Neighborhood Revitalization Plan Adopting Ordinance

Ordinance No. S-556

AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA.

WHEREAS, the City Commission of Chanute, Kansas pursuant to the authority provided in K.S.A. 12-17,114 et seq. wishes to adopt a plan to assist the revitalization of certain designated areas of Chanute; and

WHEREAS, the City Commission of Chanute, Kansas pursuant to public notice did hold a public hearing on November 28, 2022 to hear and consider public comment on the Neighborhood Revitalization Plan.

NOW, THEREFORE, BE IT ORDAINED

Section 1. Neighborhood Revitalization Plan. That the City Commission does hereby adopt the Neighborhood Revitalization Plan, attached herein, labeled Exhibit A and incorporated by reference as if fully set forth herein.

Section 2. Designation of Neighborhood Revitalization Area. That the City Commission herby designates the real property described in Part 1 of the Neighborhood Revitalization Plan as the Neighborhood Revitalization Area, finds that the following conditions exist within the Area: 1) a predominance of buildings which, by reason of dilapidation or obsolescence, are detrimental to public health, safety and welfare; 2) a substantial number of deteriorating structures which impair the sound growth of the county, retards the provision of housing and constitutes an economic liability and 3) a predominance of buildings which, by reason of age, history or architecture, are significant and should be restored to productive use, and finds that the rehabilitation, conservation and redevelopment of said area is necessary to protect the health, safety and welfare of the residents of the city.

Section 3. That this ordinance shall be in full force and effective upon publication in the official city newspaper. Passed this 28th day of November, 2022.

Jacob LaRue, Mayor

ATTEST:

Tina L. Bailey, City Clerk
Exhibit A

Neighborhood Revitalization Plan

Purpose and Factual Findings

This plan is intended to promote the revitalization of the area of the City of Chanute through the rehabilitation, conservation or redevelopment of the area in order to protect the public health, safety or welfare of the residents of the city. More specifically, certain incentives will be used for the acquisition and/or the removal of abandoned structures and a tax rebate incentive will be available for certain improvements within the area.

In accordance with the provisions of K.S.A. 12-17, 117 et seq., the City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Commission has carefully reviewed; evaluated and determined the area meets one or more of the conditions to be designated as a “neighborhood revitalization area/dilapidated structure”.

Part 1

Legal description of Neighborhood Revitalization Area

The Neighborhood Revitalization Area will include the City of Chanute boundaries defined by Resolution No. 2017-67 adopted December 11, 2017.

The area will also include any property annexed into the City of Chanute boundaries after December 11, 2017 throughout the term of this program.

The area will also include any public property that is sold or otherwise transferred to private ownership during the term of this program.

Not included within the Neighborhood Revitalization Area will be properties identified by legal description commonly known as properties owned by The City of Chanute, Neosho County Community College, Neosho County and USD 413.

Part 2

Assessed Valuation of Real Property

The existing assessed valuation of the real estate (land and improvements) contained in the Neighborhood Revitalization Area is available upon request from the Neosho County Clerk’s Office.
Part 3
Listing Participating Owners of Record in Area

A list of names and address of owners of record of real estate within the area are also available upon request from the Neosho County Clerk’s office.

Part 4

A. Existing Zoning Classifications and Boundaries
B. Existing and Proposed Land Uses

Part 5
Proposals for Improving the Area

The City recognizes the value of municipal services and capital improvements throughout the community. The City is strongly committed to maintaining a substantial presence in the Area.

Efforts underway or in planning stages include:
- Road improvements as needed per the City’s annual street repair and maintenance program;
- Intersection upgrades;
- Sidewalk and bike path installation;
- Water Main improvements and replacements;
- Sanitary Sewer improvements and replacements;
- Economic Development efforts and programs to encourage business growth; and
- Economic Development efforts and programs to encourage residential growth, commercial growth, and development which include public safety, transportation, parks and recreation, healthcare, and utilities.

Part 6
Property Eligible for a Tax Rebate

Residential Property:
1. Rehabilitation, alterations and additions to any existing residential structure, including the alteration of a single-family home into a multi-family dwelling, shall be eligible.
2. Construction of new residential structures, including the conversion of all or part of a non-residential structure into a residential structure, shall be eligible.
3. Eligible residential property may be located anywhere in the neighborhood revitalization area.
Residential Property – Infill Lot:
1. Construction of new residential single-family home or multi-family dwelling on an infill lot shall be eligible.
2. Eligible residential infill lot may be located anywhere in the neighborhood revitalization area.

Commercial/Industrial Property:
1. Rehabilitation, alterations and additions to any existing commercial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
2. Construction of new commercial structures, including the conversion of all or part of a non-commercial structure into a commercial structure, used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
3. Improvements to existing or construction of new structures used for public utility or railroad purposes shall not be eligible.
4. Eligible commercial or industrial property may be located anywhere in the neighborhood revitalization area.

Part 7
Criteria for Determination of Eligibility

1. Construction of an improvement must have been commenced on or after January 1, 2023, the effective date of enactment of the tax rebate program.
2. Any application where permits are required by code, permit must be acquired from city offices after approval of this application and prior to any construction.
3. The minimum investment shall be $7,500 (and must also reflect a $7,500 increase in the appraised value) for residential, commercial and industrial property.
4. Property eligible for tax incentives under any other program adopted pursuant to statutory or constitutional authority shall be eligible to submit only one application per project.
5. Construction must be completed in one year from the date the application is approved.
6. The City Commission has the authority to grant extensions up to 2 years for commercial properties and 1 year for residential properties if conditions warrant.

Part 8
Contents of Application for Tax Rebate

A. General Information
1. Owner’s Name
2. Day Phone Number  
3. Email Address  
4. Owner’s Mailing Address  
5. Project Property Address  
7. Parcel Identification Number (or)  
8. Legal Description of Property  
9. Property Class/Use  
10. Improvements  
11. Estimated Cost of Improvements  
12. Estimated Date for Construction to Begin  
13. Estimated Date of Completion  
14. Proof of Historical Register Listing  
15. List of Buildings Proposed to be or actually demolished  
16. If Residential Rental Property, a list of tenants occupying the building when purchased (or present tenants if unknown) date of tenant occupancy or relocation  
17. Chanute Community Services Statement for Building Permit  
18. Chanute Regional Development Authority’s Statement of Construction Status  
19. County Appraiser’s Statement of Appraised Valuation  
20. County Treasurer’s Statement of Taxes owed

B. Commencement of Construction
1. Date of commencement of construction.  
2. Estimated date of completion of construction.

C. Status of Construction/Completion
1. Incomplete project as of January 1 following commencement.  
2. Complete project as of January 1 following commencement  
3. County Treasurers Statement of Tax Status

Part 9

Procedure for Submission of an Application

1. The Applicant shall obtain an application for Tax Rebate from the Chanute Regional Development office, online at ChanuteRDA.com or the Chanute City Clerk office.  
2. The applicant shall complete and sign Part I of the application and file the original and nonrefundable application fee with the City Clerk within 30 days prior to start of construction and upon Chanute City Commission approval obtain a building permit, if required by code.  
3. Chanute Regional Development Authority will forward the application to the Neosho County Appraiser’s Office for determination of the existing appraised valuation of the improvements and to the Neosho County Treasurer’s office to determine if unpaid taxes are owed.
4. Upon completion of the application, CRDA will request that the City Manager’s office present the application at the earliest available Chanute City Commission meeting, for approval or denial. Once a decision has been made, the City Clerk’s office will provide a copy of the application with determination to the applicant.

5. Upon completion of the project the applicant must turn in part II & receipts to the Appraiser’s Office and schedule an on-site inspection for pictures and measurements. If you apply for an extension, your part II must be turned in on or before the new deadline date.

6. As of January 1, of each year the Appraiser’s office must determine the % complete or completion of the project and report the new valuation to the County Clerk’s Office by June 15 for tax purposes. Project rebates do not begin until fully finished and final paperwork is turned in. (By statute The County Appraiser’s Office must value all structures by January 1st of each year, placing a % complete on those structures not yet finished.)

7. Upon determination by the Appraiser’s office that the project meets the criteria for rebate and by the Treasurer’s office that the full payment of taxes and assessments on the property are not delinquent, the applicant shall be eligible for their tax rebate. If at any point during the taxpayers NRP period, their taxes are delinquent, they will no longer be eligible for rebate and shall be permanently removed.

Part 10
Standards and Criteria for Review and Approval

1. The property for which a rebate is requested shall conform to all applicable city or county codes and regulations in effect at the time the improvements are made and shall remain in conformance for the duration of the rebate period or the rebate may be terminated.

2. Any property owner whose tax is delinquent or paid with insufficient funds shall forfeit continuation in the program (unless the taxes are paid through an escrow account that is not controlled by the property owner). This includes BID and Special assessments.

3. Following establishment of the increase in appraised value resulting from a specific improvement, the fixed rebate percentage shall be applied to the change in appraised value of the structure.

4. The Chanute City Commission shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein.

5. The Chanute City Commission shall have the discretion to remove applicants from the program for failure to follow through with program guidelines. If an applicant is dissatisfied with the commission’s decision, a written appeal may be submitted to the commission for final determination.
Part II
Statement Specifying Rebate Formula

Program Period:

The Neighborhood Revitalization fund and tax rebate incentive program shall expire on December 31, 2024. The program will be reviewed annually beginning December 2023 at which time the commission will consider modifications and extensions.

Rebate Period:

Residential: 10 Years
Commercial/Industrial: 10 Years

Rebate Amount:

(*5% to remain in the Neighborhood Revitalization Fund to assist with the county’s administrative costs associated with this program. 5% to go to the Chanute Regional Development Authority to promote economic development efforts as described in Part 5 of the Neighborhood Revitalization Plan

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<thead>
<tr>
<th>Commercial Properties — New/Rehabilitation Projects</th>
<th>Increase in Appraised Value of</th>
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<tr>
<td></td>
<td>$7,500 - $500,000</td>
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<tr>
<td>1-3 yr -- 90%</td>
<td>1-6 yr -- 90%</td>
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<tr>
<td>4 yr -- 80%</td>
<td>7 yr -- 70%</td>
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<tr>
<td>5 yr -- 70%</td>
<td>8 yr -- 60%</td>
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<tr>
<td>6 yr -- 60%</td>
<td>9 yr -- 50%</td>
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<tr>
<td>7 yr -- 50%</td>
<td>10 yr -- 20%</td>
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<tr>
<td>8 yr -- 40%</td>
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<tr>
<td>9 yr -- 30%</td>
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<tr>
<td>10 yr -- 20%</td>
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<tr>
<th>Residential Properties — New/Rehabilitation Projects</th>
<th>Increase in Appraised Value of</th>
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<tbody>
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<td>4 yr -- 80%</td>
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<td>5 yr -- 70%</td>
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<td></td>
<td>9 yr -- 30%</td>
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<td>10 yr -- 20%</td>
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<thead>
<tr>
<th>Residential Properties — Infill Lot New Single-Family Home or Multi-Family Dwelling</th>
<th>Increase in Appraised Value of</th>
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</thead>
<tbody>
<tr>
<td>$7,500 +</td>
<td>1-10 yr -- 90%</td>
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</table>
Neighborhood Revitalization Area
*Properties specifically excluded are defined in Part 1
(Full size map on file with City Clerk)

Chanute, Kansas
66720
Affidavit of Publication

STATE OF KANSAS, NEOSHO COUNTY, ss:
Emily Orozco, being first duly sworn, deposes and says: That she is Classified Manager of THE CHANUTE TRIBUNE, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Neosho County, Kansas, with a general paid circulation on a daily basis in Neosho County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year: has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Chanute, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 30th day of November, 2022, with subsequent publications being made on the following dates:

[Signatures]

Subscribed and sworn to and before me this 30th day of November, 2022

Notary Public

My commission expires: January 9, 2023

Printer’s Fee $ 100.00
Affidavit, Notary’s Fee $ 10.00
Additional Copies $
Total Publication Fees $ 110.00