

2023 Kansas Statutes

12-5245. Same; adoption of development or redevelopment plan; contents; hearing, notice. (a) Upon receipt of the approval of the secretary as provided in K.S.A. 12-5244(c), and amendments thereto, the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed 25 years. The plan shall include, but not be limited to, the following:

- (1) The legal description and map required by K.S.A. 12-5244(a), and amendments thereto;
- (2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;
- (3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;
- (4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;
- (5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;
- (6) the contractual assurances, if any, the governing body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; and
- (7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, that shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will be held to consider the adoption of the plan and the designation of the district and contain the following elements:

- (1) The date, hour and place of the public hearing;
- (2) the contents of subsection (a)(1) through (4);
- (3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis;
- (4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; and
- (5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution.

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

History: L. 1998, ch. 66, § 5; L. 2019, ch. 60, § 7; July 1.