

**RESOLUTION NO. 022221-1**

**A RESOLUTION ADOPTING THE 2021-2026 CITY OF ABILENE NEIGHBORHOOD REVITALIZATION PLAN AS AUTHORIZED BY K.S.A. 12-17, 114, ET SEQ., AND APPROVING AN INTERLOCAL AGREEMENT FOR THE ADMINISTRATION THEREOF.**

**WHEREAS**, the Governing Body of the City of Abilene, Kansas, recognizes the need for redevelopment, reinvestment, and new construction within specific areas of the community; and

**WHEREAS**, the Governing Body, pursuant to K.S.A. 12-17,114, et seq., desires to adopt a neighborhood revitalization plan to assist the redevelopment, reinvestment, and new construction of certain designated areas within the city limits of Abilene; and

**WHEREAS**, the Neighborhood Revitalization Plan attached as Exhibit A hereto designates and establishes three separate neighborhood revitalization areas, as described in the plan and attachments thereto; and

**WHEREAS**, in accordance with the requirements of K.S.A. 12-17,117, notice of a public hearing was published at least once each week for two consecutive weeks in a newspaper of general circulation within the city of Abilene, and, a public hearing was held by the Governing Body on February 22, 2021 regarding the proposed adoption of the Plan; and

**WHEREAS**, the Governing Body specifically finds that the areas identified in the Neighborhood Revitalization Plan are areas in which there is a predominance of buildings or improvements which by reason of age, history, architecture, disinvestment, or significance should be preserved or restored to productive use; and that redevelopment of the area is necessary to protect the public health, safety, welfare, and historic investment of the residents of the City of Abilene, Kansas.

**WHEREAS**, Dickinson County and Unified School District #435 have been invited to participate in Neighborhood Revitalization Plan by entering into an interlocal agreement relating thereto; and

**NOW THEREFORE**, be it resolved by the Governing Body of the City of Abilene, Kansas, that:

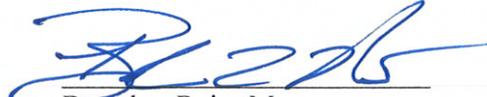
**Section 1.** The Governing Body hereby adopts the Neighborhood Revitalization Plan attached hereto as **Exhibit A**, including the designation of the three neighborhood revitalization areas based upon findings consistent with K.S.A. 12-17,115(c).

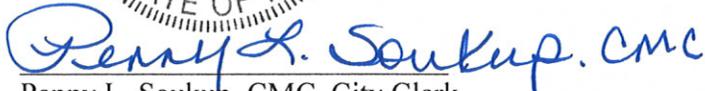
**Section 2.** The Governing Body hereby approves the interlocal agreement, in substantially the form as provided in **Exhibit B** attached hereto, to provide for the implementation of the Neighborhood Revitalization Plan, as authorized by K.S.A. 12-2901, *et seq.*, and at such time as interlocal agreement is duly executed by Dickinson County and Unified School District #435 and approved by the Kansas Attorney General, such agreement shall be incorporated into this Resolution by reference.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.

Passed and approved by the Governing Body of the City of Abilene, Kansas, on this 22<sup>nd</sup> day of February 2021.



  
Brandon Rein, Mayor

  
Penny L. Soukup, CMC, City Clerk

## NEIGHBORHOOD REVITALIZATION PLAN INTERLOCAL AGREEMENT

This Neighborhood Revitalization Plan Interlocal Agreement (“Agreement”) is made and entered into this 22<sup>nd</sup> day of February, 2021, between the Dickinson County Board of County Commissioners (the “County”), Unified School District #435 School Board (the “District”), and the City of Abilene, Kansas, a municipal corporation (the “City”).

### RECITALS

**WHEREAS**, K.S.A. 12-2904, 12-2908, and 12-17,119 allow public agencies to enter into interlocal agreements to jointly perform certain functions, including economic development and neighborhood revitalization.

**WHEREAS**, all parties are, pursuant to K.S.A. 12-2903, public agencies having the statutory authority to enter into interlocal agreements.

**WHEREAS**, it is the desire and intent of the parties to enter into an interlocal agreement regarding neighborhood revitalization in the City of Abilene, Kansas, under the Neighborhood Revitalization Program, pursuant to K.S.A. 12-17,114, *et seq.* (the “Act”).

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Neighborhood Revitalization Plan. On February 22, 2021, by adoption of Resolution No. 022221-1, the City designated certain areas within the City of Abilene, Kansas as neighborhood revitalization areas and adopted a Neighborhood Revitalization Plan for the revitalization of such areas, as authorized by the Act. A copy of the Neighborhood Revitalization Plan (hereinafter, “the Plan”) is attached hereto and incorporated herein by this reference. The County and the District agree to adopt and participate in the Plan.

2. Purpose. The parties acknowledge and agree that the new construction and rehabilitation of structures in the areas defined in the Plan, will: (i) promote the public health, safety and welfare of citizens in the City of Abilene and Dickinson County; (ii) improve sound growth of the City and promote the expansion and renovation of existing businesses; (iii) draw new businesses to the community; and (iv) develop vacant sites and redevelop aging commercial sites.

3. Tax Incentives. Ad valorem property tax rebates shall be offered by the parties to encourage participation in the Plan, all in accordance with the terms and conditions set forth in the Plan.

4. Rebating of Taxes. The parties further agree that the County shall administer the Plan as adopted by each party. The County shall create a neighborhood revitalization fund pursuant to K.S.A. 12-17,118 for the purpose of financing the redevelopment and to provide rebates. Any increment in property taxes received by the City, the County, and the District resulting from qualified improvements to property pursuant to the Plan shall be credited to the County’s

neighborhood revitalization fund.

5. Eligible Areas. The areas eligible for program benefits under the Plan shall be as identified on the maps contained within the Plan.

6. Term. This Agreement shall expire December 31, 2026. The parties agree to undertake a review of the Plan, on or before October 31, 2026, to determine any needed modifications to the Plan and participation in a new interlocal agreement. The parties may terminate or extend this Agreement prior to December 31, 2026 by mutual written consent. Any applications for tax rebates submitted prior to the termination or expiration of this agreement shall, if approved, be considered eligible for the duration of the rebate period.

7. Amendments. The parties agree that the Plan, as adopted and attached hereto, will not be amended without the written approval of the parties, except as may be necessary to comply with applicable law.

8. Duplication. This Interlocal Agreement shall be executed in triplicate form.

9. Termination. The parties may terminate or extend this Agreement prior to December 31, 2026, by written, mutual consent. However, eligible rebate applications submitted prior to termination of the program shall be honored. The parties agree that the area described in the Plan may be modified to meet the needs of the Plan. The parties do not intend to acquire, hold, or dispose of real and/or personal property in this joint or cooperative under-taking.

10. Interlocal Agreement. The parties further recognize and acknowledge that each party is a “municipality”, as defined in K.S.A 12-2908, and that this Interlocal Agreement is a contract between municipalities to perform a governmental undertaking which each contracting party is authorized by law to perform. Accordingly, pursuant to K.S.A. 12-2908(c), this Agreement shall not be regarded as an interlocal agreement under the provisions of K.S.A. 12-2901, *et seq.*, and this Agreement is, therefore, not subject to approval by the Attorney General of the State of Kansas.

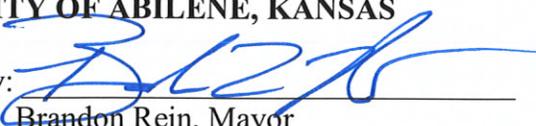
11. Entire Agreement. This Agreement and any attachments constitute the entire Agreement between the parties.

12. Attorney General Approval. The parties further recognize and acknowledge that this Agreement is subject to approval by the Attorney General of the State of Kansas.

{Signature Page Follows}

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

**CITY OF ABILENE, KANSAS**

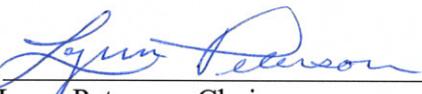
By:  Date Approved: February 22, 2021  
Brandon Rein, Mayor

ATTEST:

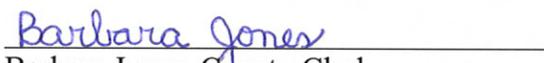
  
Penny Soukup, CMC  
City Clerk



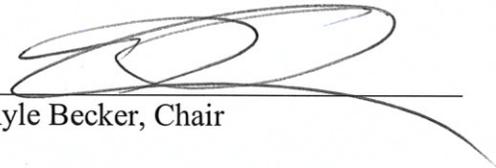
**DICKINSON COUNTY, BOARD OF COUNTY COMMISSIONERS**

By:  Date Approved: March 4, 2021  
Lynn Peterson, Chair

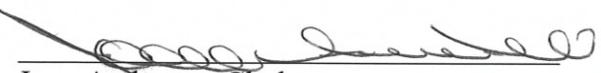
ATTEST:

  
Barbara Jones, County Clerk

**USD 435 BOARD OF EDUCATION**

By:  Date Approved: March 10, 2021  
Kyle Becker, Chair

ATTEST:

  
Joan Anderson, Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Attorney General of the State of Kansas.

\_\_\_\_\_  
Kansas Attorney General