

ORDINANCE NO. 3794

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, 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 (UNITED VILLAGE)

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 located in a county with a population of less than 80,000, 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 a 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 Dodge City, Kansas (the “City”) has an estimated population of approximately 27,340, is located in Ford County, Kansas, which has an estimated population of approximately 33,848, and therefore constitutes a city as said term is defined in the Act; and,

WHEREAS, the Governing Body of the City has performed a Housing Needs Analysis dated June 2022 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and,

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 2022-38 which made certain findings relating to the need for financial incentives relating to 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 Secretary of the Kansas Department of Commerce, pursuant to a letter dated November 1, 2022 authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “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 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 incentive 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 May 1, 2023 and provided for notice of such public hearing as provided in the Act; and,

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 2023-10 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 May 1, 2023 and provided for notice of such public hearing as provided in the Act; and,

WHEREAS, a public hearing was held on May 1, 2023, 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.

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

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted May 1, 2023 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 in the Development, an addition to the City of Dodge City, Ford County, Kansas:

Beginning at the Northwest corner of Block 4, Boto Addition to the City of Dodge City, Kansas; Thence on an assumed bearing of N 0° 13' 56" W, on the extension of the West Line of Boto Addition, a distance of 20.25 feet to the South Right-of-way Line of McArtor Road; Thence on a bearing of S 89° 58' 18" W, along the South Line of McArtor Road, 52.54 feet; Thence on a bearing of S 0° 30' 43" W, 351.17 feet; Thence on a bearing of S 89° 58' 18" W, a distance of 165.50 feet; Thence on a bearing of S 0° 20' 49" W, a distance of 128.00 feet; Thence on a bearing of S 89° 58' 18" W, a distance of 150.00 feet; Thence on a bearing of N 0° 20' 49" E, a distance of 128.00 feet along; Thence on a bearing of S 89° 58' 18" W, a distance of 93.30 feet; Thence on a bearing of S 61° 37' 24" W, a distance of 292.71 feet; Thence on a bearing of N 0° 20' 49" E, a distance of 1.00 feet, said point being the Southeast Corner of Cooper Addition to the City of Dodge City, Ford County, Kansas; Thence on a bearing of N 89° 56' 11" W, a distance of 23.00 feet along the Southerly Line of said Cooper Addition; Thence on a bearing of S 40° 28' 43" W, a distance of 217.60 feet along the Southerly Line of said Cooper Addition; Thence on a bearing of S 89° 19' 04" W, a distance of 594.80 feet along the South Line of Cooper Addition to the Southwest Corner of said Cooper Addition; Thence on a bearing of N 0° 17' 31" E, a distance of 9.92 feet along the West Line of said Cooper Addition; Thence on a bearing of S 89° 56' 47" W, a distance of 167.07 feet to the East Line of Veeann Avenue, said line of Veeann Avenue being the East Line of Miller Subdivision No.1 to the City of Dodge City, Ford County, Kansas; Thence north along the East Line of Miller Subdivision No.1 to the North of platted drainage ditch; Thence west along the North Line of said drainage ditch extended to the West Right-of-way line of 14th Avenue; Thence south along the West Right-of-way of 14th Avenue to the extended South Right-of-way Line of Mike Miller Parkway; Thence east along the extended South Right-of-way Line of Mike Miller Parkway to Northeast corner of Block 3 Miller Subdivision No.1; Thence south along the East Line of Block 3 Miller Subdivision No.1 to the Southeast Corner thereof, being the North Right-of-way Line of Merritt Road; Thence west along the North Right-of-way Line of Merritt Road extended to the West Right-of-way Line of 14th Avenue; Thence south along the West Right-of-way Line of 14th Avenue to the extended South Right-of-way Line of Merritt Road; Thence east along the extended South Right-of-way Line of Merritt Road to the Southeast Corner of Miller Subdivision No.1; Thence north along the East Line Of Miller Subdivision No.1 to the South Line of the Northwest Quarter of Section 2, Township 27 South, Range 25 West; Thence east along the South Line of said Northwest Quarter of Section 2 to the West Line of Boto Addition; Thence north along the West Line of Boto Addition to the Southwest Corner of Block 4, Boto Addition; Thence east along the South Line of said Block 4, Boto Addition extended to the East Right-of-way Line of Sunnyside Avenue; Thence Northerly along the East Right-of-way Line of Sunnyside Avenue to the intersection of the East Right-of-way Line of Sunnyside Avenue and the North Right-of-way Line of Beeson Road; Thence west along the North Right-of-way Line

of Beeson Road to the intersection of the North Right-of-way Line of Beeson Road and the West Right-of-way Line Sunnyside Avenue; Thence south along the West Right-of-way Sunnyside Avenue to the South Right-of-way Line of Beeson Road, being the Northeast Corner of Merritt Beeson Subdivision; Thence west along the North Line of Merritt Beeson Subdivision a distance of 95 feet to the Northeast Corner of Lot 2, Block 2, Merritt Beeson Subdivision; Thence south along the East Line of said Lot 2 to the Southeast Corner thereof; Thence continuing south parallel to the West Right-of-way Line of Sunnyside Avenue to the North Right-of-way Line of McArtor Road, being the North Line of Boto Addition; Thence west along the North Line of Boto Addition to the Northwest Corner thereof, and Point of Beginning.

The boundaries of the District do not contain any property not referenced in Resolution No. 2023-10, 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 May 1, 2023, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

- a. The Board of Education of U.S.D. No. 443 determines by resolution that the District will have an adverse effect on such school district; or
- b. The Board of County Commissioners of Ford 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 Ford County or Unified School District No. 443.

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 the 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 Dodge City, Kansas and publication one time in the official City newspaper.

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PASSED by the Governing Body of the City of Dodge City, Kansas and signed by the Mayor on May 1, 2023.

[SEAL]

Mayor

City Clerk