

(Published in the Morning Sun on October 27th, 2017)

ORDINANCE NO. S-1049

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF
PITTSBURG, 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**

Pittsburg Highlands, LP

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 rural housing incentive districts within such city and adopt plans for the development of housing and public facilities in the proposed districts; and

WHEREAS, the City of Pittsburg, Kansas (the "City") has an estimated population of approximately 20,200, is located in Crawford, Kansas, which has an estimated population of approximately 39,200, 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 July 18, 2014, then updated the analysis in October of 2015 (the "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. 1178 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 February 5, 2017, 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 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. 12-5245;
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,
8. A description of 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 October 24, 2017, 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. 1197 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 October 24, 2017 and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on October 24, 2017, 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 PITTSBURG, KANSAS:

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted October 24, 2017 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, within the City of Pittsburg, Kansas in Crawford County, Kansas:

Lots numbered Five (5), Six (6), Seventeen (17), and Eighteen (18) in Radell's Second (2nd) Addition to the City of Pittsburg, Kansas, Crawford County, Kansas, according to the recorded Plat, thereof.

The boundaries of the District do not contain any property not referenced in Resolution No. 1197, 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, any of the following occurs, this ordinance shall be null and void:

a. The Board of Education of U.S.D. No. 250 determines by resolution that the District will have an adverse effect on such school district; or

b. The Board of County Commissioners of Crawford 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 by The Board of County Commissioners of Crawford County or the Board of Education of Unified School District No. 250.

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 and in accordance with the Development Agreement.

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

[remainder of this page left blank intentionally]

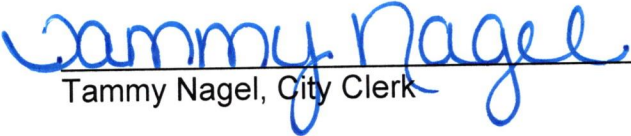
PASSED by the Governing Body of the City of Pittsburg, Kansas and signed by the Mayor on October 24, 2017.





Michael Gray, Mayor

Jeremy Johnson
President of the Board



Tammy Nagel, City Clerk