

STATE OF KANSAS }
ELLIS COUNTY }
This Instrument was filed for record
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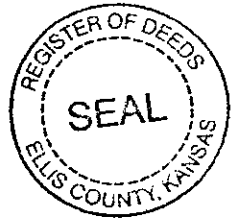
(Published in *The Russell County News* on July ____, 2010)

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~~Release of Record~~
Fees 20.00 Register of Deeds

ORDINANCE NO. B-515

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS, ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (VICTORIA KNIGHTS PROJECT).



WHEREAS, K.S.A. 12-5241 *et seq.* (the "Act") authorizes any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 60,000, to designate rural housing incentive districts within such city; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

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WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the City of Victoria, Kansas (the "City") has an estimated population of 1,204, is located in Ellis County, Kansas, which has an estimated population of 27,801, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the Governing Body of the City has performed a Housing Needs Analysis dated March 1, 2010 (the "Analysis"), a copy of which is on file in the office of the City Clerk; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. C-268 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated April 2, 2010, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the "Plan"); and

WHEREAS, the Plan includes:

- (1) The legal description and map required by subsection (a) of K.S.A. 12-5244;
- (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;
- (7) A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. C-269 which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for July 19, 2010 and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on July 19, 2010, after due published and delivered notice in accordance with the provisions of the Act; and

WHEREAS, upon and considering the information and public comments received at the public hearing, the governing body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

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

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted July 19, 2010 was made in accordance with the provisions of the Act.

Section 2. Creation of Rural Housing Incentive District. A Rural Housing Incentive

District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property in the Victoria Knights Residential Development, an addition to the City of Victoria, Ellis County, Kansas:

DESCRIPTION

That part of the Southwest Quarter of Section 6, Township 14 South, Range 16 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 44 minutes 07 seconds East, along the south line of said Southwest Quarter, a distance of 1,382.01 feet to the point of beginning of the land to be described; thence North 01 degrees 16 minutes 47 seconds East, along the east line of the Stramel Addition to the City of Victoria, Kansas, a distance of 1,679.17 feet; thence South 87 degrees 44 minutes 07 seconds East a distance of 654.89 feet; thence South 02 degrees 15 minutes 53 seconds West a distance of 285.68 feet; thence on a curve to the left, an arc distance of 205.38 feet, said curve having a radius of 365.00 feet, a central angle of 32 degrees 14 minutes 22 seconds, a chord bearing South 18 degrees 23 minutes 03 seconds West and a chord length of 202.68 feet; thence South 34 degrees 30 minutes 14 seconds West a distance of 212.35 feet; thence South 13 degrees 58 minutes 19 seconds West a distance of 280.00 feet; thence North 76 degrees 01 minutes 41 seconds West a distance of 160.00 feet; thence South 19 degrees 56 minutes 49 seconds West a distance of 439.59 feet; thence South 01 degrees 16 minutes 47 seconds West a distance of 378.03 feet to a point on the south line of said Southwest Quarter; thence North 87 degrees 44 minutes 07 seconds West, along the south line of said Southwest Quarter, a distance of 120.02 feet to the point of beginning. This tract contains 14.513 acres.

The boundaries of the District do not contain any property not referenced in Resolution No. C-269, which provided notice of the public hearing on the creation of the District and adoption of the Plan.

Section 3. Approval of Development Plan. The Plan for the development or redevelopment of housing and public facilities in the District, as presented to the Governing Body this date, is hereby approved.

Section 4. Adverse Effect on Other Governmental Units. If, within 30 days following the conclusion of the public hearing on July 19, 2010, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

(a) The Board of Education of U.S.D. No. 432 determines by resolution that the District will have an adverse effect on such school district; or

(b) The Board of County Commissioners of Ellis County, Kansas, determines by resolution that the District will have an adverse effect on such county.

As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Ellis County or Unified School District No. 432.

Section 5. Further Action. The Mayor, City Clerk and other officials and employees of the City, including the City Attorney and Gilmore & Bell, P.C., Special Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body of the City of Victoria, Kansas and publication one time in the official City newspaper.

PASSED by the Governing Body of the City of Victoria, Kansas and signed by the Mayor on July 19, 2010.

[SEAL]

Curtis B. Urning
Mayor



Mary Pfeifer
City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. B-515 (the "Ordinance") of the City of Victoria, Kansas (the "City"); that said Ordinance was passed by the City Council on July 19, 2010; that it was published in the official newspaper of the City on July 23, 2010; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

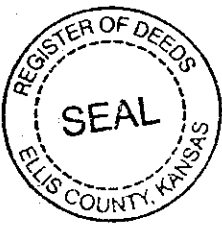
DATED: July 23, 2010.

Mary Pfeifer
City Clerk

STATE OF KANSAS }
ELLIS COUNTY }
This Instrument was filed for record
8:00 o'clock A M recorded in

JAN 26 2011

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Rebecca Herge
Fees 12.00 Register of Deeds



EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF VICTORIA, KANSAS
HELD ON JULY 19, 2010

The governing body met in regular session at the usual meeting place in the City, at 7:30 P.M.,
the following members being present and participating, to-wit:

Jan Piesker, Jerry Brungardt, Joe Robben, Leroy Schmidtberger, Kenneth Pfeifer

Absent: None

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

(Other Proceedings)

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Among other business, in accordance with Resolution No. C-269 published on July 7, 2010, in *The Russell County News*, a public hearing was held by the governing body relating to the proposed establishment of a Rural Housing Incentive District within the City and adopting a plan for the development of housing and public facilities in such District. At the hearing, each project proposed for the District was identified and explained. At the hearing, the developer that has contracted with the City to undertake such project was identified and present in person. Following the presentation, all interested persons were afforded an opportunity to present their views on the establishment of the District and the proposed projects. Thereupon, the public hearing was closed.

Thereupon, there was presented to the City Council an Ordinance entitled:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS, ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (VICTORIA KNIGHTS PROJECT).

Thereupon, Councilmember Brungardt, moved that said ordinance be passed. The motion was seconded by Councilmember Piesker. Said ordinance was duly read and considered, and upon being put, the motion for the passage of said ordinance was carried by the vote of the governing body, the vote being as follows:

Aye: Jerry Brungardt, Jan Piesker, Joe Robben, Leroy Schmidtberger, Kenneth Pfeifer

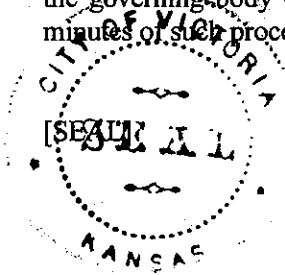
Nay: None

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was then duly numbered Ordinance No. B-515, was signed by the Mayor and the signature attested by the City Clerk, and was directed to be published one time in the official city newspaper.

(Other Proceedings)

CERTIFICATE

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



Mary Pfeiffer
City Clerk