

**ORDINANCE NO. 1877**

**AN ORDINANCE** adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 et seq., Neighborhood Revitalization Act, and Authorizing the City to enter into an Interlocal Agreement to provide for the implementation of the plan, and revoking Ordinance 1837 on the same subject.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:**

Section 1.        **Hearing.**

The Governing Body of the City of Russell pursuant to Notice of Public Hearing did hold a public hearing on December 15<sup>th</sup>, 2015, to hear and consider public comments on the Neighborhood Revitalization Plan as required by K.S.A. 12-17,114.

Section 2.        **Neighborhood Revitalization Plan.**

The Governing Body of the City of Russell does hereby adopt the Neighborhood Revitalization Plan, attached hereto, labeled and incorporated by reference as if fully set forth herein, which shall replace the existing Plan adopted by Ordinance No. 1837.

Section 3.        **Designation of Neighborhood Revitalization Area.**

Pursuant to K.S.A. 12-17,116 the Governing Body of the City of Russell hereby designates the real property described in the Neighborhood Revitalization Plan as the Neighborhood Revitalization Area and finds that said area contains:

- A. A predominance of buildings which by reason of dilapidation or obsolescence are detrimental to public health, safety and welfare;
- B. A substantial number of deteriorating structures which impairs sound growth of the City and retards the provision of housing and constitutes an economic liability;
- C. A predominance of buildings which are significant and should be restored to reproductive use;

and finds that the rehabilitation, conservation and redevelopment of said area is necessary to protect the public health, safety and welfare of the residents of the City of Russell. The Neighborhood Revitalization area is described as follows:

**AREA A**

Beginning at the intersection of West Wisconsin Street and North Van Houten Street; thence South to the intersection of West Wichita Avenue and North Van Houten Street; thence East to the intersection of West Wichita Avenue and South Ash Street; thence South to the intersection of South Ash Street and West Dorrance Street; thence East to the intersection of West Dorrance Street and South Main Street; thence South to the intersection of East Miller Avenue and South Main Street; thence East to the intersection of East Miller Avenue and South Fossil Street (U.S. 281 Hwy); thence Southeasterly to the intersection of South Fossil Street (U.S. 281 Hwy) and East Witt Avenue; thence West to the intersection of East Witt

Avenue and Stephanie Street; thence South to the north right-of-way of Interstate 70; thence northeasterly along the north right-of-way of Interstate 70 to the west right-of-way of South Fossil Street (U.S. 281 Hwy.); thence East a distance of 250 feet; thence southeasterly along the north right-of-way of Interstate 70 to the east corporate city limits; thence north to the intersection of the east corporate city limits and Homer Road; thence east to the intersection of Homer Road and the east corporate city limits; thence north along the east corporate city limits a distance of 2657.19 feet; thence west to the intersection of East Dorrance Street and South Front Street; thence north to the intersection of South Front Street and the south boundary line of platted Theron Extension Addition; thence east along the south boundary of the Theron Extension Addition to the east boundary of platted Theron Extension Addition; thence north along the east boundary line of Theron Extension Addition to the intersection of East Wichita Ave; thence East to the intersection of East Wichita Avenue and North Copeland Street; thence North to the intersection of North Copeland Street and East State Street; thence West to the intersection of East State Street and North Front Street; thence North to the dead end of East Ninth Street; thence West to the intersection of East Ninth Street and North Main Street; thence Southwesterly to the intersection of West Ninth Street and North Lincoln Street; thence South to the intersection of North Lincoln Street and West Seventh Street; thence West to the intersection of West Seventh Street and North St. John Street; thence South to the intersection of North St. John Street and West Wisconsin Street; thence West to the intersection of West Wisconsin Street and North Van Houten Street, this being the point of beginning.

#### **AREA B**

Beginning at the intersection of North Lincoln Street and West Eighteenth Street; thence South to the intersection of North Lincoln Street and West Fourteenth Street; thence West to the intersection of West Fourteenth Street and the alley between North Kilian Street and platted North St. John Street; thence South to the intersection of the alley between North Kilian Street and platted North St. John Street and the Union Pacific Railroad north right-of-way; thence Northeasterly to the intersection of the Union Pacific Railroad north right-of-way and North Copeland Street; thence Southeasterly to the intersection of the Union Pacific Railroad north right-of-way and the east corporate city limits; thence North to the intersection of the east corporate city limits and East Fifteenth Street; thence West to the intersection of East Fifteenth Street and North Elm Street; thence North to the intersection of North Elm Street and East Eighteenth Street; thence West to the intersection of West Eighteenth Street and North Lincoln Street, this being the point of beginning.

#### **Section 4. Interlocal Agreement.**

The governing body of the City of Russell is authorized to enter into an Interlocal Agreement to provide for the implementation of the Neighborhood Revitalization Plan as authorized by K.S.A 12-2901 et seq.

#### **Section 5. Program Termination Date.**

The Neighborhood Revitalization Plan tax rebate program will continue indefinitely until terminated or modified by the governing body of the City of Russell as provided by law.

Section 6.      **Effective Date**

This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper, and upon its effective date revokes Ordinance No. 1837.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS, THIS 15<sup>th</sup> DAY OF DECEMBER, 2015.

  
\_\_\_\_\_  
Raymond C. Mader, Mayor

ATTEST:

  
\_\_\_\_\_  
Katrina Woelk, City Clerk

## **INTERLOCAL COOPERATIVE AGREEMENT**

(Pursuant to the Kansas Interlocal Cooperative Act - K.S.A. 12-2901, et seq.)

**THIS INTERLOCAL AGREEMENT** (hereinafter referred to as “Agreement”) entered into by and between the City of Russell, a duly organized municipal corporation hereinafter referred to as “City”, Unified School District #407, hereinafter referred to as USD #407 and Russell County hereinafter referred to as “County”

**WHEREAS**, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

**WHEREAS**, all parties are pursuant to K.S.A. 12-2903 public agencies, capable of entering into interlocal agreements; and

**WHEREAS**, K.S.A. 12-17,114 et seq. Provides a program for Neighborhood Revitalization and further allows for the use of interlocal agreements between municipalities to further Neighborhood Revitalization; and

**WHEREAS**, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in K.S.A. 12-17, 119 by acting jointly.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:**

1. The parties agree to consider and act upon a Neighborhood Revitalization Plan in substantially the same form and content with designated areas defined as Area A and Area B, which plan is attached hereto and incorporated by reference as if fully set forth herein. The parties further agree the Neighborhood Revitalization Plan as adopted will not be amended by any of the participating parties except by agreement or as may be necessary to comply with applicable state law or regulation.
2. Effective date and duration. The Agreement is effective upon its authorization by the Russell City Council, Unified School District #407 Board of Education, the Russell County Commissioners, approval as to form and compatibility with law by the Kansas Attorney General’s Office, and filing of the same with the Russell County Register of Deeds . It will remain in effect until terminated as provided in the Plan and this Agreement.
3. The parties further agree that the City and County shall administer the Neighborhood Revitalization Plan as adopted by each party on behalf of the signatory parties. The County shall create a Neighborhood Revitalization fund pursuant to K.S.A. 12-17, 118 and amendments. Any increment in property taxes received by the signatory parties resulting from qualified improvements to property pursuant to the Neighborhood Revitalization Plan shall be credited to the County’s Neighborhood Revitalization Fund. The parties acknowledge and agree that 5% of the increased tax bill will be withheld annually by the county for the administration of the plan with a \$25 minimum.
4. Except as otherwise provided herein and in the Neighborhood Revitalization Plan as adopted by the parties, the City of Russell shall be responsible for administering the joint and cooperative undertakings set out in this Agreement.
5. The parties agree to undertake a review of the Neighborhood Revitalization Plan every three (3) years hereafter, to determine any needed modifications to the Plan or whether it should

continue. The participants agree that any party may withdraw and terminate its participation in this agreement by providing thirty (30) days advance notice to the other parties, provided however, any applications for tax rebate submitted prior to termination, if approved, will be considered eligible for the duration of the rebate period.

6. Each signature party is responsible for its own costs of administering the plan as no joint or cooperative financing of the project, except as stated herein, is planned.
7. Manner of acquiring, holding and disposing of real and personal property under this cooperative undertaking. No real or personal property is intended to be acquired under this agreement.

IN WITNESS WHEREOF, the parties have hereto executed this contract as of the day and year first stated opposite each signature below.

City of Russell, Kansas

  
\_\_\_\_\_  
Raymond C. Mader, Mayor Date

ATTEST:

  
\_\_\_\_\_  
Katrina Woelk, City Clerk

Board of Russell County Commissioners of Russell County, Kansas

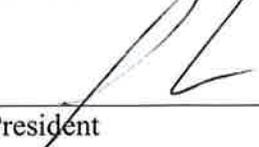
  
\_\_\_\_\_  
Chair Date 12-21-15



ATTEST:

  
\_\_\_\_\_  
Mary Nuss, County Clerk

Unified School District #407 Board of Education

  
\_\_\_\_\_  
President Date 1/11/16

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

## **CITY OF RUSSELL**

### **PUBLIC HEARING NOTICE**

The City of Russell, Kansas, will hold a public hearing to consider the adoption of a neighborhood revitalization plan in certain portions within the city. A map of the proposed area is available in the City Clerk's Office. This plan may include entering into an interlocal agreement with Russell County and USD #407 for the purposes of promoting revitalization and development within the city to enhance public health, safety or welfare of residents of the city. More specifically, a tax rebate incentive will be available for certain improvements within the boundaries of the designated plan area. This public hearing is scheduled for December 15<sup>th</sup> at 4:30 p.m., to be held in the City Council Chambers, City Hall, 133 W 8<sup>th</sup> Street, Russell, Kansas. Reasonable accommodations are available for persons needing assistance. Requests for accommodations should be submitted to Katrina Woelk, City Clerk, 785-483-6311 by December 8<sup>th</sup>, 2015.

## **THE NEIGHBORHOOD REVITALIZATION PROGRAM**

Authorized by K.S.A.12-17, 114, et. seq., the Neighborhood Revitalization Act gave local governments and citizens in Kansas the power to improve their communities. This program promotes the revitalization and development of the City of Russell by stimulating new construction and the rehabilitation and development of the city in order to enhance the public health, safety or welfare of the residents of the City.

### **How does the City promote revitalization?**

By issuing property tax rebates as an incentive to make improvements to property within certain areas of the city.

### **What areas are designated as neighborhood revitalization areas?**

There are two areas that the city of Russell has designated neighborhood revitalization areas. Check with the city office or the economic development office to see if your property is included.

### **What types of improvements are eligible?**

For residential and commercial properties, rehabilitation, additions or new construction of any residential dwelling, or commercial structure, including single and multi-family units, is eligible provided that the construction cost is at least \$5,000 for residential and \$10,000 for commercial.

### **What are the criteria for determining what property is eligible for revitalization?**

1. The property is within the neighborhood revitalization area.
2. Construction of the improvements must have been begun after the date the neighborhood was designated as a neighborhood revitalization area and after a building permit is issued.
3. Construction cost must be a minimum of \$5,000 for residential and \$10,000 for commercial.
4. The improvements must conform to the City of Russell's Building and Zoning Ordinance in effect at the time the improvements are made.
5. Any owner of property who is delinquent in any tax payment and/or special assessment shall not be eligible for any rebate or future rebate.
6. Owners of property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and any existing tax abatement program may submit only one application per project.

### **Example of improvements that may qualify for a tax rebate**

New house, new bathroom, new bedroom, finishing a basement, adding a garage, adding a storage shed on a foundation.

### **Examples of improvements that may not qualify for a tax rebate**

New carpet, restoring hard floors, new linoleum, new roof, new doors and windows, new paint, vinyl siding.

**How do I apply for a rebate?**

1. Prior to the commencement of construction on any improvement for which a tax rebate will be requested, the applicant-owner shall obtain an application for tax rebate from the City of Russell, Building Inspector/Zoning Administrator.
2. The applicant-owner shall contact the County Appraiser and County Clerk prior to the submission of the tax rebate and building permit application and have them complete and sign their portion of Part I. The application shall be submitted at the same time as the building permit is issued.
3. Part I of the tax rebate application form must be signed by the applicant-owner and filed along with a non-refundable \$50.00 application fee and building permit fee payable to the City of Russell.
4. The Building Inspector/Zoning Administrator is to be notified by the applicant-owner when the construction project begins by filing Part II, the Commencement of Construction form.
5. Upon completion of construction, the applicant-owner shall file Part III with the City of Russell Building Inspector/Zoning Administrator. Receipts and/or spreadsheets from the improvement costs and a certificate of occupancy must be attached.

**Under what conditions can my rebate be terminated?**

1. Failure to construct the improvements to applicable codes, rules and regulations shall cause the rebate application to be terminated.
2. The applicant-owner fails to pay property taxes for any year, the property will be removed from the eligible rebate program. In addition, any late fees, fines, surcharges are not eligible for rebate.

**What if I sell my home or property?**

The tax rebate qualifications are transferable one time. The new owner can assume the remaining years of the eligible rebate providing the taxes do not become delinquent.

**How long can I receive a rebate?**

The maximum number of years is 10.

**Who shall I call if I have a question?**

Name: Building Inspector/Zoning Administrator, City of Russell, 785-483-6311

Name: Russell Co. Appraiser's Office, 785-483-5551

Name: Russell Co. Economic Development Office, 785-483-4000

STATE OF KANSAS  
RUSSELL  
COUNTY SS.

# Affidavit of Publication

**Frank Mercer**, being first duly sworn, deposes and says: That he is owner of Russell County News, a bi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in Russell County, Kansas, with a general paid circulation on a bi-weekly basis in Russell County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a bi-weekly published two days a week and has been 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 Russell, Kansas, 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 2 consecutive weeks the first publication thereof being made as aforesaid on the 19 day of Nov., 20 15.

with subsequent publications being made on the following dates:

Nov. 26, 20 15 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, 20 \_\_\_\_\_

Signed: [Signature]

Subscribed and sworn to before me this 30<sup>th</sup> day of Nov, 20 15.

 [Signature]  
Notary Public's Signature

My commission expires: 837016

Publication Fee \$ 84.00  
Affidavit, Notary's Fee \$ .50  
Additional copies @ \_\_\_\_\_ \$ \_\_\_\_\_  
Total Publication Fee \$ 84.50

**Legal Notice**

City Clerk's Office: This plan may include entering into an interlocal agreement with Russell County and USD #407 for the purposes of promoting revitalization and development within the city to enhance public health, safety or welfare of residents of the city. More specifically, a tax rebate incentive will be available for certain improvements within the boundaries of the designated plan area. This public hearing is scheduled for December 15th at 4:30 p.m., to be held in the City Council Chambers, City Hall, 133 W. 8th Street, Russell, Kansas. Reasonable accommodations are available for persons needing assistance. Requests for accommodations should be submitted to Katrina Wosik, City Clerk, 785-483-6311 by December 8th, 2015.

(First published in the Russell County News Thursday, Nov. 19, 2015)

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NOTICE OF PUBLIC HEARING**

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Nov. 19, 2015