

ORDINANCE NO. S-1071

AN ORDINANCE 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 (CREEKSIDE EAST-PHASE 1 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 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 the Kansas Department of Commerce (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 or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the City of Pittsburg, Kansas (the “City”) has an estimated population of approximately 20,178, is located in Crawford County, Kansas, which has an estimated population of approximately 39,019, and therefore constitutes a city as the term is defined in the Act; and

WHEREAS, the governing body of the City (the “Governing Body”) has performed a Housing Needs Analysis, dated October 2015 (the “Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, the Governing Body adopted Resolution No. 1178 on November 10, 2015, 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 the Analysis to the Kansas Department of Commerce in accordance with the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated February 5, 2016, authorized the City to proceed with the establishment of a rural housing incentive district pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan (the “Plan”) for the development or redevelopment of housing and public facilities in the proposed Creekside East-Phase 1 Rural Housing Incentive District (the “District”) in accordance with the provisions of the Act; and

WHEREAS, the Plan includes:

1. The legal description and map required by K.S.A. 12-5244(a).
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement value 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, which shows the public benefit derived from the District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the District.

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 1236, which made a finding that the City is considering establishing the proposed District and adopting the proposed Plan pursuant to 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 July 28, 2020, and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on July 28, 2020, after notice was duly published and delivered 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 notice of the public hearing conducted July 28, 2020, was duly 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:

PART OF A TRACT OF LAND DESCRIBED IN BOOK 309, PAGE 579 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS, BEING PART OF THE EAST HALF OF SECTION 28, TOWNSHIP 30 SOUTH, RANGE 25 EAST, CRAWFORD COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" IRON PIN AT THE EAST QUARTER CORNER OF SECTION 28; THENCE SOUTH 86°27'01" WEST, 30.67 FEET TO A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 386, PAGE 733 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 86°27'01" WEST ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 386, PAGE 733, 630.17 FEET TO A FOUND 5/8" IRON PIN AT THE NORTHWEST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 86°19'30" WEST ALONG THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 608, PAGE 364 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS, 543.54 FEET; THENCE NORTH 03°40'00" WEST, 135.16 FEET; THENCE SOUTH 86°20'00" WEST, 14.23 FEET; THENCE NORTH 03°40'00" WEST, 153.67 FEET; THENCE 31.50 FEET ALONG A 175.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING NORTH 08°49'26" WEST, A DISTANCE OF 31.46 FEET; THENCE NORTH 86°20'00" EAST, 592.06 FEET; THENCE NORTH 03°40'00" WEST, 109.13 FEET TO A POINT ON THE WEST LINE OF LOT 1 IN REMINGTON SQUARE, A SUBDIVISION OF LAND IN THE CITY OF PITTSBURG, KANSAS AS SHOWN IN PLAT BOOK N, PAGE 88; THENCE SOUTH 51°10'39" EAST ALONG THE WEST LINE OF SAID LOT 1, ALSO BEING THE CENTERLINE OF THE ABANDONED ST. LOUIS AND SAN FRANCISCO RAILROAD, 311.11 FEET TO THE NORTHWEST CORNER OF TRACT A IN SAID REMINGTON SQUARE; THENCE NORTH 87°08'25" EAST ALONG THE NORTH LINE OF SAID TRACT A, 374.38 FEET TO THE NORTHEAST CORNER OF SAID TRACT A; THENCE SOUTH 2°19'21" EAST ALONG THE EAST LINE OF SAID TRACT A, 215.15 FEET TO THE POINT OF BEGINNING.

AND ALSO;

COMMENCING AT A FOUND 1/2" IRON PIN AT THE EAST QUARTER CORNER OF SECTION 28; THENCE SOUTH 86°27'01" WEST, 30.67 FEET TO A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 386, PAGE 733 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS; THENCE CONTINUING SOUTH 86°27'01" WEST ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 386, PAGE 733, 630.17 FEET TO A FOUND 5/8" IRON PIN AT THE NORTHWEST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 86°19'30" WEST ALONG THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 608, PAGE 364 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS, 673.76 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 86°20'00" WEST, 290.85 FEET; THENCE SOUTH 87°46'00" WEST, 189.60 FEET; THENCE SOUTH 03°42'59" EAST, 511.76 FEET TO THE NORTHWEST CORNER OF PAYTON'S HAMLET, A SUBDIVISION OF LAND IN THE CITY OF PITTSBURG, KANSAS AS SHOWN IN PLAT BOOK N, PAGE 178; THENCE ALONG THE WEST LINE OF SAID PAYTON'S HAMLET SOUTH 03°42'59" EAST, 48.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 03°42'59" EAST, 160.13 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 86°55'52" WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY OF DEER RUN LANE AS PLATTED IN SAID PAYTON'S HAMLET; THENCE SOUTH 03°42'59" EAST ALONG THE SAID WEST RIGHT-OF-WAY, 259.19 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 603, PAGE 884 IN THE REGISTER OF DEEDS OFFICE IN CRAWFORD COUNTY, KANSAS; THENCE SOUTH 86°58'29" WEST ALONG THE NORTH LINE OF SAID TRACT OF LAND, 402.10 FEET; THENCE NORTH 02°14'31" WEST, 413.93 FEET; THENCE NORTH 86°17'00" EAST, 451.42 FEET, TO THE POINT OF BEGINNING. CONTAINS A TOTAL OF 11.86 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR FACT. BEARINGS ARE BASED ON THE KANSAS COORDINATE SYSTEM OF 1983, SOUTH ZONE.

The District's boundaries do not contain any property not referenced in Resolution No. 1236, which provided notice of the 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. In addition, the approval of the Development Agreement relating to the Creekside East-Phase 1 Rural Housing Incentive District between the City and the developer thereof is hereby ratified and confirmed.

Section 4. Adverse Effect on Other Governmental Units. If, within 30 days following the conclusion of the public hearing on July 28, 2020, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

(a) The Board of Education of Unified School District No. 250, Crawford County, Kansas (Pittsburg) 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 and is not aware of the adoption of any such resolution by the governing body of either Unified School District No. 250, Crawford County, Kansas (Pittsburg) or of Crawford County, Kansas.

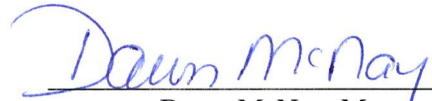
Section 5. Further Action. The Mayor, City Clerk, city officials and employees, including the City Attorney, and Gilmore & Bell, P.C., are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body and publication one time in the official City newspaper.

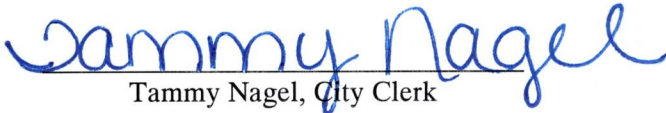
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PASSED by the Governing Body of the City of Pittsburg, Kansas, and **SIGNED** by the Mayor on July 28, 2020.

(SEAL)


Dawn McNay, Mayor

ATTEST:


Tammy Nagel, City Clerk

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