

RESOLUTION NUMBER 102620-1

A RESOLUTION OF THE CITY OF ABILENE, KANSAS, MAKING CERTAIN FINDINGS OF FACT AS REQUIRED BY K.S.A. 79-251, AS AMENDED, WITH RESPECT TO A PROPERTY TAX EXEMPTION TO BE GRANTED TO D.B. NIBS, L.L.C. FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY LOCATED AT 714 S. BUCKEYE AVE., ABILENE, KANSAS, AND PROVIDING CERTAIN TERMS AND CONDITIONS.

WHEREAS, the Board of City Commissioners has adopted a policy pursuant to Section 13 of Article 11 of the Kansas constitution and K.S.A. 79-251 for the granting of exemptions from ad valorem taxation for economic development purposes (the “Policy”); and

WHEREAS, D.B. Nibs, L.L.C. (the “Applicant”), formally applied for tax exemption under the Policy by an application dated September 21, 2020 (the “Application”); and

WHEREAS, the Board of City Commissioners has reviewed the Application and an analysis of estimated costs and benefits of the proposed tax exemption; and

WHEREAS, the Board of City Commissioners has advertised and held a public hearing this day to consider the Application, **SO NOW, THEREFORE**

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

Section 1. That in accordance with K.S.A. 79-251(b), notice of the public hearing was published in the official city newspaper at least once seven days prior to the hearing and that written notice of the public hearing was provided to Dickinson County Board of County Commissioners, Abilene Cemetery District 1, Hospital District No. 1 of Dickinson County, Kansas, and Unified School District 435.

Section 2. That in accordance with K.S.A. 79-251(c), and in reliance upon the Applicant’s representations contained in the Application, the Governing Body finds:

- (A) 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; and
- (B) That the Applicant is currently a local business and is not relocating from one city or county to another within the state of Kansas.

Section 3. That the Applicant be granted exemption from ad valorem taxes for property located at 714 S. Buckeye Avenue, in Abilene, Kansas, under terms of the Policy and the conditions set out herein.

Section 4. That tax exemption shall 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 5. That no exemption shall hereby 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. That the tax 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 stated in 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 Applicant'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 Applicant shall submit all annual report(s) as required by the Policy for as long as the exemption remains in effect.

Section 9. That the Applicant 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 this tax exemption for failure to comply with the terms and conditions of this resolution.

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



Attest:

Penny L. Soukup, CMC
Penny L. Soukup, CMC, City Clerk

Brandon Rein
Brandon Rein, Vice Mayor