to the County Clerk of EDWARDS County, Kansas.

(viii) County Treasurer means and refers to the County Treasurer of EDWARDS County, Kansas.

(ix) District Court means and refers to the District Court of EDWARDS County, Kansas.

(x) Governing Body means and refers to the City Commissioners of the City of Lewis, Edwards County, Kansas.

(xi) Increment means and refers to that amount of ad valorem taxes assessed on property

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 set forth in K.S.A. 12-17,114 et seq.

(xiii) Owner means the Owner or Lessor of real estate which is described in the Application and in an Application for Rebate when filed pursuant to the Plan. The Owner also means and refers to "Applicant" and "Taxpayer" as defined in the 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 taxes levied 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 authority 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 with respect to the ad valorem property taxes levied and assessed thereon.

(xix) Taxing District means and refers to the County of EDWARDS and every other unit of local government within EDWARDS County 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 such hearing at least once each week for two (2) consecutive weeks

official county newspaper of EDWARDS 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 CITY COMMISSIONERS OF THE CITY OF EDWARDS COUNTY, KANSAS, ON THE 10th DAY OF June, 2002. EDWARDS COUNTY, STATE OF KANSAS:

/s/ Vickie Kennedy, Mayor

ATTEST: /s/ David L. Kazmaier, City Clerk:

[Lewis](#) • [City of Lewis](#) • [Ordinances](#)