

(Published in the *Ottawa Herald* on the 22 day of Nov, 2022)

ORDINANCE NO. 925

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH THE ASH STREET RURAL HOUSING INCENTIVE DISTRICT

WHEREAS, K.S.A. 12-5241 *et seq.* (the “Act) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 to designate rural housing incentive districts within such city; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein, and

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

WHEREAS, the City of Wellsville, Kansas (the “City”) has an estimated population of 1,921 (2020) and therefore constitutes a city as said term is defined in this act; and

WHEREAS, the Governing Body of the City adopted Resolution No. 03-0831-2022 (“Resolution No. 1”) on August 31, 2022, which made certain findings relating to the need for financial incentives for the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Governing Body of the City performed a Housing Needs Analysis dated August 24, 2022, a copy of which is on file in the office of the City Clerk, 411 Main St., Wellsville KS 66092; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated September 9, 2022, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”), to be hereafter called the Ash Street Rural Housing Incentive District; and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed Ash Street Rural Housing Incentive District in accordance with the provisions of the Act (the Plan); and

WHEREAS, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5244;
2. The existing assessed valuation of the real estate in the proposed District, listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentives projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for November 9, 2022, continued until November 17, 2022, and provided for notice of such public hearing as provided in the Act.

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 02-0928-2022 dated September 28, 2022, which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provides a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for November 9, 2022 and provided for notice of such hearing as provided in the Act; and

WHEREAS, the Governing Body of the City on the November 9, 2022 date, opened this issue for comment and adopted this Ordinance after Public Hearing to be held on November 17, 2022;

WHEREAS, the Governing Body of the City published a copy of Resolution No. 02-0928-2022 in the *Ottawa Herald* on November 5, 2022 giving statutory notice of the public hearing; and

WHEREAS, a public hearing was held on November 17, 2022 after due published and delivered notice in accordance with the provisions of the Act; and

WHEREAS, upon and considering the information and public comments received at the public hearing, the governing body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS:

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted November 17, 2022 was made in accordance with the provisions of the Act.

Section 2. Creation of Rural Housing Incentive District. A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property within the City of Wellsville, Franklin County, Kansas:

Section 28, Township 15, Range 21, Franklin County, Kansas, Lots 57-69 of the Walnut Creek Meadows Subdivision, described on the Final Plat of Walnut Creek Meadows as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 28; thence South 2 degrees 03 minutes 27 seconds East, along the West line of the Northwest Quarter of said Section 28, a distance of 982.87 feet, to the point of beginning; thence North 87 degrees 58 minutes 17 seconds East, a distance of 47.71 feet; thence North 1 degree 40 minutes 51 seconds West, a distance of 61.98 feet; thence North 35 degrees 46 minutes 47 seconds East, a distance of 145.88 feet; thence South 77 degrees 53 minutes 15 seconds East, a distance of 54.21 feet; thence South 44 degrees 46 minutes 54 seconds West, a distance of 175.39 feet; thence Southeasterly, along a curve to the left having a radius of 230.00 feet, an initial tangent bearing of South 45 degrees 13 minutes 06 seconds East, a central angle of 14 degrees 40 minutes 03 seconds a distance of 58.88 feet; thence South 30 degrees 06 minutes 51 seconds West, a distance of 105.00 feet; thence South 68 degrees 12 minutes 11 seconds East, a distance of 194.73 feet; thence South 18 degrees 35 minutes 18 seconds East, distance of 85.45 feet; thence North 77 degrees 04 minutes 15 seconds East, a distance of 167.13 feet; thence Northerly, along a curve to the right having a radius of 270.00 feet, an initial tangent bearing of North 12

degrees 55 minutes 45 seconds West, a central angle of 3 degrees 27 minutes 57 seconds a distance of 16.33 feet; thence South 85 degrees 52 minutes 42 seconds East, a distance of 130.35 feet; thence South 77 degrees 53 minutes 15 seconds East, a distance of 68.00 feet; thence South 12 degrees 06 minutes 45 seconds West, a distance of 165.00 feet; thence South 77 degrees 53 minutes 15 seconds East, a distance of 31.96 feet; thence South 12 degrees 06 minutes 45 seconds West, a distance of 105.00 feet; thence South 73 degrees 44 minutes 18 seconds East, a distance of 110.52 feet; thence South 88 degrees 15 minutes 52 seconds East, a distance of 195.00 feet; thence North 1 degree 44 minutes 08 seconds East, a distance of 114.12 feet; thence Easterly, along a curve to the left having a radius of 430.00 feet, an initial tangent bearing of North 79 degrees 02 minutes 40 seconds East, a central angle of 6 degrees 04 minutes 23 seconds a distance of 45.58 feet; thence North 72 degrees 58 minutes 17 seconds East, a distance of 57.80 feet; thence Easterly, along a curve to the right having a radius of 320.00 feet a central angle of 15 degrees 00 minutes 00 seconds a distance of 83.78 feet; thence North 87 degrees 58 minutes 17 seconds East, a distance of 10.02 feet; thence South 2 degrees 01 minutes 43 seconds East, a distance of 120.00 feet; thence South 87 degrees 56 minutes 35 seconds East, a distance of 70.18 feet; thence North 64 degrees 38 minutes 46 seconds East, a distance of 95.83 feet; thence North 87 degrees 56 minutes 33 seconds East, a distance of 170.04 feet; thence North 2 degrees 03 minutes 27 seconds West, a distance of 5.16 feet; thence North 87 degrees 56 minutes 33 seconds East, a distance of 105.00 feet; thence South 2 degrees 03 minutes 27 seconds East, a distance of 540.52 feet; thence South 85 degrees 03 minutes 43 seconds West, a distance of 183.53 feet; thence South 84 degrees 15 minutes 43 seconds West, a distance of 229.86 feet; thence Westerly, along a curve to the left having a radius of 2425.02 feet, an initial tangent bearing of South 84 degrees 16 minutes 57 seconds West, a central angle of 27 degrees 24 minutes 24 seconds a distance of 1159.98 feet, to a point on the West line of the Northwest Quarter of said Section 28; thence North 2 degrees 03 minutes 27 seconds West, along the West line of the Northwest Quarter of said Section 28, a distance of 1383.54 feet, to the point of beginning, containing 26.74 acres more or less.

The boundaries of the District do not contain any property not referenced in Resolution No. Resolution 02-0928-2022, which provided notice of public hearing on the creation of the District and adoption of the Plan.

Section 3. Approval of Development Plan. The Plan for the development or redevelopment of housing and public facilities in the District, as presented to the Governing Body this date, is hereby approved.

Section 4. Adverse Effect on Other Governmental Units. If, within 30 days following the conclusion of the public hearing on DATE, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

- a. The Board of Education of U.S.D. 289 determines by resolution that the District will have an adverse effect on such school district; or
- b. The Board of County Commissioners of Franklin County, Kansas, determines by resolution that the District will have an adverse effect on such county.

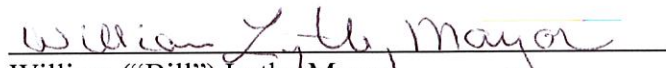
As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Franklin County or U.S.D. 289.

Section 5. Reimbursement. The Act authorizes the City to reimburse the Developer for all or a portion of the costs of implementing the Plan through the use of property tax increments allocated to the City under provisions of the Act.

Section 6. Further Action. The Mayor, City Clerk and other officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body of the City of Wellsville, Kansas and publication of a summary of this Ordinance one time in the official City newspaper.

PASSED by the city commission and signed by the Mayor this 18 day of November, 2022.


William ("Bill") Lytle, Mayor

[SEAL]

Attest: _____


Tammy Jones, City Clerk