



Neighborhood Revitalization Plan

Ordinance No. 2857

**AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN
AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA.**

WHEREAS, the City Council of the City of Paola, Kansas, pursuant to the authority provided in K.S.A. 12-17, 114 *et seq.* wishes to adopt a plan to assist the revitalization of certain designated areas of the City of Paola; and

WHEREAS, the City Council of the City of Paola, Kansas, pursuant to public notice did hold a public hearing on September 14, 2004, to hear and consider public comment on the Neighborhood Revitalization Plan.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Neighborhood Revitalization Plan. That the City Council does hereby adopt the Neighborhood Revitalization Plan, attached herein, labeled Exhibit A and incorporated by reference as if fully set forth herein.

Section 2. Designation of Neighborhood Revitalization Area. That the City Council hereby designates the real property described in Part 1 of the Neighborhood Revitalization Plan as the Neighborhood Revitalization Area, finds that the following conditions exist within said Area: 1) a predominance of buildings which, by reason of dilapidation or obsolescence, are detrimental to public health, safety and welfare; 2) a substantial number of deteriorating structures which impair the sound growth of the city, retards the provision of housing and constitutes an economic liability; and 3) a predominance of buildings which, by reason of age, history or architecture, are significant and should be restored to productive use, and finds that the rehabilitation, conservation and redevelopment of said area is necessary to protect the health, safety and welfare of the residents of the city.

Section 3. Neighborhood Revitalization Fund. That the City Council does hereby create a Neighborhood Revitalization Fund to finance the redevelopment of the revitalization area and to provide a rebate of property tax increments as set forth in the revitalization plan.

Section 4. That this ordinance shall be in full force and effect upon publication in the official city newspaper.

Passed by the City Council this 14th day of September, 2004..
Approved by the Mayor this 14th day of September, 2004.

Bonnie E. Roberts, Mayor

ATTEST:

Daniel G. Droste, City Clerk

EXHIBIT A of Ordinance 2857

BEFORE THE GOVERNING BODY
OF THE CITY OF PAOLA,
MIAMI COUNTY, KANSAS

IN THE MATTER OF ADOPTION OF A NEIGHBORHOOD REVITALIZATION PLAN

REVITALIZATION PLAN

The Governing Body of the City of Paola, Miami County, Kansas pursuant to the Kansas Neighborhood Revitalization Act, K.S.A. 1994 Supp. 12-17, 114 et. seq., does hereby adopt a Neighborhood Revitalization Plan (herein sometimes called "Plan") for the City of Paola as follows:

FINDINGS

This plan is intended to promote the revitalization of a portion of the City of Paola through rehabilitation, conservation, or redevelopment of the area in order to protect the public health, safety, or welfare of the residents of the city, and also protect and promote the sound growth of the city. More specifically, a tax rebate incentive will be available for certain improvements within the City of Paola area.

In accordance with K.S.A. 12-17,114 et seq., the City Council has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Council has carefully reviewed, evaluated and determined the area meets one or more of the conditions to be designated as a "neighborhood revitalization area/dilapidated structure." As of September 14, 2004, the following conditions were noted:

(a) According to the 2000 census data, the City of Paola's economic characteristics reflect a population where 45.2% earned less than \$35,000 with \$37,285 being the median household income.

(b) According to the 2000 census data, the City of Paola's demographic characteristics reflect a population where 15.6% are over 65 years of age and 17.7% are over 62 years of age.

(c) According to information provided by the Miami County Appraiser's office, the Plan area, as defined herein, consists of 555 residential structures of which 123, or 22%, are classified as being in "Fair" or "Poor" physical condition for their age, as established by the Miami County Appraiser's office. In comparison, the balance of Paola, consisting of 999 residential structures, only 60, or 6%, have physical condition ratings of "Fair" or "Poor".

(d) The overall average (mean) appraised value of residential dwelling structures in Paola is \$107,900 according to the Miami County Appraiser's office. In comparison, the average appraised value of residential dwelling structures in the Plan area, based on a per-block average (old & newer homes), is \$72,800. However, over 40% of these blocks fall in an average value range from \$30,000 to \$69,999. This low range better reflects the general value and conditions in the Plan area. The per-block average for the Plan area is affected by a few larger more expensive homes, several new single family homes and duplexes, and a couple bed & breakfast structures.

(e) Within the Plan area, there are 11 east – west streets and 14 north-south streets. Of these streets, 22 have a need for pot-hole filling or minor resurfacing work; 9 are suffering from severe erosion or an inadequate surface and need significant reconstruction and/or resurfacing work done; and multiple sidewalks and curbs are broken, some almost hazardous, and missing in many areas. Several of these streets have only ditches serving as water drainage control, and are highly susceptible to erosion which ultimately can cause street damage.

(f) A large amount of the Plan area is populated with older commercial structures, and several older and deteriorated industrial buildings. The Park Square area, which is centrally located, serves as the historical epicenter and heart of the "small town charm" appeal that Paola possesses. Unfortunately, the attractiveness of this area has been diminished in the past with an average 15% vacancy rate, and a frequent turn-over in the mixed tenant base. With new businesses and commercial growth developing in a different section of the City, and when considering that the Park Square area buildings are suffering from wear and tear due to age as well as functional deficiencies, it is understandable that this area is constantly challenged with maintaining a position of economic viability.

(g) Due to some commercial and industrial properties located in the residential areas within the Plan area which is due to poor land use management in the past, this area suffers from economic obsolescence due to inharmonious land uses which has a negative impact on property values and area desirability.

The primary intent of the Neighborhood Revitalization Act is to provide the community with a long-term increase and stabilization in their property tax base by encouraging rehabilitation or new construction which might not otherwise occur.

REVITALIZATION PLAN FOR THE CITY OF PAOLA

1. LEGAL DESCRIPTION OF AREA IN PLAN.

(a) A legal description of the Real Estate forming the boundaries of the area included within the Plan are all improved properties included and within the following subdivisions, and all subsequent resurveys thereof, that were platted prior to January 1, 2005, located within the boundaries of the City of Paola, Kansas:

- (i) City of Paola Subdivision (Paola Resurvey)
Blocks: 4 through 7; 10 through 13; 17 through 23; 26 through 39; 41 through 56; 58 through 70; 75 through 93; 94 (lots 3 – 7 and an unplatte tract beginning at the northwest corner of Block 94, then east 129 ft, then north 55 ft, then west 129 ft. and then south 55 ft. to the point of beginning); B through H, O through R
- (ii) All of Campbell's Block and the unplatte area bounded by Dewey, Pearl, Silver and Fourth Streets.
- (iii) Peery's Addition: Blocks 8 through 19 and Block 6 (lot 8)
- (iv) Pineo's Addition: Block 2
- (v) Snyder's Addition: Blocks 1 through 8
- (vi) Angier's Addition: Blocks 1 through 5

(b) A map depicting the boundaries of the subdivisions and tracts of land covered by this plan is included as Attachment A to this plan.

2. ASSESSED VALUATION. The existing (i.e. 2004) assessed valuation of the Real Estate included in the Plan, listing land and building values separately, is as follows:

	Residential Class	Commercial Class	Not-for-Profit Class
Land	8,169,530	2,315,240	36,030
Buildings	31,747,740	10,208,430	130,070
Total	39,917,270	12,523,670	166,100
Assessed Value	4,590,486	3,130,918	19,932

3. NAMES AND ADDRESSES OF OWNERS. A list of the names and addresses of the Owners of record of the Real Estate included within the Plan constitutes a part of the records in the office of the County Appraiser of Miami County, Kansas. At the date of

adoption, a current ownership list was produced. Such list is subject to change as property transactions occur. The list at time of adoption is Attachment B, hereto. The County Appraiser will verify names and addresses of the owners at the time of application.

4. ZONING CLASSIFICATIONS. The existing zoning classifications are designated on the map (Attachment A).

5. MUNICIPAL SERVICES. The Plan does not include any proposals for improving or expanding municipal services as described in K.S.A. 1994 Supp. 12-17, 177(a)(5) and, if any proposals for such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then any such proposal will be prepared and considered independently of this Plan.

6. REAL PROPERTY ELIGIBLE

(a) All real property and all improvements thereon situated in the subdivisions and tracts of land within the City of Paola as defined in paragraph 1(a) of this Plan, as of January 1, 2005, are eligible to apply for Revitalization under the Plan for rebate of property tax increment from the City of Paola, Unified School District No. 368, and Miami County.

(b) Rehabilitation and/or new additions to existing buildings and/or demolition of an existing structure and replaced with the construction of a new building are each and all eligible to apply for Revitalization under this Plan.

(c) Vacant land is not eligible.

7. CRITERIA FOR ELIGIBILITY; PROCEDURE TO COMPLETE APPLICATION TO QUALIFY.

(a) The criteria to be used by the Governing Body to determine what specific real property is eligible for Revitalization and for Property Tax Increment Rebates is as follows:

- (i) (A) Construction of an improvement must have begun on or after January 1, 2005, the effective date of this Plan.
- (B) Construction must be completed and such fact reported to the County Appraiser no later than the second January 1st following the date on which the County Appraiser conditionally approved the Application under Part II of the Application To Qualify And To Participate; otherwise the Conditional Approval will become null and void and the Improvements, if any, theretofore completed will not be Eligible to participate in the Plan and Rebate Program.

- (ii) In order to qualify for Revitalization, a Parcel of Real Estate:
 - (A) Must have a minimum increase of \$10,000.00 in the County Appraiser's appraised value which was effective January 1st of the year application is made, directly resulting from a qualified Construction and Improvement, for a Parcel of residential, commercial and/or industrial Real Estate in order to be eligible to receive a Rebate.
- (iii) (A) All new Construction and all Improvements to existing property must comply with all zoning and building codes, rules, and regulations in effect at the time the improvements are made, and, must be structures that are permanently affixed to the land and are classified Real Estate, not Personal Property, and,
 - (B) To maintain its eligibility, such Parcel must continue to remain in compliance with all zoning and building codes, rules, and regulations during the entire period of time the Parcel remains eligible for Rebates.
- (iv) Any Parcel that is Delinquent in the payment of any ad valorem property tax assessment or special assessment shall not be eligible for any Rebate for that year. If the payment of any tax assessment or special assessment is unpaid for a period of One Taxing Year, the property will be removed from the eligible Tax Rebate Program entirely.
- (v) The Owner of commercial or industrial property eligible for Property Tax Increment Rebates under any adopted Neighborhood Revitalization Plan and, also, eligible for property tax exemption Under K.S.A. 1994 Supp. 79-201 a Second or any other existing ad valorem tax exemption law will be eligible to secure relief under only one such Plan or law.
- (vi) Eligibility for Rebates are subject to the adoption and approval of the Plan by each Taxing District.
- (vii) In the event of a transfer of ownership of a Parcel during the eligible Rebate period, such Parcel and the new Owner thereof shall remain eligible to apply for the Rebate. The new Owner shall be responsible for complete and proper compliance with this plan.
- (viii) (A) Multiple qualified improvements to the same Parcel

completed within one calendar year shall be treated as one improvement.

(B) In the event of multiple qualified improvements made to the same Parcel in different or succeeding years, which meet the required minimum requirements in any given year, and, therefore, create an additional qualification for a period of eligibility for a Rebate, the total Rebate in any succeeding year will be calculated and determined after the initial Rebate is determined, and will be based upon the additional increase in the assessed value directly resulting from the succeeding qualified improvement.

(b) In completing an Application to Qualify And To Participate, the Applicant shall:

- (i) Secure a building permit prior to filing Application and provide a copy of the completed and approved application of the building permit to the County Appraiser.
- (ii) Prior to commencement of construction, complete all parts of Part I of the Application, sign and date the Application, and file all Copies thereof in the office of the County Appraiser.
- (iii) Concurrently with filing the Application with the County Appraiser, the Applicant shall pay to the County Appraiser a Non-refundable Application Fee of \$50.00.
- (iv) Within fifteen (15) working days following the properly completed filing of the Application, the County Appraiser will take action on the Application and will complete Part II thereof. Immediately following completion of Part II, the County Appraiser shall deliver a true and correct copy of complete Parts I and II of the Application to the County Clerk.
- (v) When Parts I and II of the Application are completed and filed in the Office of the County Clerk, the County Appraiser shall deliver a copy thereof to the Owner by personal delivery or via U.S. Mail, first class, postage prepaid.
- (vi) As to any Construction and Improvement which is only partially completed as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the Application, the Owner shall report such fact in person to the County Appraiser and shall complete Part III (a) of the Application. Such report shall be completed by the owner within fifteen (15) working days

following January 1st. Failure to report partial completion of the construction within the 15 working days to the office of the County Appraiser shall eliminate the project from inclusion in the Plan.

- (vii) As to any Construction and Improvement which is reported by the Owner pursuant to (vi) last above as being only partially completed, the County Appraiser shall view, value and appraise such partially completed Construction and Improvement as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the Application and such partially completed Construction and Improvement shall have taxes levied, assessed, and collected thereon in the usual and customary manner and the same shall not be eligible in the year of such levy and assessment as a partially completed Construction and Improvement for a Rebate under the Plan.
- (viii) Within fifteen (15) working days after any Construction and Improvement is completed, the Owner shall report such fact in person to the County Appraiser and shall complete Part III(b) of the Application. Failure to report completion of the construction within 15 days to the office of the County Appraiser shall eliminate the project from inclusion in the Plan.
- (ix) Within fifteen (15) working days after the Owner shall have completed Part III(b) of the Application and filed the same with the County Appraiser, the County Appraiser shall conduct an on-site inspection of the Construction and Improvement completed on the Parcel of Real Estate described in the Application. In addition, the County Appraiser shall determine a preliminary increase in the appraised value of the Parcel of the Real Estate described in the Application which is directly attributable to the Construction and Improvement described in Part I, II and III of the Application. If the inspection and appraisal can not be completed within the designated period, the Appraiser shall make written notification to applicant, not later than the fifteen (15) working days, of the extension. The notification of extension shall state the date of the extension deadline.
- (x) (A) After June 15th and before August 1st of the first year that Construction and Improvement is completed on a Parcel of Real Estate shall qualify for rebate, the County Appraiser shall make a final determination of the increase in the appraised value of the Parcel of Real Estate which is directly attributable to the Construction and Improvement described in Parts I, II, and III of the Application. The

County Appraiser shall complete Part IV of the Application and deliver a true and correct copy of the fully completed Application (i.e. Parts I, II, III, and IV are all completed) to the County Clerk thereby certifying that the Application and the Construction and Improvement completed pursuant thereto are now qualified to participate in the Rebate program pursuant to the Plan. The value attributable to the Construction and Improvement as determined by the County Appraiser for the initial rebate period shall be used as the increase in value of the remaining years of the Plan. In the event that there is a reduction in appraised value in future years, the base value prior to Construction and Improvement shall not be reduced.

(B) In addition to complying with (A) last above, if Part IV is approved by the County Appraiser, the County Appraiser shall also forthwith deliver a true and correct copy of the fully completed, fully approved Application to the Owner by personal delivery or via U.S. Mail, first class, postage prepaid.

- (xi) If the Owner is aggrieved by any act, action or omission by the County Appraiser pursuant to Parts II and/or IV of the Application The Owner, if possible, shall complete such remedial action, as Shall be necessary to secure the required approval of the County Appraiser or, if the Owner cannot secure such approval, then the Owner may appeal the County Appraiser's decision to the Board and thence to the District Court using the procedures provided therefore in Section 9(c)(ii)(B) of the Plan as set forth hereinbelow.
- (xii) In completing an "Application to Qualify And To Participate" all actions required under this Section 7(b) shall be made and completed in person by the Owner unless the County Appraiser shall, in writing, authorize the Application to be prepared and filed by the U.S. Mail or by some other alternative method.

(c) The form attached hereto as Attachment C and entitled "Application To Qualify And To Participate" is hereby approved and adopted for use in completing an Application pursuant to this section 7.

8. CONTENT OF APPLICATION FOR REBATE. The content of an "Application for Rebate" as authorized under K.S.A. 1994 Supp. 12-17,118 is as set forth in the document which is attached hereto as Attachment D and adopted as a part of the Plan by reference.

9. PROCEDURE FOR APPLYING FOR REBATE. The procedure for submission of an Application for Rebate of Property Tax Increments is as follows:

- (a) Application for Rebate forms completed for Owners of each Parcel of Real Estate approved for Revitalization can be obtained from the County Appraiser.
- (b) The Owner will complete the "Application for Rebate", with assistance from the County Appraiser where necessary, and, upon completion thereof, shall submit the same to the County Appraiser for his/her consideration and approval. The "Application for Rebate" forms must be accompanied by certification from the City of Paola Building Inspection Department stating the construction meets all zoning and building codes, rules and regulations.
- (c)
 - (i) Upon the County Appraiser's receipt of a completed Application for Rebate, the County Appraiser shall determine whether or not such Application meets all of the criteria to qualify for a Rebate under paragraphs (7) and (10) of the Plan and the County Appraiser shall thereupon either approve or disapprove payment on the Application for Rebate.
 - (ii)
 - (A) If the County Appraiser approves the Owner's Application for Rebate, then the Owner shall file such Application with the County Clerk as per (d) next below.
 - (B) If the County Appraiser disapproves the Application, then the Owner, if possible, shall amend the Application as necessary to secure the approval of County Appraiser and shall thereupon proceed to file the Application with the County Clerk as per (d) next below, or, if the County Appraiser will not approve the Application, then the Owner May appeal the County Appraiser's decision to the Board. On the filing of any such appeal, the same shall be heard by the Board prior to the September 1st next following filing of any such appeal. If the Board likewise disapproves such Application, then the Owner or authorized agent may appeal to the District Court in the manner authorized in K.S.A. 19-223.
- (d) Following the filing of an approved Application for Rebate in the office of the County Clerk, the County Clerk shall thereupon proceed to process such Application as a Claim in the manner authorized and provided in K.S.A. 12-105a and 12-105b.
- (e) An Application for Rebate approved for payment as a Claim pursuant to (a) through (d) above shall be paid by the County Treasurer, but such payment shall be made within thirty (30) days after the June distribution by the County Treasurer if the current

year taxes are paid in full pursuant to K.S.A. 12-1678a(c) which follows the approval for payment of an Application for Rebate. However, if the owner/applicant fails to pay property taxes upon the due date, the rebate will be forfeited for that year. If the payment of any tax assessment or special assessment is unpaid for a period of One Taxing Year, the property will be removed from the eligible Tax Rebate Program entirely.

(f) The Application for Rebate provided for in this Section 9 shall be made in person by the Owner or the Owner's agent or attorney unless the County Appraiser shall, in writing, authorize the Application to be prepared and filed via the U.S. Mail or some other alternative method.

10. STANDARDS AND CRITERIA FOR REVIEW AND APPROVAL. The standards of criteria to be used when reviewing Applications for Rebate for approval or disapproval thereof are as follows:

(a) The Parcel must meet all criteria for eligibility as set forth in paragraph 7 above as of the date that the Application for Rebate is filed.

(b) The Procedure for submission of an Application for Rebate as set forth in paragraph 9 above must have been fully and correctly complied with.

(c) All ad valorem taxes and all special assessments levied against the Parcel on which the Rebate is sought must have been paid in full prior to filing of the Application for Rebate.

(d) The Application for Rebate must be filed on or before the May 10th deadline for the payment of all taxes for which the Rebate is sought.

(e) The original Application for Rebate must be accompanied by certification from the City of Paola Building Inspection Department stating the parcel currently meets all zoning and building codes, rules, and regulations.

(f) In the case of multiple Owners of a property eligible for a Rebate, absent a written agreement providing otherwise, the Rebate will be made payable to all Owners of record.

11. MAXIMUM AMOUNT AND YEARS OF ELIGIBILITY.

(a) The amount of the Rebate is the resulting increase in the ad valorem tax, if any, which is directly attributable to the Construction and Improvement to the qualified Parcel and to the increase in assessed valuation directly resulting therefrom, in any given year during the period of eligibility, calculated in accordance with the applicable percentage amounts as set forth in the following table:

CRITERIA FOR COMMERCIAL, RESIDENTIAL AND INDUSTRIAL PROPERTIES

Classification #1: Owner occupied Residential property Rehabilitation, Additions and New Construction in the subdivisions established before January 1, 2005 and as defined by item number 1 (one) of the Plan.

<u>Years of Eligibility</u>	<u>Percentage of Property Tax Increment Rebatabile</u>
Year 1 – 3	90 %
Year 4 – 5	75 %
Year 6 – 7	50 %
Year 8 – 10	25 %

Classification #2: Residential property Rehabilitation, Additions, and New Construction in the subdivisions established before January 1, 2005 and as defined by item number 1 (one) of the Plan, which are properties that are rented, leased, or non-owner occupied.

<u>Years of Eligibility</u>	<u>Percentage of Property Tax Increment Rebatabile</u>
Year 1 – 3	80 %
Year 4 – 5	65 %
Year 6 – 7	40 %
Year 8 – 10	15 %

Classification #3: All Commercial properties, Commercial properties with leased or rented residential area, and Industrial properties, regardless of date established for occupancy, Rehabilitation, Additions, and New Construction in the subdivisions established before January 1, 2005 and as defined by item number 1 (one) of this Plan.

<u>Years of Eligibility</u>	<u>Percentage of Property Tax Increment Rebatabile</u>
Year 1 – 5	100 %
Year 6 – 7	75 %
Year 8 – 10	50 %

The above three classifications shall include stand-alone structures, rehabilitation (including renovation, modernization, remodeling, and restoration) of existing structures and/or additions to existing structures.

- (b) (i) Seven and one half percent (7.5 %) of the Rebated Tax on any given Parcel, for any given year, shall be retained by Miami County for services rendered in connection with administration of the Plan, subject, however, to the condition that a minimum amount of \$25.00 shall be retained per Rebate transaction.
- (ii) Property Tax Increment not Rebated to the Owner in accordance with the table set forth in (a) last above or retained by Miami County pursuant to (i) last above shall be distributed to the Taxing District for whom the Increment was collected.
- (c) A Parcel determined qualified for Rebates shall be entitled to such Rebates in decreasing percentage amounts for a period of ten (10) years provided the property declared qualified shall continuously maintain such qualification.
- (d) The increase in the ad valorem tax (property tax increment) resulting from the qualified Construction and Improvement shall be paid over to the Neighborhood Revitalization Fund in Accordance with the provisions of the NRA to be distributed as provided by Law and this Plan.

(e) Unless hereafter repealed prior thereto, this Plan shall remain in full force and effect for a period of ten (10) years from and after January 1, 2005. The Plan may also be extended by the Governing Body for additional periods of time.

(f) At any time during the period that this Plan remains in effect, any Owner of eligible real property may apply for Revitalization of such real property pursuant to paragraph 7 of the Plan. All real property and all improvements in the Neighborhood Revitalization District are eligible to apply for the Tax Rebate Incentive Plan.

(g) Unless otherwise provided by any law of the State of Kansas hereafter enacted, any and all real property which shall have qualified for Revitalization and for Rebates prior to the final termination date of the Plan as provided in (a) and (b) above shall continue to be and remain qualified for Rebates pursuant to paragraphs 8, 9, 10, and 11 of the Plan notwithstanding the fact that other real property described in paragraph 1 above which has not theretofore qualified for participation under the Plan will no longer be eligible to do so.

12. DEFINITIONS.

(a) When the words "Applicant", "Applicant for Rebate", "Owner", and "Taxpayer", are used and referred to in the Plan, the same where applicable, include the plural, as well as the singular.

(b) As used in this Plan:

(i) Applicant means and refers to each and every person filing an Application pursuant to Section 7 and Section 9 of this Plan. Such

word also means and refers to “Owner” and “Taxpayer” as defined in this Plan.

- (ii) Application means and refers to each and all Applications which shall be filed pursuant to Section 7 of this Plan.
- (iii) Application for Rebate means and refers to Applications filed pursuant to Sections 8 and 9 of this Plan.
- (iv) Board means and refers to the Governing Body or Committee appointed by the Governing Body of the City of Paola, Miami County, Kansas.
- (v) Construction and Improvement means and refers to rehabilitation of and additions to existing buildings or new construction, or both, which are completed and qualified under the Plan.
- (vi) County Appraiser means and refers to the County Appraiser or Officer appointed by the County Appraiser of Miami County, Kansas.
- (vii) County Clerk means and refers to the County Clerk or Officer appointed by the County Clerk of Miami County, Kansas.
- (viii) County Treasurer means and refers to the County Treasurer or Officer appointed by the County Treasurer of Miami County, Kansas.
- (ix) Delinquent, in reference to a tax payment, means any payment not received by the County Treasurer on or before its due date.
- (x) District Court means and refers to the District Court of Miami County, Kansas.
- (xi) Governing Body means and refers to the Governing Body of the City of Paola, Miami County, Kansas
- (xii) Increment means and refers to that amount of ad valorem taxes collected from the Parcel qualified under the Plan which is in excess of the amount which was produced from such Parcel and was attributable to the assessed valuation of such Parcel prior to the qualification of the parcel under the Plan and which is directly attributable to that part of the assessed valuation of the Parcel directly resulting from Revitalization of the Parcel under the Plan. The term “Property Tax Increment”, where used in the Plan, is synonymous with the word “Increment” as defined herein.
- (xiii) NRA means and refers to the Kansas Neighborhood Revitalization Act as set forth in K.S.A. 1994 Supp. 12-17,115(c)(1)(2)(3).

- (xiv) One Taxing Year; the taxing year begins on November 1st and ends on October 31st of the following year.
- (xv) Owner means the Owner of Real Estate which is described in an Application and in an Application for Rebate when filed pursuant to the Plan. Owner also means and refers to “Applicant” and “Taxpayer” as defined in this Plan.
- (xvi) Parcel means and refers to the tract or piece of parcel of Real Estate which is described by County Appraiser parcel number and by legal description in the Application and in the Application for Rebate.
- (xvii) Personal Property means movable items of property that are not permanently affixed to, or part of, Real Estate.
- (xviii) Plan means and refers to this Revitalization Plan adopted pursuant to the NRA.
- (xix) Real Estate means physical land and appurtenances affixed to the land , e.g., structures.
- (xx) Rebate means and refers to that part of the ad valorem property tax paid by a Taxpayer on a Parcel qualified under the Plan that is attributable to the increase in the assessed valuation of the Parcel which is directly attributable to Revitalization and which is refundable to the Taxpayer by a taxing district which has adopted a plan under the NRA.
- (xxi) Revitalization means and refers to all Construction and Improvement completed on a Parcel which is qualified under the Plan.
- (xxii) Taxpayer means and refers to the Owner of a qualified Parcel who pays the ad valorem property taxes levied and assessed thereon.
- (xxiii) Taxing District means and refers to any and every unit of local government within the County of Miami which shall have adopted the City of Paola Plan and for whose use and purposes any Property Tax Increment shall be hereafter levied and collected.

13. AMENDMENT OR REPEAL

(a) The Plan shall be reviewed by a committee consisting of two members from each participating tax entity every three years following adoption.

(b) This Plan may, at any time after adoption, be amended, supplemented or repealed after the governing body has conducted a public hearing on any such amendment,

supplement or repeal, after first publishing notice of such hearing once each week for two consecutive weeks in the official newspaper of the City. Such notice shall set forth the specific change(s) proposed or a summary thereof and shall advise of the time and place of such hearing. After the public hearing, the Plan may be amended, supplemented or repealed by a majority vote of the governing body with the approval of all taxing entities.

APPROVED AND ADOPTED by the Governing Body of the City of Paola, Miami County this _____ day of _____, 2004.

APPROVED AND SIGNED by the Mayor.

Bonnie E. Roberts, Mayor

(SEAL)

ATTEST:

Daniel G. Droste, City Clerk

Attachment A

City of Paola, Kansas
Neighborhood Revitalization Plan
Area Map

ATTACHMENT A

NRP



NAMES AND ADDRESSES OF OWNERS. A list of the names and addresses of the Owners of record of the Real Estate included within the Plan constitutes a part of the records in the office of the County Appraiser of Miami County, Kansas. At the date of adoption, a current ownership list was produced. Such list is subject to change as property transactions occur. The list at time of adoption is on file in the office of the Paola City Clerk. The County Appraiser will verify names and addresses of the owners at the time of application.

BEFORE THE COUNTY APPRAISER OF MIAMI COUNTY, KANSAS

IN THE MATTER OF CERTIFICATION OF PARCEL NO. _____
FOR THE PARTICIPATION IN NEIGHBORHOOD REVITALIZATION PLAN.

PART I.

APPLICATION TO QUALIFY AND TO PARTICIPATE

1. OWNER'S NAME _____
2. (a) OWNER'S MAILING ADDRESS _____
(b) OWNER'S DAY PHONE NO. _____
3. PROPERTY ADDRESS _____
4. LEGAL DESCRIPTION OF PROPERTY (Attach separate sheet if more space needed) _____

5. APPLICATION FEE \$ _____
6. BUILDING PERMIT NO. _____

INTENDED USE AND CLASSIFICATION OF PROPOSED IMPROVEMENT

(Circle word applicable in 7, 8, 9, 10 below)

(b) BUILDINGS TO BE RAZED, IF ANY

15. Applicant agrees and acknowledges that: (a) Applicant has received, read and understands the criteria for qualification and the procedure to be completed to qualify; (b) Applicant will follow all required procedures; (c) within 15 days after completion, Applicant will report such completion to the County Appraiser; (d) If construction is not completed on the January 1st following approval of this application, Applicant will report such fact to County Appraiser prior to January 15th next following; (e) Any approval issued pursuant to this Application becomes null and void one year from date of approval if construction not commenced prior to the expiration of such one year period, and; (f) If construction is not completed on the second January 1st following County Appraiser's approval under Part II, then such approval becomes null and void and all construction completed, if any, will not be eligible to participate in the Rebate Program.

Under penalty of perjury, I hereby state that all information contained in the above Application is true and correct.

Landowner

Date

PART II

COUNTY APPRAISER'S ACTION ON APPLICATION

Subject to meeting the minimum increase in appraised value directly attributable to the improvement requirement of \$10,000.00, the above application is hereby (circle word applicable):

CONDITIONALLY APPROVED

DENIED

County Appraiser

Date

PART III

OWNER'S REPORT(S) OF STATUS OF CONSTRUCTION

(a) To be used only if construction not completed on the January 1st first following date of County Appraiser's Approval under Part II)

Construction and Improvement was not completed on the January 1st next following date of County Appraiser's Approval under Part II.
Estimated completion date is _____.

Owner's Signature

Date

(b) (To be used only when construction is completed)

All Construction and Improvement described in Application was completed on _____.

The property tax increment in completing such construction was in the total amount of \$ _____.

Which meets the \$10,000 minimum increase in appraised value directly attributable to the improvement.

Owner's Signature

Date

PART IV

COUNTY APPRAISER'S FINAL ACTION ON APPLICATION

Based upon the Owner's report under Part III (b) above and on an on-site inspection by the undersigned County Appraiser and/or a Deputy County Appraiser of the parcel of real estate described in the Application the County Appraiser FINDS and ORDERS the following final action on the Application:

(a) The Application is finally approved and it is determined that the construction and improvement completed pursuant to the Application and the increase in the appraised value of the parcel of real estate described in the Application which is directly attributable to such Construction and Improvement in the amount of \$ _____.

or

(b) The Application is finally rejected and denied for the following reasons: _____

County Appraiser's Signature

Date

CITY OF PAOLA NRA APPLICATION

NOTE TO POTENTIAL APPLICANT: It would be wise to contact the Miami County Appraiser and set up an appointment to discuss your plans regarding your revitalization plan project. The County Appraiser, or appointed assistant, may assist you in evaluating the project you intend to do, and whether or not it has potential to qualify for the program. You may decide that the expected expenditures do not justify proceeding if it is possible the work completed does not qualify and/or may not meet the minimum \$10,000 added value requirement.

If you are satisfied that your project may qualify and you want to proceed, be sure that you understand the rebate process. Only a percentage of the added value is used to calculate the rebate, and the County does charge an annual fee to administer the program.

STEPS TO FOLLOW WHEN COMPLETING APPLICATION

1. COMPLETE PART I

RETURN WITH: \$50.00 CHECK MADE PAYABLE TO MIAMI COUNTY APPRAISER
OR CASH

COPY OF BUILDING PERMIT APPLICATION

COPY OF PLANS (NEW BUILDING PLANS OR BEFORE AND
AFTER SKETCH WITH MEASUREMENTS AND ROOMS LABELED)

2. KEEP PART III

IF CONSTRUCTION IS NOT COMPLETE BY 1/1/20____, COMPLETE PART III (a)
RETURN TO MIAMI COUNTY APPRAISER'S OFFICE

IF CONSTRUCTION IS COMPLETED BY 12/31/20____, COMPLETE PART III (b)
RETURN TO MIAMI COUNTY APPRAISER'S OFFICE

WHEN CONSTRUCTION IS COMPLETED, YOU HAVE 15 WORKING DAYS TO FILE
PART III (b) WITH THE COUNTY APPRAISER. FAILURE TO REPORT COMPLETION
OF THE CONSTRUCTION WITHIN THE 15 DAYS SHALL ELIMINATE THE PROJECT
FROM INCLUSION IN THE PLAN. (#7 (b) (viii) – page 6)

3. COMPLETE APPLICATION FOR REBATE (Applicant's Name, Address, Sign and Date)
RETURN WITH PART I OF APPLICATION

A SCHEDULED APPOINTMENT ON THE FRIDAY FOLLOWING THE RECEIVED COMPLETE
APPLICATION, A FIELD APPRAISER WILL VIEW AND TAKE PHOTOS OF THE PROPERTY.
ANY CONSTRUCTION STARTED BEFORE OUR INITIAL REVIEW WILL NOT BE INCLUDED
IN THE TOTAL NRA VALUE.

Neighborhood Revitalization Act Completion Form for the City of Paola, Kansas

The primary intent of the Neighborhood Revitalization Act is to provide the community with a long-term increase and stabilization in their property tax base by encouraging rehabilitation or new construction which might not otherwise occur.

The criteria to be used by the Governing Body to determine what specific real property is eligible for Revitalization and for Property Tax Increment Rebate is as follows:

- * Must have a minimum increase of \$10,000 in the County Appraiser's appraised value
- * All new construction and all improvements to existing property must comply with all zoning and building codes, rules and regulations in effect at the time the improvements are made
- * To maintain its eligibility, such Parcel must continue to remain in compliance with all zoning and building codes, rules and regulations during the entire period of time the parcel remains eligible for the rebate.
- * Any parcel that is delinquent in the payment of any ad valorem property tax assessment or special assessment shall not be eligible for any rebate.
- * Eligibility for rebates are subject to the adoption and approval of a plan by each taxing district.
- * In the event of a transfer of ownership of a parcel during the eligible rebate period, such parcel and the new owner thereof shall remain eligible to apply for the rebate during the remainder of the time for which such parcel remains eligible.
- * Rebates shall be payable only after application is made and approved. Rebates approved for payment shall be made on one of the distribution dates provided for in K.S.A. 12-1678a.

This section should be checked off by the Applicant

Applicant

— Construction of an improvement must have begun on or after January 1, 2005, the effective date of this plan.

— Construction must be completed and reported to the County Appraiser no later than the second January 1st following the date on which the County Appraiser conditionally approved the application. Otherwise the application will become null and void and the improvements, if any, will not be eligible in the plan and rebate program.

— Secure a building permit prior to filing application and provide a copy of the completed and approved application of the building permit to the County Appraiser.

— Prior to commencement of construction, complete all parts of Part I of the application, sign and date the application, and file all copies in the County Appraiser's Office.

— When filing the application with the County Appraiser's Office, the applicant shall pay to the County Appraiser a non-refundable application fee of \$50.00.

Neighborhood Revitalization Act Completion Form for the City of Paola, Kansas

Applicant

Any construction and improvement which is only partially completed as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the application, the owner shall report such fact in person to the County Appraiser and shall complete Part III(a) of the application. The report must be completed fifteen (15) working days following January 1st.

Within fifteen (15) working days after any construction and improvements is completed, the owner shall report such fact in person to the County Appraiser and shall complete Part III(b) of the application.

This section should be checked off by the County Departments

County

Within fifteen (15) working days following filing of the application, the County Appraiser will take action on the application and will complete Part II.

Immediately following completion of Part II, the County Appraiser shall deliver a true and correct copy of completed Parts I & II of the application to the County Clerk.

The County Appraiser shall deliver a copy thereof to the Owner by personal delivery or via U.S. Mail, first class, postage paid after Parts I & II of the application are completed and filed in the Office of the County Clerk.

The County Appraiser shall view, value & appraise such partially completed construction and improvement as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the application.

The County Appraiser shall conduct an on-site inspection of the construction and improvement completed on the parcel of real estate described in the application within fifteen (15) working days after the Owner shall have completed Part III(b) of the application.

The County Appraiser shall determine the increase in the appraised value of the parcel of real estate described in the Application which is described in Part I, II, and III of the application, following which, the County Appraiser shall complete Part IV of the application.

The County Appraiser shall deliver a true and correct copy of the fully completed application (Parts I, II, III, and IV) to the County Clerk within ten (10) working days and certifying that the application and the construction and improvements are now qualified to participate in the rebate program.

The County Appraiser shall also deliver a true and correct copy of the fully completed, fully approved application to the Owner by personal delivery or via U.S. Mail.

If the Owner is aggrieved by any act, action, or omission by the County Appraiser pursuant to Parts II and/or IV of the application, the Owner, if possible, shall complete such remedial action as necessary to secure the required approval of the County Appraiser, if not the Owner may appeal the County Appraiser's decision to the Board and thence to the District Court.

ATTACHMENT D

TAX YEAR _____

Tax Year under NRP _____

APPLICATION FOR REBATE - NEIGHBORHOOD REVITALIZATION PLAN

PARCEL NO. _____ TAX DISTRICT NO. _____
map sec sh qtr bk parcel owner

APPLICANT'S NAME: _____ MAILING ADDRESS: _____

APPLICANT'S VERIFICATION: Under penalty of perjury I state that I am in compliance with Sections 7 and 9 of the Revitalization Plan and that I am the only person entitled to the Rebate or, if not, that I will pay all other owners their prorata share thereof.

Applicant's Signature

Date

APPRAYER'S DATA

ASSESSED VALUATION

cls land imp tot-appr
(1) _____
(2) _____
(3) _____

ASSESSED VALUATION SUBJECT TO REBATE

cls land imp tot-appr

Approved _____

Date _____ HTM? _____

CLERK'S SECTION

CURRENT APPRAISED VALUE

Taxing Unit _____
Land Use _____cls land imp tot-appr
(1) _____
(2) _____
(3) _____

VALUATION SUBJECT TO REBATE

Taxing Unit _____
Land Use _____cls land imp tot-appr

Audited and Approved

County Clerk

Date

TREASURER'S SECTION

TAX STATEMENT NO.: _____

NOT PAID () 1ST HALF ONLY PAID \$ _____ PAID IN FULL \$ _____

COUNTY TREASURER'S APPORTIONMENT OF REBATE

Name of Fund	Levy	Amount	Name of Fund	Levy	Amount
County					
School					
City					
TOTAL TO REBATE					

INCREMENT TAX DOLLARS \$ _____ MINUS 5% COUNTY FEE \$ _____ AND MINUS \$ _____ (_____ %)

DISTRIBUTABLE TO TAXING DISTRICTS = _____ % REBATE TO APPLICANT = \$ _____

County Treasurer

Date

ORDER FOR REBATE FROM NEIGHBORHOOD REVITALIZATION FUND

Paola, Kansas _____, 20____

TO: TREASURER OF MIAMI COUNTY, KANSAS:

You are to Rebate the taxes of _____ in the amount of \$ _____
(Name)

on account of the Neighborhood Revitalization Plan for tax year _____ on property located in said County and described as set forth in the above Parcel number and apportion the same to various funds as shown above.

County Clerk

Chairman, Board of County Commissioners