

(Published in the Garden City Telegram on the 11th day of April, 2024)

ORDINANCE NO. 2979-2024

SUMMARY

On April 2, 2024, the City of Garden City, Kansas adopted Ordinance No. 2979-2024, establishing Hunters Glen Phase Three B as a Reinvestment Housing Incentive District within the City, Adopting a plan for the development of housing and public facilities in such District, and making certain findings in conjunction therewith.

A complete copy of the ordinance may be viewed free of charge at www.garden-city.org or may be obtained from the City Clerk, at the City Administrative Center, 301 North Eighth Street, Garden City, Kansas 67846. This Ordinance Summary is certified that it is legally accurate and sufficient, by James R. Dummermuth, Assistant City Attorney.

ORDINANCE NO. 2979-2024

AN ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS, ESTABLISHING HUNTERS GLEN PHASE THREE B AS A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY, ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH.

WHEREAS, the Kansas Reinvestment Housing Incentive District Act, K.S.A. 12-5241 et seq., ("Act") authorizes any city incorporated in accordance with the laws of the State of Kansas ("State") with a population of less than 60,000 to designate reinvestment 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 reinvestment housing incentive district, as well as providing the legal description of the proposed district and a map depicting the existing parcels of real estate in the proposed district; and

WHEREAS, after publishing such resolution, the governing body of such city shall send a certified copy thereof to the Secretary of Commerce of the State ("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 a reinvestment housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, Garden City, Kansas has an estimated population of 28,151 and, therefore, constitutes a city as said term is defined in the Act; and

WHEREAS, a housing needs analysis was conducted on behalf of the City of Garden City, Kansas ("City") in 2008 and last updated in 2021 to determine whether housing needs exist within the corporate limits of the City and said analysis concluded that a total of 1,395 housing units are needed to address the housing needs in the City for the 5-year period from 2025 to 2030; and

WHEREAS, Northborough Addition Area was named as a proposed rural housing incentive district (for the purposes of these recitals only "Proposed District") by Resolution No. 2506-2012 that was passed on October 16, 2012 ("Resolution of Required Findings"); and

WHEREAS, the Resolution of Required Findings included a legal description of the Proposed District, a map depicting the existing parcels of real estate located therein, and the following findings and determinations:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers;
2. The shortage of quality housing can be expected to persist and additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City;

3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City;
4. The future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City; and

WHEREAS, the Resolution of Required Findings was published on October 20, 2012 in the Garden City Telegram and a certified copy of the same was thereafter sent to the Secretary of Commerce of the State of Kansas (“Secretary”) requesting review of such resolution and approval of the findings contained therein; and

WHEREAS, the Resolution of Required Findings is, in all respects, compliant with K.S.A. 12-5244 and is otherwise compliant with the Act; and

WHEREAS, the Secretary advised the Governing Body in writing on or about November 27, 2023 of its agreement with each of the findings contained in the Resolution of Required Findings, which thereby authorizes the Governing Body to proceed with the establishment of reinvestment housing incentive districts within the Proposed District; and

WHEREAS, the City has caused there to be prepared a plan for the development of housing and public facilities in the Proposed District to go by the name of Hunters Glen – Phase Three B (“Development Plan”); and

WHEREAS, the Development Plan includes, inter alia:

1. The legal description and map required by K.S.A. 12-5244(a), and amendments thereto;
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 therein;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the Proposed District; and
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the Proposed District, as provided in the Act, that shows the public benefits derived from the Proposed District will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the Proposed District. The analysis identifies any other sources of public or private funds to be used to finance such public improvements.

WHEREAS, the Development Plan is, in all respects, compliant with K.S.A. 12-5245 and is otherwise compliant with the Act; and

WHEREAS, the Governing Body passed Resolution No. 3101-2024 on February 20, 2024 providing notice that a public hearing was to be held on April 2, 2024 wherein the Governing Body was to consider the designation of the Proposed District as a Reinvestment Housing Incentive District pursuant to the Act and was to consider the adoption of the Development Plan ("Public Hearing Resolution"); and

WHEREAS, the Public Hearing Resolution is, in all respects, compliant with subsection (b) of K.S.A. 12-5245 and is otherwise compliant with the Act; and

WHEREAS, a public hearing was held on April 2, 2024 and, upon and considering the information and public comments received at said hearing, the Governing Body deems it advisable to make certain findings to establish the Proposed District as a Reinvestment Housing Incentive District and to adopt the Development Plan.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas, as follows:

SECTION 1. Findings. The Governing Body of the City of Garden City, Kansas ("Governing Body") hereby finds that due notice of the public hearing conducted on April 2, 2024 was made in accordance with the provisions of the Kansas Reinvestment Housing Incentive District Act, K.S.A. 12-5241 et seq. ("Act").

SECTION 2. Establishment of Reinvestment Housing Incentive District. A reinvestment housing incentive district is hereby created and established within the corporate limits of the City of Garden City, Kansas ("City") in accordance with the provisions of the Act, and is named the Hunters Glen – Phase Three B Reinvestment Housing Incentive District, which shall consist of the following described real property in Garden City, Finney County, Kansas:

A tract of land, surveyed by Ken Parks, PS No. 1289, on 19 September, 2022, in the Southwest and Southeast Quarters of the Northeast Quarter of Section 6, Township 24 South, Range 32 West of the 6th P.M., Garden City, Finney County, Kansas, more particularly described as follows:

Commencing at the Northeast Corner of Lot 2, Block 1 of Hunters Glen – Phase One being a found ½" R-bar, CPS; thence North 00°59'33" East a distance of 369.78 feet to a found ½" R-bar, CPS; thence North 88°38'02" West a distance of 1,350.80 feet to a found ½" R-bar, CPS; thence South 00°59'28" West a distance of 274.51 feet to the Point of Beginning being a found ½" R-bar, CPS; thence South 00°59'28" West a distance of 95.36 feet to a set ½" R-bar; thence South 46°10'41" West a distance of 28.19 feet to a set ½" R-bar; thence South 00°59'28" West a distance of 50.00 feet to a set ½" R-bar; thence North 88°38'07" West a distance of 96.00 feet to a set ½" R-bar; thence South 00°59'26" West a distance of 227.18 feet to a set ½" R-bar; thence South 00°56'57" East a distance of 50.04 feet to a set ½" R-bar; thence North 88°47'54" West a distance of 531.69 feet to a set ½" R-bar; thence North 00°59'28" East a distance of 163.60 feet to a set ½" R-bar; thence North 88°47'54" West a distance of 149.77 feet to a set ½" R-bar; thence North 00°59'28" East a distance of 95.55 feet to a set ½" R-bar; thence North 46°10'41" East a distance of 28.14 feet to a set ½" R-bar; thence North 01°04'27" East a distance of 50.00 feet to a set ½" R-bar; thence South 88°38'07" East a distance of 79.75 feet to a set ½" R-bar; thence North 00°59'12" East a distance of 113.42 feet to a set ½" R-bar; thence South 88°38'07" East a distance of 579.99 feet to a set ½" R-bar; thence North 00°59'28" East a distance of 1.61 feet to a set ½" R-bar; thence South 88°47'54" East a distance of 116.00 feet to the Point of Beginning, containing an area of 6.45 acres, more or less ("District").

The boundaries of the District do not contain any property not referenced in Resolution No. 3101-2024, which provided notice of public hearing on the creation of the District and the adoption of the development plan related thereto.

SECTION 3. Adoption of Development Plan. The plan for the development of housing and public facilities in the District, as presented to the Governing Body on this date, is hereby approved and adopted (“Development Plan”).

SECTION 4. Nullification. This Ordinance shall be null and void if, within thirty (30) days following the conclusion of the public hearing on April 2, 2024, any of the following events occur:

1. The Board of Education of Unified School District No. 457 determines by resolution that the District will have an adverse effect on such school district; or
2. The Board of County Commissioners of Finney 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 said boards.

SECTION 5. Reimbursement. The City is authorized to reimburse the developer of the District for all or a portion of the costs of implementing the Development Plan through the use of property tax increments allocated to the City under the provisions of the Act, subject to any and all provisions of the Act and of the Development Plan, including, but not limited to, the Development Agreement attached thereto.

SECTION 6. Further Action. The Mayor, City Clerk, and other officials and employees of the City, including the City Attorney and Assistant 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. Transmission of Documents. The City Clerk shall transmit a copy of the description of the land within the District, a copy of this Ordinance, and a map or plat indicating the boundaries of the District, to the clerk, appraiser, and treasurer of Finney County, Kansas and to the Board of Education of Unified School District No. 457, the Board of County Commissioners of Finney County, Kansas, the Board of Trustees of Garden City Community College, and the governing body of the West Plains Extension District No. 19. Such documents shall be transmitted as promptly as practicable following the adoption of the Development Plan, but in any event, on or before the January 1st next following such adoption.

SECTION 8. Effective Date. This ordinance shall be in full force and effect from and after its publication, or a publication of a summary in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 2nd day of April, 2024.



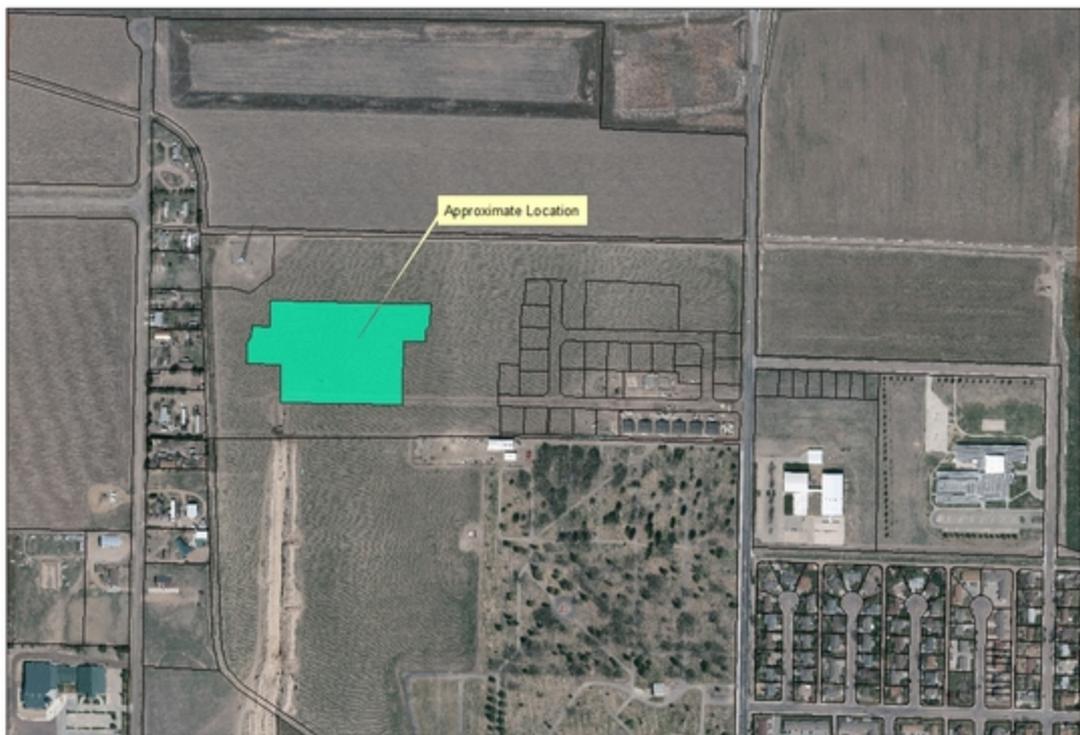

MANUEL F. ORTIZ, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk
KORI A. LONGORIA, Deputy City Clerk

APPROVED AS TO FORM AND CONTENT:

JENNIVER V. CUNNINGHAM, City Attorney



Legend

 Hunters Glen 3B

0 375 750 1,500 Feet

