

ORDINANCE NO. 1511

AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA, HEREBY REPEALING THE PLAN THAT WAS ADOPTED BY ORDINANCE 1449 OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the City Council of the City of Andover, Kansas, pursuant to the authority provided in K.S.A. 12-17, 114 et seq. wishes to adopt a plan to assist the revitalization of certain designated areas of the City of Andover; and

WHEREAS, the City Council of the City of Andover, Kansas, pursuant to public notice did hold a public hearing on May 8, 2012 to hear and consider public comment on the Neighborhood Revitalization Plan.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Neighborhood Revitalization Plan. That the City Council does hereby adopt the Neighborhood Revitalization Plan, attached herein, labeled Exhibit A and incorporated by reference as if fully set forth herein.

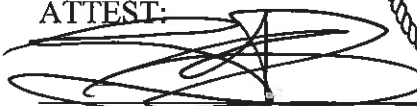
Section 2. Designation of Neighborhood Revitalization Area. That the City Council hereby designates the real property described in Part 1 of the Neighborhood Revitalization Plan as the Neighborhood Revitalization Area, finds that one or more of the following conditions exist within said area:

- 1) a predominance of buildings which, by reason of dilapidation or obsolescence, are detrimental to public health, safety and welfare;
- 2) a substantial number of deteriorating structures which impair the sound growth of the City, retards the provision of housing and constitutes an economic liability; and
- 3) a predominance of buildings which, by reason of age, history or architecture, are significant and should be restored to productive use, and finds that the rehabilitation, conservation and redevelopment of said area is necessary to protect the health, safety and welfare of the residents of the City.
- 4) Economic conditions which impair or arrest the sound growth of the City


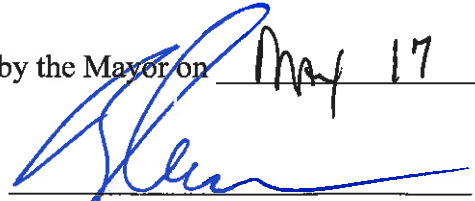
Section 3. That this ordinance shall be in full force and effect upon publication in the official city newspaper and shall expire on June 1, 2013.

Passed this 8th day of May, 2012 and signed by the Mayor on May 17, 2012.

ATTEST:




Susan Renner, City Clerk

Ben Lawrence, Mayor

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 8th day of May, 2012; that the record of the final vote on its passage is found on page 6 of the minutes from May 8th, 2012; that it was published in the *Augusta Daily Gazette* on the 26th day of May, 2012.

City Clerk 

CITY OF ANDOVER

NEIGHBORHOOD

REVITALIZATION PLAN

Adopted – January 1, 2010
Expires – December 31st 2013
Revised – May 8, 2012
Attorney General Office: Adopted:

**CITY OF ANDOVER
NEIGHBORHOOD REVITALIZATION PLAN**

PURPOSE:

This plan is intended to promote the revitalization and development of certain areas within the City of Andover in order to protect the public health, safety, and welfare, and improve economic conditions which impair and arrest the sound growth of the community for the residents of the city. More specifically, the City will offer property tax rebates for certain improvements or renovation of property within the designated areas in accordance with the provisions of K.S.A. 12-17, 114 et seq.

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- I. Real property is eligible, **including all residential and commercial types.**
 - A. All real property improvements (Rehabilitation¹, alterations and additions to any existing residential structure and including construction of new commercial and residential structures) in the designated areas within the City of Andover are eligible. Maps and legal descriptions of the Neighborhood Revitalization areas are available in the Andover City Hall.
 - B. Owners wishing to rehabilitate, add to existing buildings, or construct new buildings are eligible to apply for revitalization under this plan. Only one building permit will be required for each application
 - C. Residential new construction will be in developments currently platted on the effective date of this plan.
 - D. Condemned properties (as determined by the City Council) and any future properties that qualify for a City of Andover rehabilitation/grant program are eligible. These properties must qualify through a description of blight, health, or safety issues as outlined in K.S.A. 12-17, 117 or grant programs as established and qualified by the City of Andover.
 - E. Buildings, 25 years or older, meeting the “dilapidated structure” description as outlined in K.S.A. 12-17, 115(a) as determined by the City Building Official’s office, shall be allowed to petition the City Council to be included in this program.

¹ Projects that are more likely to increase a structure’s appraised value include additions, and major renovations etc. Projects such as painting and carpet, windows, siding, are eligible, but may not result in much, if any, increase in value (and consequently, little if any tax rebate).

- II. Criteria to be used by City Staff to determine specific real property eligible for revitalization and property tax rebate as follows:
- A. Construction of improvement must have begun on or after June 1st 2012, the effective date of this plan and the program will expire May 31st, 2013. ***Provided, however, no application will be processed until approval has been received on the interlocal agreement from the Attorney General's office.***
 - B. Residential: Must be at least \$5,000 based upon building permit value. Residential projects will be owner occupied following completion. Valuation increase above \$400,000 will not be eligible for rebate under this program.
 - C. Commercial/Industrial: At least \$10,000 based upon permit value. Commercial projects will include all commercial types and multi-family residential projects. Valuation increase above \$800,000 will not be eligible for rebate under this program.
 - D. New as well as existing improvements on property must conform to all city code rules and regulations in effect at the time improvements are made. **Permits must be approved before commencement of construction.**
 - E. Applicants are not allowed to "phase-in" improvements. Additional increases in valuation to the property shall not be considered in the rebate calculation after the original improvement value is established by the County Appraiser. Construction must be on one parcel at one time. Parcels are determined by CAMA Number.
 - F. Any property that is delinquent in payment to Butler County of any real estate tax and/or special assessment will forfeit any current and future rebates; however, each property included in the NRP program may be reinstated into the City of Andover NRP Program after being delinquent on the above mentioned taxes or assessments, if the City of Andover under their sole discretion determines such property shall be allowed back into the program; and further, any such property delinquent on taxes or assessments shall be allowed back into the NRP program only one time during the life of the properties' participation in the NRP program. No property shall be granted such consideration for reinstatement if it was disqualified from the NRP program prior to January 1, 2010 or has previously been allowed back into NRP program after being delinquent on such taxes or assessments.
 - G. If the property that has been approved for a tax rebate is sold, the rebate remains in effect and will transfer to the new property owner. Only owners are eligible for tax rebates.
 - H. City and County Staff shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained

herein. If any applicant is dissatisfied with City Staff's decision, a written appeal may be submitted to the Andover City Council for final determination. If any applicant is dissatisfied with County Staff's decision, a written appeal may be submitted to the Butler County Board of Commissioners.

- I. Properties eligible for tax incentives under any other program shall be eligible to submit applications under only one program at a time.

APPLICATION PROCEDURE

Prior to filing an application for a tax rebate, the following steps must be taken:

- A. **Application Forms:** Obtain an application from the Andover City Hall.
- B. **COMPLETE PART 1: Prior to the commencement of construction** on any improvement or new construction for which a tax rebate will be requested, the property owner will complete Parts One and Two of the application. Part Two must include a permit number obtained from the City Building Official's Office. A non-refundable \$25.00 application fee payable to the City of Andover.
- C. **Preliminary Approval and County Inspection:** The City will forward the application to the County after certifying the property is within the designated plan area and the valuation increase meets the criteria. The County Appraiser's office will return a copy of Part One to the City and the applicant within fifteen (15) working days indicating approval or denial of the project.
- D. **Notice of Final Approval and Procedure Construction:** If the plan is approved, the City Clerk will forward a copy of Part One to the City Building Inspector for notification and information purposes. The County Appraiser will forward a copy of the application to the County Clerk for monitoring purposes. **Note: Commencing construction prior to receiving this notice from the City may be cause for the project to be ruled ineligible.**
- E. The owner will have a **maximum of one year to complete the project unless otherwise approved by the City.** Applicants are not allowed to phase-in improvements and a property may only have one active rebate at a time.
- F. **COMPLETE PART 3: Immediately upon completion of the project,** the property owner shall file Part Three of the application with the City Clerk. Upon receipt of Part Three, the City Building Official's Office shall conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) to confirm completion, issue any occupancy permits and will then forward Part 3 of the application to the Butler County Appraiser's Office. This step must be

completed by December 1 in order for the rebate to take effect the following January.

- G. **New Valuation:** After confirmation of project completion is received from the City Building Official's Office, the completed application will be forwarded to the County, certifying the project is in compliance with the eligibility requirements for a tax rebate. The County Appraiser will then report the valuation to the County Clerk by June 15th. The tax records shall be revised accordingly.
- H. Payments must be made on time to be eligible for this plan.
- I. **Rebates after taxes are paid:** Upon timely payment in full of all real estate tax and special assessments for the property, a rebate of the taxes related to the valuation improvement (less a 5% administrative fee; valuation eligible for rebate capped at \$400,000 on residential projects & \$800,000 on commercial projects) will be made to the property owner within 45 days of due date of taxes. Butler County will issue the rebate checks to the individual taxpayers.
- J. No rebate will be provided for any property with open valuation and/or classification appeals until all disputes have been fully litigated.

Rebate Formula

- Program Period: The Neighborhood Revitalization Plan with tax rebate incentive program shall terminate 12 months from the effective date of June 1st 2012, following the adoption of the appropriate interlocal agreements, unless terminated sooner by State or local action, or extended by the parties to the interlocal agreement.
- Rebate Period: 10 years for rehabilitations, alterations, or additions.
5 years for new construction on a vacant lot **(if demolishing an existing structure, rebate can be maximized by leaving the lot vacant until the next regular appraisal in January).**
- Rebate Amount: 95% of the tax corresponding to the increase in appraised value (on building only, not land) resulting from the specific improvements identified on the application on rehabilitations, alterations, or additions to residential or commercial properties and new residential and commercial projects. Valuation eligible for the rebate shall be capped at \$400,000 on residential projects and \$800,000 on commercial projects.

The rebate amount shall remain constant for the duration of the rebate period (i.e. changes in value due to market factors shall not affect the amount of the rebate).

The other five percent (5%) of the tax corresponding to the increase in appraised value will be retained by the Butler County Clerk's Office to cover administrative costs that include data entry, database management, software licensing and updates, and rebate calculation and processing.

City of Andover City Limits



0 1,500 3,000 Feet

Legend

-  City Limits
-  Streets

