

(Summary published in The Haysville Sun-Times on January 16, 2014.)

ORDINANCE NO. 1008

AN ORDINANCE AUTHORIZING A PROGRAM FOR REBATE OF THE PORTION OF AD VALOREM PROPERTY TAXES PAID TO THE CITY OF HAYSVILLE, KANSAS ON QUALIFYING PROPERTY FOR A PERIOD OF UP TO TEN YEARS, SUBJECT TO CERTAIN LIMITATIONS, CONDITIONS AND RESTRICTIONS; AUTHORIZING STAFF TO PREPARE APPROPRIATE APPLICATION FORMS AND AGREEMENTS TO BE EXECUTED BY AND BETWEEN THE CITY AND HOMEOWNERS PARTICIPATING IN THE PROGRAM; AND AUTHORIZING EXECUTION OF SUCH AGREEMENTS ON BEHALF OF THE CITY.

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and

WHEREAS, the Governing Body of the City of Haysville, Kansas (the “City”), in furtherance of its objective to build a strong community, create jobs, and provide a more stable, long-term tax base, desires to stimulate new home construction and home ownership within the City’s corporate limits; and

WHEREAS, as a means of stimulating new home construction and home ownership, the Governing Body of the City finds it necessary and desirable to establish a rebate program to be known as the “Build Haysville Initiative” which will provide for the rebate of the City portion of *ad valorem* taxes on eligible properties for a period of up to ten years, subject to certain limitations, conditions and restrictions;

NOW, THEREFORE, be it ordained by the Governing Body of the City of Haysville, Kansas:

Section 1. Authorization of the Build Haysville Initiative. Pursuant to the authority of Article 12, Section 5 of the Kansas Constitution, the Governing Body of the City hereby authorizes and establishes the Build Haysville Initiative (“Initiative”), which will provide for rebate of the City’s portion of *ad valorem* taxes on eligible real property and improvements thereon for a period of up to ten years, subject to the limitations, conditions and restrictions hereinafter described.

Section 2. Eligibility to Apply for Program. Homeowners who submit a valid application during the 2014 calendar year associated with a new ‘custom construction’ home or an existing ‘spec’ home that has never been occupied. The property and applicant(s) must further satisfy each of the following eligibility criteria:

- a. The property is located within the City’s corporate limits,

b. All special assessment and general tax obligations on the property for which application is made 1.) have been made current as of the date the applicant homeowner closed the purchase of the property, or 2.) upon the start of construction, whichever comes first.

c. The applicant(s) furnish a properly completed Form W-9 and submit a signed Agreement developed by City staff, which agreement shall provide that 1.) all taxes and special assessments levied upon the property will be paid when due throughout the period during which the property is covered by the Initiative, 2) the owner(s) will comply with all conditions, limitations and restrictions of the Initiative as set forth in the Agreement and this Ordinance, and 3.) the owners will not appeal the valuation of the property or seek refunds of tax for any period for which a rebate has been paid.

Section 3. Applications and Application Period. Applications for participation in the Initiative shall be made on forms to be developed by City staff. Applications will be accepted during the 2014 calendar year.

Section 4. Acceptance into Initiative. Upon determining that a complete, accurate application has been submitted by the owner(s) of an eligible property during the application period, City Staff shall approve such application and the Mayor, or the Chief Administrative Officer, is hereby authorized to and shall execute an Agreement on behalf of the City.

Section 5. Program Rebates. After the owner(s) of an eligible property have entered into an Agreement pursuant to this Ordinance, the City shall issue a rebate payment to the property owner(s) on or about July 1 of each year, continuing for a period of ten (10) years (the 'Rebate Period'). Such rebate payment shall be in the amount of the City share (as determined by the Sedgwick County Treasurer) of general *ad valorem* property taxes actually paid or caused to be paid on the property the preceding December and May by such owner(s) or a predecessor in title; provided that the City's obligation to make rebate payments hereunder shall in all respects be subject to the limitations and restrictions of the Kansas Cash Basis and Budget Laws and conditions, limitations and restrictions set forth within this ordinance.

Year 1: 100% tax rebate
Years 2-4: 80% tax rebate
Years 5-7: 60% tax rebate
Years 8-10: 40% tax rebate

Section 6. Early Termination of Rebate Period. a. Except as provided in section b. of this Section, the Rebate Period shall terminate and a property shall be removed from further participation in the Initiative, with no further rebate payments to be made by the City thereafter, in the event that the owner(s) of the Property:

- (1) cease(s) to be owner occupied as a residence;
- (2) fails to make, or cause to be made, timely payment of all special assessment obligations and general taxes relating to the property, as and when due;

(3) appeals the appraised or assessed valuation of the property or seeks refund of any tax with respect to which a rebate payment has been made; or

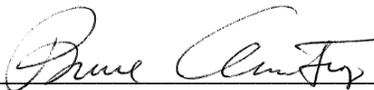
(4) fails to comply with any other obligation or condition created by or included in the Agreement.

Section 7. Authorization of Agreement: Implementation of Initiative. City staff are authorized and directed to develop an Agreement form consistent with the requirements, conditions, limitations and restrictions of this Ordinance and further authorized and directed to take such further actions as may be from time to time necessary to administer the Initiative and to carry out and give effect to the transactions contemplated by this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect and be in full force form and after its adoption and publication once in the official City newspaper.

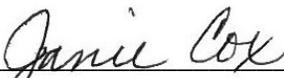
ADOPTED BY THE GOVERNING BODY of the City of Haysville, this 13th day of January, 2014.

APPROVED BY THE MAYOR this 13th day of January, 2014.



Bruce Armstrong, Mayor

ATTEST:



Janie Cox, City Clerk