

ORDINANCE NO. 3237

AN ORDINANCE EXEMPTING CERTAIN PROPERTY LOCATED AT 900 N. WASHINGTON STREET FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS, the City of Abilene, Kansas (the “City”) is a duly organized and existing municipal corporation of the State of Kansas; and

WHEREAS, in accordance with Section 13 of Article 11 of the Kansas Constitution, and pursuant to City policy, (collectively, the “Authority”), the City is authorized to exempt certain property from ad valorem taxation for economic development purposes; and

WHEREAS, the City has developed and adopted official policies and procedures for the granting of such exemptions, including the preparation of a cost/benefit analysis, which includes the effect of the exemption on state revenues, and a procedure for monitoring the compliance of a business receiving an exemption with terms or conditions, if any, established by the City for the granting of the exemption; and

WHEREAS, in the year 2013, Rawhide Corral Inc. (the “Manufacturer”) has acquired certain real property (the “Project”) located at 900 N. Washington Street, Abilene, Kansas and more specifically described herein under Section 3; and

WHEREAS, the City has prepared a cost/benefit analysis of the Project (attached hereto as **Exhibit A**), and subsequently the City has conducted a public hearing on the proposed exemption of the Project; notice of the public hearing was published at least seven days prior to the hearing in the official city newspaper; notice of the local authorities meeting was given in writing to the county and the school district within which the Project is located; and

WHEREAS, the City finds it necessary and desirable to make the finding of fact that the Project will be used exclusively for the purposes specified in Article 11, Section 13 of the Kansas Constitution; and

WHEREAS, the City finds that a compelling reason exists to exempt the Project from ad valorem taxation.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS AS FOLLOWS:

Section 1. Exclusive Use. The City hereby finds and determines that the Project will be used exclusively for the purposes specified in Article 11, Section 13 of the Kansas Constitution, (i.e., for the purpose of manufacturing articles of commerce).

Section 2. Necessity of Exemption. The City further finds that a compelling reason exists to exempt the Project from ad valorem taxation and that a waiver of any requirements of the City’s Resolution No. 87-10 that are in conflict with this Ordinance or the actions heretofore taken is in the public interest.

Section 3. Ad Valorem Exemption. The following real property shall be exempt from 25) of the ad valorem taxation levied by the City of Abilene, Dickinson County and USD 435, in conformance with written City policy regarding tax exemptions for economic purposes for a term of ten years. Such exemption shall decrease by 2.5% annually during the prescribed period commencing with the calendar year 2014:

A tract of land located in the Southeast Quarter of the Northwest Quarter of Section 17, Township 13 South, Range 2 East of the 6th P.M., Dickinson County, Kansas more particularly described as 900 North Washington Street, Abilene, Kansas.

Section 4. Transferability of Exemption. The ad valorem tax exemption hereby granted shall not be transferable if there is a change in ownership of the exempt assets.

Section 5. Letter of Intent, Final Determination and Procedural Waiver. The governing body intends this Ordinance (1) to indicate the intent of the governing body to exempt the Project from ad valorem taxation in accordance with the terms hereof and the requirements of the City and (2) to serve as its final authorization wherein the exemption of the specific nature of the Project is clearly approved. The governing body acknowledges the receipt from the Manufacturer of any and all information required by the City and compliance with all other procedural requirements of said Resolution. Notwithstanding the foregoing, to the extent, if any, the procedures, intent or findings contemplated and made by this Ordinance are in any manner inconsistent with City policy, the governing body specifically intends by this Ordinance to waive and modify such policy requirements, consistent with an exemption of ad valorem taxes on the Project.

Section 6. Copies of Documents. A copy of this Ordinance shall be provided to the owner of the property and to the County Appraiser of Dickinson County, Kansas. Copies of the tax exemption application, cost benefit analysis, and this Ordinance shall be made available for public viewing at the Community Development Department.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, signature and publication in the official city newspaper as provide by law.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 22nd day of July, 2013.



ATTEST:


Penny Soukup, CMC
City Clerk

CITY OF ABILENE, KANSAS

By: 
John F. Ray, Mayor