

at the governing body eminent domain only ons:

nd and personal prop- and is needed to fur- development proposal d municipal improve-

een reviewed by the mission for confor- sible plan of the city.

d with K.S.A. 75-2714 amendments thereto, roval of the state his- y K.S.A. 75-2714, and

ed with provisions of 72, and amendments

a public hearing, no- rty owners and the same as provided in S.A. 12-1796 and 12- eto.

e district or according dopted or amended, onded indebtedness roperty of the district f the city and the city ll this property in the K.S.A. 12-1301, and proceeds from such r public purpose.

3, § 11; L. 1988, ch. 3; April 26.

ces; bid procedure for sale dder. 95-42.

establishment of of the city, acting on establish a self-sup- operations fund and nd, or combination s deemed necessary. §, § 12; L. 1988, ch.

verability. If any application thereof to is held invalid, such er provisions or ap- be given effect with- application and to this

end the provisions of this act are declared to be severable.

**History:** L. 1981, ch. 63, § 13; July 1.

#### ENTERPRISE ZONES

##### Law Review and Bar Journal References:

"Survey of Kansas Law: Taxation," Sandra Craig McKenzie and Virginia Ratzlaff, 33 K.L.R. 71, 82 (1984).

#### 12-17,107.

**History:** L. 1982, ch. 75, § 1; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,108.

**History:** L. 1982, ch. 75, § 2; L. 1986, ch. 79, § 1; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,109.

**History:** L. 1982, ch. 75, § 3; L. 1983, ch. 67, § 1; L. 1986, ch. 79, § 2; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,109a.

**History:** L. 1988, ch. 99, § 59; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,110.

**History:** L. 1982, ch. 75, § 4; L. 1983, ch. 67, § 2; L. 1986, ch. 79, § 3; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,111.

**History:** L. 1982, ch. 75, § 5; L. 1986, ch. 79, § 4; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,112.

**History:** L. 1983, ch. 67, § 4; L. 1986, ch. 79, § 5; Repealed, L. 1992, ch. 202, § 15; July 1.

#### 12-17,113.

**History:** L. 1989, ch. 297, § 2; Repealed, L. 1992, ch. 202, § 15; July 1.

#### NEIGHBORHOOD REVITALIZATION

**12-17,114. Neighborhood revitalization; title of act.** This act shall be known and may be cited as the Kansas neighborhood revitalization act.

**History:** L. 1994, ch. 242, § 10; July 1.

**12-17,115. Same; definitions.** As used in this act:

(a) "Dilapidated structure" means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a

residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

(b) "Municipality" means any municipality as defined by K.S.A. 10-1101, and amendments thereto.

(c) "Neighborhood revitalization area" means:

(1) An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;

(2) An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

(3) an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

(d) "Governing body" means the governing body of any municipality.

(e) "Increment" means that amount of ad valorem taxes collected from real property located within the neighborhood revitalization area or from dilapidated structures outside the revitalization area that is in excess of the amount which is produced from such property and attributable to the assessed valuation of such property prior to the date the neighborhood revitalization area was

established or the structure was declared dilapidated pursuant to this act.

**History:** L. 1994, ch. 242, § 11; L. 1996, ch. 228, § 8; July 1.

**Attorney General's Opinions:**

Neighborhood revitalization act; designation of entire city; rebate, effect of repeal of act or sale of property. 96-38.

Tax rebate payable to person liable for payment of taxes on property; portion of A.G. opinion 96-38 withdrawn. 96-84.

**12-17,116. Same; designation of revitalization area; findings.** The governing body of any municipality may designate any area within such municipality as a neighborhood revitalization area if the governing body finds that one or more of the conditions as described in subsection (c) of K.S.A. 12-17,115, and amendments thereto, exist and that the rehabilitation, conservation or redevelopment of the area is necessary to protect the public health, safety or welfare of the residents of the municipality. The governing body may declare a building outside of a neighborhood revitalization area to be a dilapidated structure if the structure satisfies the conditions set forth in subsection (a) of K.S.A. 12-17,115.

**History:** L. 1994, ch. 242, § 12; L. 1996, ch. 228, § 9; July 1.

**Attorney General's Opinions:**

Neighborhood revitalization act; designation of entire city; rebate, effect of repeal of act or sale of property. 96-38.

Tax rebate payable to person liable for payment of taxes on property; portion of A.G. opinion 96-38 withdrawn. 96-84.

**12-17,117. Same; revitalization plan, contents; notice and hearing.** (a) Prior to designating an area as a neighborhood revitalization area or a structure to be a dilapidated structure, the governing body shall adopt a plan for the revitalization of such area or designation of a dilapidated structure. Such plan shall include:

(1) A legal description of the real estate forming the boundaries of the proposed area and a map depicting the existing parcels of real estate;

(2) the existing assessed valuation of the real estate in the proposed area, listing the land and building values separately;

(3) a list of names and addresses of the owners of record of real estate within the area;

(4) the existing zoning classifications and district boundaries and the existing and proposed land uses within the area;

(5) any proposals for improving or expanding municipal services within the area including, but not limited to, transportation facilities, water and sewage systems, refuse collection, road and street

maintenance, park and recreation facilities and police and fire protection;

(6) a statement specifying what property is eligible for revitalization and whether rehabilitation and additions to existing buildings or new construction or both is eligible for revitalization;

(7) the criteria to be used by the governing body to determine what property is eligible for revitalization;

(8) the contents of an application for a rebate of property tax increments authorized by K.S.A. 12-17,118 and amendments thereto;

(9) the procedure for submission of an application for a rebate of property tax increments authorized by K.S.A. 12-17,118 and amendments thereto;

(10) the standards or criteria to be used when reviewing and approving applications for a rebate of property tax increments authorized by K.S.A. 12-17,118 and amendments thereto;

(11) a statement specifying the maximum amount and years of eligibility for a rebate of property tax increments authorized by K.S.A. 12-17,118; and

(12) any other matter deemed necessary by the governing body.

(b) Prior to declaring a building to be a dilapidated structure, the governing body shall do the following:

(1) Obtain a legal description of the property to be declared dilapidated;

(2) determine the assessed value of the property to be declared a dilapidated structure, with separate values established for the land and structure;

(3) determine the owner of record of the structure.

(c) Prior to adopting a plan pursuant to this section, the governing body shall call and hold a hearing on the proposal. Notice of such hearing shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the municipality. Following such hearing, or the continuation thereof, the governing body may adopt such plan.

**History:** L. 1994, ch. 242, § 13; L. 1996, ch. 228, § 10; July 1.

**Attorney General's Opinions:**

Neighborhood revitalization act; designation of entire city; rebate, effect of repeal of act or sale of property. 96-38.

Tax rebate payable to person liable for payment of taxes on property; portion of A.G. opinion 96-38 withdrawn. 96-84.

**12-17,118. Same; revitalization fund; application for impact on state aid following adoption of a plan.** Following adoption of a plan, 17,117 and amendments thereto, the governing body shall create a fund to finance the revitalization areas and to provide rebates a Moneys may be budgeted from any source fund from any source for such purpose and may expend money from the fund to accomplish the revitalization of the municipality to accomplish the fund. (b) Moneys credited to the fund shall be annually budgeted from the fund in accordance with the provisions of K.S.A. 12-17,118 and amendments thereto. The amount on hand in the fund at the end of the fiscal year shall be shown in the annual budget of taxpayers. Money in the fund shall be vested in accordance with amendments thereto to the fund.

(c) If the governing body determines that the money which has been allocated for any part thereof is not needed for which so budgeted for the fund, the governing body may transfer the fund from which the money is budgeted and expenditure shall be made in accordance with amendments thereto of K.S.A. 79-2925 to the fund.

(d) Any increments in taxes levied by the municipality for improvements by a tax increment area or neighborhood revitalization area may be credited to the fund for the purpose of returning all increments to the taxpayer. Applications for rebates shall be made in the same manner and subject to the same conditions as the revitalization plan adopted by 17,117 and amendments thereto. If an application for a rebate is approved, the municipality shall rebate a portion of the value of the improvements. If a taxpayer, the rebate shall be made after the next district meeting. K.S.A. 12-1678a, and

**12-17,118. Same; neighborhood revitalization fund; application for tax rebates; impact on state aid to school districts.** (a) Following adoption of a plan pursuant to K.S.A. 12-17,117 and amendments thereto, the governing body shall create a neighborhood revitalization fund to finance the redevelopment of designated revitalization areas and dilapidated structures and to provide rebates authorized by this section. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes. Any municipality may expend money from the general fund of such municipality to accomplish the purposes of this act.

(b) Moneys credited to such fund from annually budgeted transfers shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the municipality, the amounts credited to, and the amount on hand in, such neighborhood revitalization fund and the amount expended therefrom shall be shown thereon for the information of taxpayers. Moneys in such fund may be invested in accordance with K.S.A. 10-131, and amendments thereto with the interest credited to the fund.

(c) If the governing body determines that money which has been credited to such fund or any part thereof is not needed for the purposes for which so budgeted or transferred, the governing body may transfer such amount not needed to the fund from which it came and such retransfer and expenditure shall be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

(d) Any increment in ad valorem property taxes levied by the municipality resulting from improvements by a taxpayer to property in a neighborhood revitalization area or to a dilapidated structure may be credited to the fund for the purpose of returning all or a part of the property increment to the taxpayer in the form of a rebate. Applications for rebates shall be submitted in the manner and subject to the conditions provided by the revitalization plan adopted under K.S.A. 12-17,117 and amendments thereto. Upon approval of an application received hereunder the municipality shall rebate all or a part of incremental increases in ad valorem property tax resulting from the improvements. Upon payment of taxes by the taxpayer, the rebate must be made within 30 days after the next distribution date as specified in K.S.A. 12-1678a, and amendments thereto.

(e) No later than November 1 of each year the county clerk of each county shall certify to the state commissioner of education the assessed valuation amount of any school district therein for which tax increment rebates have been made by the school district during the previous year in accordance with an interlocal agreement approved by the board of education of such district under the provisions of K.S.A. 12-17,119 and amendments thereto. The amount of the assessed valuation shall be determined by dividing the total amount of tax increment rebates paid by the district during the preceding 12 months by the total of the ad valorem tax levy rates levied by or on behalf of the district in the previous year. The commissioner of education shall annually deduct the certified amounts of assessed valuation for such rebates from the total assessed valuation of the district in determining the total and per pupil assessed valuations used in the allocation of state aid payments to school districts.

**History:** L. 1994, ch. 242, § 14; L. 1996, ch. 228, § 11; L. 1997, ch. 97, § 3; July 1.

**Attorney General's Opinions:**

Neighborhood revitalization act; designation of entire city; rebate, effect of repeal of act or sale of property. 96-38.

Tax rebate payable to person liable for payment of taxes on property; portion of A.C. opinion 96-38 withdrawn. 96-84.

**12-17,119. Same; interlocal agreements.** Any two or more municipalities may agree pursuant to K.S.A. 12-2901 *et seq.*, and amendments thereto, to exercise the powers and duties authorized by this act.

**History:** L. 1994, ch. 242, § 15; July 1.

**12-17,120. Same; act not exclusive authority for revitalization.** This is enabling legislation for the revitalization of neighborhood areas and is not intended to prevent cities and counties from enacting and enforcing additional laws and regulations on the same subject which are not in conflict with the provisions of this act.

**History:** L. 1994, ch. 242, § 16; July 1.

**Article 18.—SIDEWALKS**

**Cross References to Related Sections:**

Cities of not less than 60,000, see 13-1008d to 13-1008h.

General improvement and assessment law, see ch. 12, art. 6a.

**12-1801. Construction and repair.** The cities of Kansas may provide for the construction, repair, condemnation, and reconstruction of sidewalks.