

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF RUSH COUNTY, KANSAS
IN THE MATTER OF THE ADOPTION OF A
NEIGHBORHOOD REVITALIZATION PLAN

REVITALIZATION PLAN

The Board of County Commissioners of RUSH County, Kansas, (herein sometimes called "Governing Body") pursuant to the Kansas Neighborhood Revitalization Act, K.S.A. 12-17,114 et. Seq. does hereby adopt a Neighborhood Revitalization Plan (herein sometimes called "Plan") for the County of RUSH as follows:

FINDINGS

The County of RUSH, as a whole, meets one or more of the conditions to be designated as a "neighborhood revitalization area" in accordance with K.S.A. 12-17, et. Seq. This plan is intended to promote the revitalization and development of Rush County by stimulating new construction, rehabilitation, conservation or redevelopment within the county as set forth in this plan. The plan will enhance public health, safety or welfare of the residents of the County and will result in lower property taxes by all taxing units because of increased assessed valuations by offering certain incentives, which include tax rebates.

In accordance with provisions of K.S.A. 12-17, 114 et. Seq., the county commission held a public hearing and considered the existing conditions and alternatives with respect to the conditions within the County, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the designated area of the County meets one or more of the conditions necessary to be designated as a "neighborhood revitalization area".

1. ASSESSED VALUATION OF REAL PROPERTY

| | |
|---------------|----------------------|
| Real Property | \$10,604,280 |
| Improvements | <u>\$ 15,069,124</u> |
| Total | \$25,673,404 |

2. LEGAL DESCRIPTION OF AREA IN PLAN

- (a) A legal description of the real estate from the boundaries of the area included within the plan is the entire area of RUSH County, Kansas, as set forth in 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 a part of the plan by reference.

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 in the office of the Register of Deeds Office of RUSH County, and such list is adopted in and made a part of this plan by reference.

4. ZONING AND CLASSIFICATIONS

The existing zoning classifications and zoning district boundaries and the existing land uses within the area included in the Plan (exclusive of those cities within the County of RUSH which have not adopted zoning plans and ordinances) are as set forth in the official zoning maps, records, resolutions and ordinances of the County of RUSH and the cities of Bison, LaCrosse, Liebenthal, McCracken, Otis, Rush Center and Timken.

5. MUNICIPAL SERVICES.

The Plan does not include any proposals for improving or expanding municipal services as described in K.S.A. 12-17, 117(a)(5) and, if any proposals for any such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then 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 Rush County are eligible to apply for Revitalization under the Plan.
- (b) Rehabilitation of and additions to existing buildings and, also, construction of new buildings are each and all eligible to apply for Revitalization under the Plan.

7. CRITERIA FOR ELIGIBILITY: PROCEDURE TO COMPLETE APPLICATION TO QUALIFY.

(a) The criteria to be used by the Governing Body to determine what specific real property is eligible for Revitalization and for Property Tax increment Rebates are as follows:

- (i) (A) Construction of an improvement must have begun on or after July 1, 2014, 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, therefore completed will not be eligible to participate in the Plan and Rebate Program.
- (ii) Construction of an improvement must have begun on or after adoption of the plan unless a specific project has been pre-approved pending the adoption of neighborhood Revitalization.
- (iii) The minimum investment required for participation in the program is \$10,000.00.
- (iv) A property owner must apply for Neighborhood Revitalization prior to commencing construction.

- (v) Sufficient written documentation (receipts, copies of invoices, cancelled checks etc.) must be provided to establish the expenditure of \$10,000.00. Such minimum expenditure must be based upon actual out of pocket expenditures; personal or donated labor of the owners or of other persons will qualify as long as sufficient written documentation is presented and will be based on the Federal Davis Bacon Wage Formula.
- (vi) All new construction and all improvements must comply with all zoning and building codes, rules and regulations in effect at the time the improvements are made and must continue to remain in compliance during the entire time the parcel remains eligible for rebates. This will require written approval from the appropriate code enforcement officer within each taxing 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 only 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, limited to 1 transfer per plan.
- (xi) A parcel of land may participate in the program only once at any given time. A property owner may, however, ask to have a remaining term of a rebate 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 one of the distribution 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 fees shall be \$25.00 for remodel-rehabilitation projects and \$50.00 for new construction projects.
- (xv) The county shall retain 5% 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 the building and improvements to existing structures and fixtures permanently assimilated 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, and 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 shall:
- (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 \$25.00 for remodeling and rehabilitation projects and \$50.00 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 and information 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 (a) 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 levied, assessed, and collected thereon in the usual and customary manner and 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 County Appraiser, the County Appraiser shall conduct an on-site inspection of the Construction and 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 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 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 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 secure the required approval of the County appraiser or, if the Owner cannot secure such approval, then the Owner may appeal the County appraiser's decision to the Board of the Rush County Commissioners and thence to the District Court using the procedures provided therefore in Section 9 (c) (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 for Rebate" as authorized under K.S.A. 12-17, 118 is as set forth in the document which is attached hereto as Exhibit A And entitled "Application for Rebate Neighborhood Revitalization Plan" and is hereby approved and adopted as a part of the Plan by reference.

9. PROCEDURE FOR APPLYING FOR REBATE.

The procedure for submission of an Application for Rebate of Property tax Increments is as follows:

- (a) (i) On or about each November 1st hereafter, concurrently with the mailing of annual real estate tax statements, the County Treasurer will

mail to the Owner of each Parcel of real estate approved for Revitalization pursuant to Section 7 above, an Application for Rebate form.

(ii) Should any approved Owner, for whatsoever reason, fail to receive an application for Rebate pursuant to (i) 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 Annually, 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 all of 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 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 as a Claim 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) through (d) above shall be paid by the County Treasurer, but such payment shall be made only at the next occurring time provided for the distribution of taxes by the County Treasurer pursuant 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, in writing, authorize the Application to be prepared and filed via the U.S. Mail or some other alternative method.

10. CRITERIA TO BE USED WHEN CONSIDERING MERIT OF APPLICATIONS FOR REBATE. The standards or criteria to be used when reviewing Applications for Rebate for approval or disapproval 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 and on other properties owned by the Owner on which the Rebate is sought and all other properties 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 for Rebate must be filed on or before June 10th next following the May 10th deadline for the 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 a written agreement providing otherwise, the Rebate will be made payable to all Owners of record.

11. MAXIMUM TAX REBATABLE, YEARS OF ELIGIBILITY.

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

FOR REMODELING AND REHABILITATION PROJECTS:

| <u>Years of Eligibility</u> | <u>Percentage of Property Tax increment Rebatable*</u> |
|-----------------------------|--|
| Year 1 | 100% |
| Year 2 | 100% |
| Year 3 | 100% |
| Year 4 | 100% |
| Year 5 | 100% |

FOR NEW CONSTRUCTION PROJECTS

| <u>Years of Eligibility</u> | <u>Percentage of Property Tax Increment Rebatable*</u> |
|-----------------------------|--|
| Year 1 | 100% |
| Year 2 | 100% |
| Year 3 | 100% |
| Year 4 | 100% |
| Year 5 | 100% |

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

- (b) A Parcel determined qualified for Rebates shall be entitled to such Rebates in the aforementioned percentage amounts for a period of five (5) years provided the property declared qualified shall continuously maintain such qualification. The tax rebate will be in effect for five years following the application date. Rebates do not include the State mill levy.
- (c) The full amount of the tax due, including the increase in the ad valorem tax (property tax increment) resulting from the qualified Construction and Improvement shall be paid over to the Neighborhood Revitalization Fund in accordance with the provisions of the Neighborhood Revitalization Act to be distributed as provided by law and this Plan.
- (d) No Rebate shall be paid to the Owner if it is \$10.00 or less, but shall be retained by Rush County for services rendered in connection with administration of the Plan.
- (e) Property Tax Increment not Rebated to the Taxpayer in accordance with the table set forth in (a) last above or retained by Rush County pursuant to (d) last above shall be distributed to the taxing District for whom the Increment was collected.
- (f) In the case of a Rush County FEMA declared natural disaster, 100% of remodeling, rehabilitation and new construction will be eligible which is directly attributable to the Construction and Improvement to the qualified Parcel and the increase in assessed valuation directly resulting therefrom, in any given year during the period of eligibility, calculated in accordance with the applicable percentage amounts as set forth in the following table:

| <u>Years of Eligibility</u> | <u>Percentage of Property Tax Increment Rebatable*</u> |
|-----------------------------|--|
| Year 1 | 50% |
| Year 2 | 50% |
| Year 3 | 50% |
| Year 4 | 50% |
| Year 5 | 50% |

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

- (a) Unless hereafter repealed prior thereto, this Plan shall remain in full force and effect for a period of five (5) years from and after July 1, 2014. The Plan may also be extended by the Governing Body for additional periods of time.
- (b) At any time during the period that this Plan remains in effect, any Owner of eligible real property may apply for Revitalization of such real property pursuant to Section 7 of the Plan.
- (c) Unless otherwise provided by any law of the State of Kansas hereafter enacted, any and all real property which shall have qualified for Revitalization and for Rebates prior to the final termination date of the Plan as provided in (a) and (b) last above shall continue to and remain qualified for Rebates pursuant to Sections 8,9,10 and 11 of the Plan, Notwithstanding the fact that other real property described in Section 1 above, which has not theretofore qualified for participation under the Plan, will no longer be eligible to do so.

13. DEFINITIONS.

- (a) When the words “Applicant”, “Applicant for Rebate”, “Owners” and “Taxpayer” 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 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 RUSH County, Kansas.
 - (v) Construction and Improvement means and refers to rehabilitation of and 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 RUSH County, Kansas.
 - (vii) County Clerk means and refers to the County Clerk of RUSH County, Kansas.
 - (viii) County Treasurer means and refers to the County Treasurer of RUSH County, Kansas.
 - (ix) District Court means and refers to the District Court of RUSH County, Kansas.
 - (x) Governing Body means and refers to the Board of County Commissioners of RUSH County, Kansas.
 - (xi) Increment means and refers to that amount of ad valorem taxes collected 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 as 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 an Application and in an Application for Rebate when filed pursuant to the Plan. Owner also means and refers to “Applicant” and “Taxpayer” as defined in this 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 tax paid 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 district 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 who pays the ad valorem property taxes levied and assessed thereon.
- (xix) Taxing District means and refers to the County of RUSH and any and every other unit of local government within RUSH 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 any such hearing at least once each week for two (2) consecutive weeks in the official county newspaper of RUSH 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 BOARD OF COUNTY COMMISSIONERS OF RUSH COUNTY, KANSAS, ON THE 27th DAY OF May, 2014.
RUSH COUNTY, STATE OF KANSAS:
BY THE BOARD OF COUNTY COMMISSIONERS:

Leonard A. Masterson
Chairman

Dennis Elias
Member

Ken Nelson
Member

ATTEST:

Cosmine Baldwin
County Clerk

(Seal)