

Public Notice

ORDINANCE NO. 1482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLBY, KANSAS, APPROVING THE REDEVELOPMENT PROJECT PLAN IN A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (BOSSELMAN'S TRUCK STOP PROJECT).

WHEREAS, the City of Colby, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

WHEREAS, pursuant to the Act and Ordinance No. 1453 adopted November 18, 2008, the City has created a redevelopment district within the City; and

WHEREAS, pursuant to the Act and Ordinance No. 1476 adopted July 20, 2010, the City expanded the existing redevelopment District within the City (as expanded, herein referred to as the "Redevelopment District"); and

WHEREAS, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission; and

WHEREAS, the redevelopment plan shall include: (1) a summary of the feasibility study prepared in conjunction with the redevelopment project; (2) a reference to the redevelopment district plan that identifies the redevelopment project area that is set forth in the redevelopment project plan that is being considered; (3) a description and map of the redevelopment project area to be redeveloped; (4) the relocation assistance plan; (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and (6) any other information the governing body deems necessary to advise the public of the intent of the plan; and

WHEREAS, a copy of the redevelopment project plan shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the proposed redevelopment project area; and

WHEREAS, upon a finding by the planning commission of the City that the redevelopment project plan is consistent with the comprehensive general plan for the

development of the City, the governing body of the City shall adopt a resolution stating that the City is considering the adoption of the redevelopment project plan, such resolution shall: (1) give notice that a public hearing, which shall be held not less than 30 or more than 70 days following the date of the adoption of the resolution fixing the date of the hearing, will be held to consider the adoption of the redevelopment project plan and fix the date, hour and place of such public hearing, (2) describe the boundaries of the redevelopment district within which the redevelopment project will be located and the date of establishment of such district, (3) describe the boundaries of the area proposed to be included within the redevelopment project area, and (4) state that the redevelopment project plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped are available for inspection during regular office hours in the office of the City Clerk; provided if the governing body determines that it may issue full faith and credit tax increment bonds to finance the redevelopment project, in whole or in part, such resolution also shall include notice thereof; and

WHEREAS, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail, return receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than 10 days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment project area; and

WHEREAS, at the public hearing a representative of the City shall present the proposed redevelopment project plan and all interested persons shall be given an opportunity to be heard; and

WHEREAS, following the conclusion of such public hearing, the governing body may adopt the redevelopment project plan by ordinance passed upon a 2/3 vote; and

WHEREAS, following the adoption of such an ordinance, but not later than January 1 of the year in which the increment is first allocated to the taxing subdivision pursuant to the act, the City Clerk shall transmit a copy of the description of the land within the redevelopment district, a copy of the ordinance adopting the redevelopment project plan and a map or plat indicating the boundaries of the redevelopment district to the clerk, assessor and treasurer of the county or counties that have property within the redevelopment district and to the governing bodies of the county or counties and unified school districts which levy taxes upon any property within the redevelopment district; and

WHEREAS, the City Council is considering the adoption of the Redevelopment Project Plan which has been prepared by the City in consultation with the City's Planning Commission (the "Project Plan") pursuant to the Act, which Project Plan provides for the redevelopment of the Redevelopment District; and

WHEREAS, on August 12, 2010 the Planning Commission of the City made a finding that the Project Plan is consistent with the intent of the City's comprehensive

plan for the development of the City; and

WHEREAS, a copy of the Project Plan has been delivered by the City to the Board of County Commissioners of Thomas County and to the Board of Education of U.S.D. No. 315, Thomas County, Kansas (Colby); and

WHEREAS, the City Council has heretofore adopted Resolution No. 1013, which made a finding that the City is considering the adoption of the Project Plan pursuant to the Act, summarized the proposed Project Plan, described the boundaries of the Redevelopment District, called a public hearing concerning the adoption of the Project Plan for September 21, 2010, provided for notice of such public hearing as provided in the Act, and stated the intent of the City Council to issue full faith and credit tax increment bonds to finance costs of the Project Plan, such bonds to be secured by a pledge of the City's full faith and credit to use its ad valorem taxing authority for repayment of such bonds in the event all other authorized sources of revenue are not sufficient; and

WHEREAS, a public hearing was held on September 21, 2010, after duly published, delivered and mailed 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 and to adopt such Project Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLBY, KANSAS:

Section 1. Findings of the City Council. The City Council hereby finds that the Project Plan is consistent with the intent of the City's comprehensive plan for the development of the City and that the adoption and implementation of the Project Plan serves a valid public purpose for the City of Colby and its citizens.

Section 2. Adoption of Project Plan. The Project Plan, in the form presented to and reviewed by the City Council at this meeting, further described in Resolution No. 1013 of the City and previously considered by the Planning Commission of the City (a copy of which shall be filed in the official records of the City) is hereby adopted for use in the Redevelopment District.

Section 3. Relocation Assistance Plan. The City Council finds and determines that a relocation assistance plan is unnecessary because no businesses or residences will be relocated from within the Redevelopment District.

Section 4. Further Action. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and Gilmore & Bell, P.C., Bond Counsel, 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 5. Effective Date. This Ordinance shall be effective upon its passage by the City Council of the City of Colby, Kansas and publication one time in the official City newspaper.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Colby, Kansas on September 21, 2010.

[SEAL] /s/ K.G. Bieber, Mayor
Attest: /s/ Joni L. Ketchum, City Clerk

(Published in the Colby Free Press on Friday, September 24, 2010)

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