



State of Kansas, Montgomery County  
 This instrument was filed for  
 Record on November 21, 2022 10:34 AM  
 Recorded in Book 721 Page 236 - 240  
 Fee: \$0.00 202204316



*Marilyn Calhoun*  
 Marilyn Calhoun, Register of Deeds

**ORDINANCE NO. 4415**

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

**Downtown Central Business Development District Part 1  
 (0000 North 8<sup>th</sup> Street  
 106 North 8<sup>th</sup> Street  
 120 North 8<sup>th</sup> Street  
 113 West Laurel Street  
 113 East Main Street  
 219 West Main Street)**

**Jefferson Subdivision Development 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 60,000, 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 Independence, Kansas (the "City") has an estimated population of approximately 8,700, is located in Montgomery, Kansas, which has an

estimated population of approximately 32,000, 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 December 2021, (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. 2022-004 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 March 22, 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 of housing and public facilities in the proposed District(s) 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 November 10, 2022 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. 2022-004 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 November 10, 2022 and provided for notice of such public hearing as provided in the Act; and

**WHEREAS**, a public hearing was held on November 10, 2022, 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 INDEPENDENCE, KANSAS:**

**Section 1. Findings.** The Governing Body hereby finds that due notice of the public hearing conducted November 10, 2022 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 Independence, Kansas in Montgomery County, Kansas:

***Downtown Central Business Development District***

ORIG PLAT, S31, T32, R16, BLOCK 31, COM 19.45' S NW COR LOT 16 AS POB E 50.2' S 73' E 20' N 20.35' E 18.2' S 60' W 101.2' N 40.55' TO POB; Lot Width: 040.5 Lot Depth: 101.2  
(Commonly known as 0000 North 8<sup>th</sup>)

ORIG PLAT, S31, T32, R16, 4826 SQUARE FEET, N 70' LTS 17-19 BLK 42; Lot Width: 070.0 Lot Depth: 070.0  
(Commonly known as 106 North 8<sup>th</sup>)

ORIG PLAT, S31, T32, R16, BEG NW COR LT 20 BLK 42, E 21.4' S 19.8' S ALG PARTY WALL 83.7' E 5.5' S 11.9' E 9.7' S 8.3' E 10.5' S 16.7' M/L TO S; Lot Width: 140.0 Lot Depth: 046.6  
(Commonly known as 120 North 8<sup>th</sup>)

ORIG PLAT, S31, T32, R16, E 30' N 10' LT 16; E 30' LTS 17 & 18 BLK 31; LOT WIDTH: 030.0 LOT DEPTH: 130.0  
(Commonly known as 113 West Laurel)

ORIG PLAT, S31, T32, R16, BLOCK 54, Lot 6, 3484 SQUARE FEET, Lot Width: 025.0 Lot Depth: 140.0  
(Commonly known as 113 East Main)

ORIG PLAT, S31, T32, R16, 5585 SQUARE FEET, LT 10;& BEG NE COR LT 11 W 29' S 80' E 2' N 6' SELY TO PT 2' W & 85' S NE COR LT 11 S 55' E 2' N TO POB BLK 56; Lot Width: 052.0 Lot Depth: 140.0 (Commonly known as 219 West Main)

***Jefferson Subdivision Development District***

ORIG PLAT, HIGHLAND PARK ADD, S24, T32, R15, ACRES 7.36, COM POB NW COR  
LOT 4 E 297.58' S 624.11' W 595.84' N 442.78' E 265.04' NWLY 67.41' N  
121.71' TO POB; LESS RW (commonly known as 0000 N 13TH ST, Independence, KS 67301)

The boundaries of the District do not contain any property not referenced in Resolution No. 2022-049 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. 446 determines by resolution that the District will have an adverse effect on such school district; or
- b. The Board of County Commissioners of Montgomery 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 Montgomery County or the Board of Education of Unified School District No. 446.

**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 Independence, 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 Independence, Kansas and signed by the Mayor on November 10, 2022.



Dean Hayse, Mayor



David Schwenker, City Clerk

