

ORDINANCE NUMBER 20-3391

AN ORDINANCE EXEMPTING CERTAIN PROPERTY OWNED BY D.B. NIBS, L.L.C. LOCATED AT 714 S. BUCKEYE AVE., ABILENE, KANSAS FROM AD VALOREM TAXATION.

BE IT ORDAINED by the Governing Body of the City of Abilene, Kansas:

SECTION 1. D.B. Nibs, L.L.C. (“Company”) is hereby granted exemption from ad valorem taxes for property located at 714 S. Buckeye Ave., Abilene, Kansas, under the terms of the Ad Valorem Property Tax Abatement Policy of the City of Abilene, Kansas (“Policy”) and limitations set out herein (the “Exemption”), all pursuant to Section 13 of Article 11 of the Kansas Constitution and K.S.A. 79-251.

SECTION 2. The Exemption shall only apply to building additions and improvements constructed between October 26, 2020 and October 26, 2021 for an approximately 2,998 square foot addition (the “Project”) to facilities located on the following described property:

All of Lots One (1), Two (2), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Nineteen (19), Twenty (20), Twenty One (21), Twenty Two (22) and Twenty Three (23) and the South 40 feet of Lots Three (3), Four (4) and Five (5), all in Block Nine (9), Central Park Addition to the City of Abilene, Dickinson County, Kansas, together with vacated Kuney Street and Olive Street and all alleys located within said Block 9.

SECTION 3. On October 26, 2020, the Governing Body conducted a public hearing on the granting of the Exemption after publishing notice of the public hearing and notifying in writing the affected taxing districts in accordance with K.S.A. 79-251(b).

SECTION 4. The Governing Body finds that the property for which the Exemption is to be granted will be used exclusively for the purposes specified in Section 13 of Article 11 of the Kansas Constitution, specifically the storing of goods or commodities which are sold or traded in interstate commerce, which is necessary to facilitate the expansion of Company’s business, and which expansion will create new employment.

SECTION 5. No exemption shall be granted for taxes due on the above described land nor any existing buildings and improvements located thereon. In addition, the tax exemption shall not affect the liability for any special assessments levied or to be levied against the above-described property.

SECTION 6. The Exemption shall be for a term of ten (10) years, with an exemption of sixty percent (60%) granted for years one (1) through (5), and thirty (30%) for years six (6) through ten (10), provided that the Applicant’s investment in the project and its level of employment at the project upon completion is at least equal to that in stated the Application to the City for ad valorem tax exemption as presented to the Governing Body this date. Such exemption will begin the calendar year after which the expansion of the Company’s facility commences operations and continue for not more than 10 calendar years (the “Exempt Period”).

SECTION 7. That the amount of property taxes not exempted during the Exempt Period shall be paid annually to the County Treasurer. The County Treasurer shall distribute said payments to

affected taxing jurisdictions according to the provisions of K.S.A. 12-148. Failure to fully make such payments when due shall be deemed grounds for the revocation of said tax exemption.

SECTION 8. That the Company shall submit all annual report(s) as required by the Policy for as long as the Exemption remains in effect.

SECTION 9. That Company shall be responsible for filing the appropriate tax exemption claim forms as required by the statutes of the State of Kansas.

SECTION 10. The Board of City Commissioners shall have the right to revoke the Exemption for failure to comply with the terms and conditions of this Ordinance.

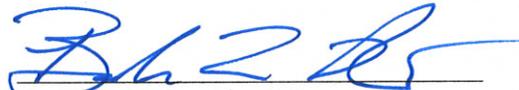
SECTION 11. This Ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 20-3391 Summary

On October 26, 2020, the City Commission passed Ordinance No. 20-3391. The ordinance grants a property tax exemption to D.B. Nibs, L.L.C. on an approximately 2,998 square foot addition to facilities located at 714 S. Buckeye Ave., Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 26th day of October 2020.

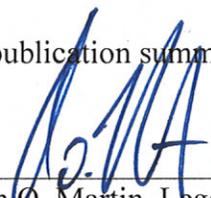



Brandon Rein, Vice Mayor

Attest:


Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 26th day of October 2020.


Aaron O. Martin, Legal Counsel