

(Published in the *Abilene Reflector-Chronicle* on October 14, 2021 and October 21, 2021)

CHARTER ORDINANCE NO. 29

**A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, KANSAS,
FROM THE PROVISIONS OF K.S.A. 12-5249 AND PROVIDING SUBSTITUTE
AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO
RURAL HOUSING INCENTIVE DISTRICTS.**

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Abilene, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-5249 is part of an enactment of the Kansas Legislature (K.S.A. 12-5241 *et seq.*) relating to rural housing incentive districts, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City (the “Governing Body”) desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-5249, and to provide substitute and additional provisions therefor.

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

Section 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-5249, and shall be governed by the following substitute and additional provisions contained herein.

Section 2. Rural Housing Incentive Districts; Bond Proceeds; Limitations on Use.

(a) The City may use the proceeds of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, or any uncommitted funds derived from those sources of revenue set forth in K.S.A. 12-5248(a)(1), and amendments thereto, to implement specific projects identified within the rural housing incentive district plan including, without limitation:

- (1) Acquisition of property within the specific project area or areas, including as provided in K.S.A. 12-5247, and amendments thereto;
- (2) payment of relocation assistance;
- (3) site preparation;
- (4) sanitary and storm sewers and lift stations;

- (5) drainage conduits, channels and levees;
- (6) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- (7) street lighting fixtures, connection and facilities;
- (8) underground gas, water, heating, and electrical services and connections located within the public right-of-way;
- (9) sidewalks;
- (10) water mains and extensions;
- (11) payment or reimbursement for prior payment of past, present, and future special assessments levied against property within the district pursuant to K.S.A. 12-6a01 *et seq.* or K.S.A. 12-6a26 *et seq.*; and
- (12) renovation of buildings or other structures more than 25 years of age primarily for residential use located in a central business district as approved by the secretary of commerce. Certification of the age of the building or other structure shall be submitted to the secretary by the governing body of the city or county with the resolution as provided by K.S.A.12-5244, and amendments thereto. Eligible residential improvements shall include only improvements made to the second or higher floors of a building or other structure. Improvements for commercial purposes shall not be eligible.

(b) None of the proceeds from the sale of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, shall be used for the construction of buildings or other structures to be owned by or to be leased to any developer of a residential housing project within the district, except for buildings or other structures located in a central business district as approved by the secretary of commerce.

Section 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 4. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of Abilene, Kansas, on October 11, 2021 and **SIGNED** by the Mayor.

(SEAL)



ATTEST:

Shaun Moore
Clerk

[Signature]
Mayor

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Charter Ordinance No. 29; that was passed by the governing body on October 11, 2021.

DATED: October 11, 2021.


Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ABILENE, KANSAS
HELD ON OCTOBER 11, 2021**

The governing body met in regular session at the usual meeting place in the City at 4:00 P.M., the following members being present and participating, to-wit: Mayor Brandon Rein, Vice-Mayor Dee Marshall, Commissioner Chris Ostermann, Commissioner Timothy Shafer, Commissioner Trevor Witt.

Absent: None

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented a Charter Ordinance entitled:

**A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, KANSAS,
FROM THE PROVISIONS OF K.S.A. 12-5249 AND PROVIDING SUBSTITUTE
AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO
RURAL HOUSING INCENTIVE DISTRICTS.**

Commissioner Marshall moved that the Charter Ordinance be passed. The motion was seconded by Commissioner Ostermann. The Charter Ordinance was duly read and considered, and upon being put, the motion for the passage of the Charter Ordinance was carried by the vote of the governing body as follows:

Yea: Ostermann, Shafer, Witt, Rein, Marshall.

Nay: None.

The Mayor declared the Charter Ordinance duly passed with at least a 2/3 vote of the governing body, and the Charter Ordinance was then duly numbered Charter Ordinance No. 29, was signed by the Mayor and attested by the Clerk and was directed to be published once a week for two consecutive weeks in the official newspaper of the City.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Abilene, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Sheryl M. ...
Clerk

CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF DICKINSON)

The undersigned, Clerk of the City of Abilene, Kansas (the “City”), does hereby certify that the governing body of the City duly passed Charter Ordinance No. 29 on October 11, 2021, that the Charter Ordinance was published once a week for two consecutive weeks (October 14, 2021, and October 21, 2021) in the *Abilene Reflector-Chronicle*, the official City newspaper; that more than sixty (60) days have elapsed from the date of the last publication; and that there has been no sufficient written protest filed in my office against the Charter Ordinance, as provided in Article 12, Section 5 of the Kansas Constitution.

WITNESS my hand and official seal on December 21, 2021.



Shay UMo

Clerk