

January 2023 –
December 2027

THE 2023-2027 NEIGHBORHOOD REVITALIZATION PLAN

CHEROKEE COUNTY, KANSAS



ADOPTED BY THE BOARD OF COUNTY
COMMISSIONERS FOR CHEROKEE COUNTY
April 3, 2023

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THE 2023-2027 CHEROKEE COUNTY NEIGHBORHOOD REVITALIZATION PLAN

SECTION I STATEMENT OF PURPOSE AND FINDINGS

This Plan is intended to promote the revitalization and development of Cherokee County by stimulating new construction and rehabilitation, conservation, or redevelopment of the area hereinafter described as the Neighborhood Revitalization Area (NRA) of Cherokee County in order to protect the public health, safety, and welfare of the residents of the County. More specifically, in accordance with K.S.A. 12-17,118(d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of property within the NRA a minimum of \$20,000. The Plan has a duration of five (5) calendar years, commencing January 1, 2023, and ending December 31, 2027.

In accordance with K.S.A. 12-17,114 *et. seq.*, the Board of County Commissioners for Cherokee County (“Governing Body”) has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (Unified School District Nos. 247 (Southeast), 493 (Columbus), 404 (Riverton), 499 (Galena), 508 (Baxter Springs), 250 (Pittsburg), 505 (Chetopa), City of West Mineral, City of Weir, City of Scammon, City of Columbus, City of Galena, and City of Baxter Springs). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in K.S.A. 12-17,115(c), as set forth below:

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality,

retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Specifically, the Governing Body considered the data below indicative of the presence of a combination of present conditions and uses within the NRA which substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety or welfare.

1. The per capita personal income for Cherokee County for 2021 was \$51,492. This places Cherokee County 65 out of 105 counties. (Source: U.S. Bureau of Economic Analysis, <https://www.bea.gov/data/income-saving/personal-income-county-metro-and-other-areas>).
2. 14.9% of Cherokee County's population was estimated to be in poverty in 2015. This compares to 11.7% of the Kansas population. Of 105 counties, Cherokee County had the 9th highest percentage in poverty in 2021. (Source: U.S. Census Bureau, and Index Mundi)
3. Cherokee County's population continues to decline. The county's population was 21,603 in 2010 and estimated at 19,130 in 2022, a 11.5% decline. Over the same period, the Kansas population grew 1.90%. (Source: U.S. Census Bureau, Population Division) This trend is projected to continue with Cherokee County's population projected to fall to 17,105 by 2044 while the state's population is projected to continue growing. (Source: Wichita State University, Center for Economic Development and Business Research)
4. The median age in Cherokee County was 42.5 in 2021 and has been steadily increasing since 1980. 19.4% of the county's population was age 65 and over in 2021. (Source: 2010 Census, Profile of General Population and Housing Characteristics: 2010) By 2044, 29% of the county's population is projected to be age 65 and over. (Source: Wichita State University, Center for Economic Development and Business Research)
5. Cherokee County had 10,031 housing units in 2000. In 2016 there were 9,793. By 2021 the number has dropped from the year 2000 by 8% to 9,133 housing units. (Source: U.S. Census Bureau, Housing Unit Estimates; U.S. Census Bureau, 2000 Census, Profile of General Demographic Characteristics; & U.S. Census Bureau, 2010 Census)

6. The total assessed valuation for Cherokee County in 2016 was \$158,663,917. Per capita valuation was \$7,727, placing the county 99th out of 105 counties. The total assessed valuation for Cherokee County in 2021 was \$183,213,552. Per capita valuation was \$9,577 (Source: Kansas Association of Counties, Demographic & Taxation Report: 2019- 2020)

As a matter of policy, the Neighborhood Revitalization Plan of Cherokee County is proposed to promote a streamlined and administrative “but for” policy. The inherent presumption of this Plan is that necessary private investments would not occur in the NRA “but for” the incentives offered under the Plan. Incentives are approved administratively by Cherokee County staff upon application by the property owner without further proof of need for the incentives. To enforce this policy, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are legally justifiable under State law and provides for a streamlined “but for” test to revitalize the NRA of Cherokee County.

**SECTION II
LEGAL DESCRIPTION OF
THE NEIGHBORHOOD REVITALIZATION AREA**

- A. The Neighborhood Revitalization Area is all of Cherokee County, excluding property within the Baxter Springs Revitalization Area (2014-2019).
- B. A map of the excluded area is attached as Exhibit A of this Plan.

**SECTION III
ASSESSED VALUATION OF
THE NEIGHBORHOOD REVITALIZATION AREA**

- A. The total assessed valuation for Cherokee County in 2022 was \$194,794,858. The 2022 assessed valuation for the Baxter Springs NRP is \$5,074,443. Therefore, the 2022 assessed valuation for the Cherokee County Neighborhood Revitalization Area is \$189,720,415.

**SECTION IV
NAMES AND ADDRESSES OF THE REAL ESTATE OWNERS WITHIN THE
NEIGHBORHOOD REVITALIZATION AREA**

- A. Each owner of record of each parcel of property located within the Cherokee County Neighborhood Revitalization Area is listed together with the corresponding address on file at the County Appraiser's Office at the Cherokee County Courthouse, 110 West Maple Street, Columbus, KS.

**SECTION V
EXISTING ZONING CLASSIFICATIONS AND DISTRICT BOUNDARIES;
EXISTING AND PROPOSED LAND USES WITHIN
THE NEIGHBORHOOD REVITALIZATION AREA**

- A. In the Cherokee County Neighborhood Revitalization Area, zoning exists only within the city limits of Baxter Springs and Galena. Descriptions of zoning districts, current boundaries of zoning districts, existing land uses and future land use maps for the portion of the Neighborhood Revitalization Area lying within these corporate city limits may be obtained as follows:
 - City of Baxter Springs - City Clerk's Office, 1445 Military Avenue, Baxter Springs, KS 66713.
 - City of Galena - City Clerk's Office, 211 West 7th Street, Galena, KS 66739.

**SECTION VI
PROPOSALS FOR IMPROVING OR EXPANDING MUNICIPAL SERVICES
WITHIN THE NEIGHBORHOOD REVITALIZATION AREA**

- A. Proposals for improvements and extensions to municipal services such as roads, bridges and other infrastructure are set out in the annual budgets and capital improvement plans for each taxing entity in the Cherokee County Neighborhood Revitalization Area.

**SECTION VII
STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS
FOR A TAX REBATE**

- A. "Structure" means any building, wall, or other structure permanently assimilated to the real estate and classified as real estate by the county appraiser.

- B. Residential Property

All properties with residential improvements legally permitted by applicable regulations and building codes within the designated Neighborhood Revitalization Area, are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of \$20,000.00. "Residential improvements" are defined as:

1. Rehabilitation, alterations and/or additions to any existing residential structure.
2. Construction of a new residential structure, including the conversion of all or part of a non-residential structure into a residential structure.
3. Improvements to or construction of new accessory structures such as garages, workshops, and storage buildings.

- C. Agricultural Property

All properties with agricultural improvements legally permitted by applicable regulations and building codes within the designated Neighborhood Revitalization Area, are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of \$20,000.00. "Agricultural improvements" are defined as:

1. Additions to any existing structures used for agricultural purposes.
2. New construction of any structure used for agricultural purposes.

D. Commercial & Industrial Property

All properties with commercial improvements legally permitted by applicable regulations and building codes within the designated Neighborhood Revitalization Area, are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of \$20,000.00. “Commercial improvements” are defined as:

1. Rehabilitation, alterations, and additions to any existing commercial or industrial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purpose.
2. Construction of new commercial and industrial structures, including the conversion of all or part of a non-commercial structure into a commercial structure, used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purpose.

**SECTION VIII
CRITERIA FOR DETERMINATION OF ELIGIBILITY**

- A. The construction of an improvement, as classified and defined in Section VII, must begin on or after January 1, 2023, and prior to the Plan’s expiration of December 31, 2027. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2027 by a subsequent ordinance. An improvement project constructed pursuant to an application for tax rebate filed before January 1, 2023, may be eligible for a rebate under the Neighborhood Revitalization Program created by Cherokee County Resolution No. 06-2018.
- B. A rebate application must be filed prior to the Plan’s expiration and prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Cherokee County Clerk in consultation with the Cherokee County 911 Addressing and Mapping Department. An application determined to be “out-of-time” shall be accepted by the County Clerk if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with county staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city and/or county staff *shall not* be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant

must submit all evidence in writing that supports the above criteria to the County Clerk within one (1) year of the issuance of the building permit. The applicant may appeal the County Clerk's decision to the Board of County Commissioners who have final authority over the matter.

- C. The Application must be completed in full and submitted to the Cherokee County Clerk's Office, including the payment of a non-refundable \$25 application fee.
- D. New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated. Notice of termination shall be provided by the County Clerk in writing by regular U.S. Mail, postage prepaid, to the applicant at the address provided on the application.
- E. Property owner must be current on all real, personal, and special assessment taxes for property owned in Cherokee County to be eligible for this program during the application year and each subsequent year. In the event any such taxes become delinquent during the five (5) year rebate period, tax rebates shall be forfeited in full for the tax year of the delinquent real, personal, and/or special assessment taxes for property owned in Cherokee County. Notice to the applicant of a forfeited rebate as described herein, shall be provided by the County Clerk in writing by regular U.S. Mail, postage prepaid, at the address provided on the application.
- F. APPEAL: Upon notice of termination as set forth in part "D" above, or a forfeited rebate as described in "E" above, the participant may schedule an appeal to the Board of County Commissioners within 30 days from the date of the Notice by contacting the County Clerk's Office. The Board of County Commissioners shall have final authority over the matter.
- G. In the event an applicant or participant has appealed their property valuation or paid their taxes under protest, notice of such appeal shall be provided to the County Clerk by the County Appraiser's Office within five (5) business days of receipt of notice of appeal. Payment of the tax rebate shall be delayed until the appeal and any corrective action ordered therein has been finalized.
- H. Tax rebates are subject to the approval of this Plan by each taxing entity within the NRA. The Cherokee County Clerk maintains a list of taxing entities that have adopted the Plan.

**SECTION IX
CONTENTS OF AN APPLICATION
FOR A REBATE OF PROPERTY TAX INCREMENTS**

- A. The Application for Tax Rebate is attached as Exhibit B of this Plan and shall contain the following information as may be amended from time to time by the County Clerk:

Part 1 - General Information

(Completed by Applicant, County Mapping, County Clerk)

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.
- (p) Certification Property is within NRA of Cherokee County

Part 2 - Status of Construction/Completion

(Completed by Applicant, County Appraiser, County Clerk)

- (a) Applicant's Notice of Project Completion
- (b) County Appraiser's Statement of Valuations.
- (c) County Clerk's Statement of Tax Status.
- (d) County Clerk's Statement of Application Conformance for Tax Rebate.

**SECTION X
PROCEDURE FOR SUBMITTING AN APPLICATION
FOR A REBATE OF PROPERTY TAX INCREMENTS**

- A. The owner/applicant shall obtain an Application for Tax Rebate from the County Clerk's Office, or concurrently with obtaining a building permit application from the Cherokee County 911 Addressing and Mapping Department. Both offices are located at the Cherokee County Courthouse, 110 W. Maple, Columbus, KS 66725. The Application will also be available online at on the Cherokee County website: <https://www.cherokeecountyks.gov/main/home>,
- B. In addition to any other required permits and/or licenses made necessary according to applicable codes, rules, and regulations in effect at the time the improvements are made, including applicable zoning regulations, all improvement projects within the NRA must obtain a Cherokee County building permit issued from the Cherokee County 911 Addressing and Mapping Department prior to commencement of construction on the project.
- C. The applicant shall file the Application for Tax Rebate with the Cherokee County Clerk's Office prior to beginning construction or within sixty (60) days of issuance of the building permit, required by Section X (B) of the Plan, or as permitted under Section VIII (B) of the Plan. A \$25 non-refundable fee must be submitted with the Application to be applied to the costs of administering the program.
- D. To obtain a rebate, an applicant must certify the completion of the qualifying project by submitting part 2 of the Application to the County Clerk on or before December 31st of the year in which the project is completed.
- E. The County Clerk shall forward the application to the Cherokee County Appraiser's Office for determination of the appraised valuation of the improvements.
- F. On or about January 1, the County Appraiser shall conduct an onsite inspection of the project, determine the new valuation of the real estate, complete the Appraiser's portion of the application, and report the new valuation to the County Clerk by June 1 of that same, year. The tax records on the project shall be revised by the County Clerk's Office.
- G. Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate, the County Clerk's office shall determine the status of the taxes on the property and complete the County Clerk's portion of the application. Following, the County Clerk shall certify the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant in writing by US mail, postage prepaid, at the address listed on the application.

- H. The rebate period begins in the year following 100% completion of the improvements and certification of eligibility by the County Clerk. Property taxes owed on partially completed construction projects are to be borne by the property owner without rebate.
- I. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Cherokee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by the Cherokee County Treasurer through the Neighborhood Revitalization Fund established in conjunction with Cherokee County and the other taxing units participating in an Interlocal Agreement.

**SECTION XI
STANDARDS AND CRITERIA FOR APPROVAL**

- A. Project improvements shall be 100% complete within two years of building permit issuance or within two years of beginning construction on the listed improvements.
- B. The appraised value of the property must be increased by a minimum of \$20,000.00.
- C. New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including any applicable zoning regulations, for the length of the rebate.
- D. Any property that is delinquent in any real or personal property tax or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid, as set forth in Section VIII (E). Additionally, taxes on real and personal property owned by the applicant in Cherokee County must be current.

**SECTION XII
STATEMENT SPECIFYING REBATE FORMULA**

- A. Tax rebates are based on the incremental increase in appraised value between January 1 of the application year and January 1 of the year following completion of the construction/rehabilitation project.
- B. The incremental increase in appraised value may not equal the amount of dollars

actually spent on the project. For example, a \$25,000 improvement to an existing property may add only \$20,000 to the appraised value of the property.

- C. "Base Year Valuation" shall mean the appraised value of the property in the application year.
- D. In any given year (1 through 5), the rebate paid will be based upon the lesser of the following:
 - 1. The increase in appraised value in year one;
 - 2. The difference between the appraised value in that particular year and the Base Year Valuation.

(For example, if the finished project provides an increase of \$20,000 in appraised value in year one, the rebate will be paid on a maximum of a \$20,000 increase. Should valuation decrease after the first year, the rebate will be paid on the difference between the Base Year Valuation and that particular year's current valuation. Should valuation decrease to, or below the Base Year Valuation, no rebate will be paid.)

- E. The actual tax rebate may vary year-to-year depending on the approved mill levy for all participating taxing entities and upon changes to property tax laws enacted by the Kansas legislature.

**SECTION XIII
MAXIMUM AMOUNT AND YEARS OF ELIGIBILITY FOR A REBATE OF
PROPERTY TAX INCREMENTS**

- A. Approved applicants with qualifying projects will receive the following property tax rebates, for taxes attributable to the incremental increase in value, from the participating taxing entities:

PROGRAM YEAR	REBATE PERCENTAGE
<u>Year 1</u>	<u>95%</u>
Year 2	95%
Year 3	95%
Year 4	95%
Year 5	95%

**SECTION XIV
OTHER MATTERS**

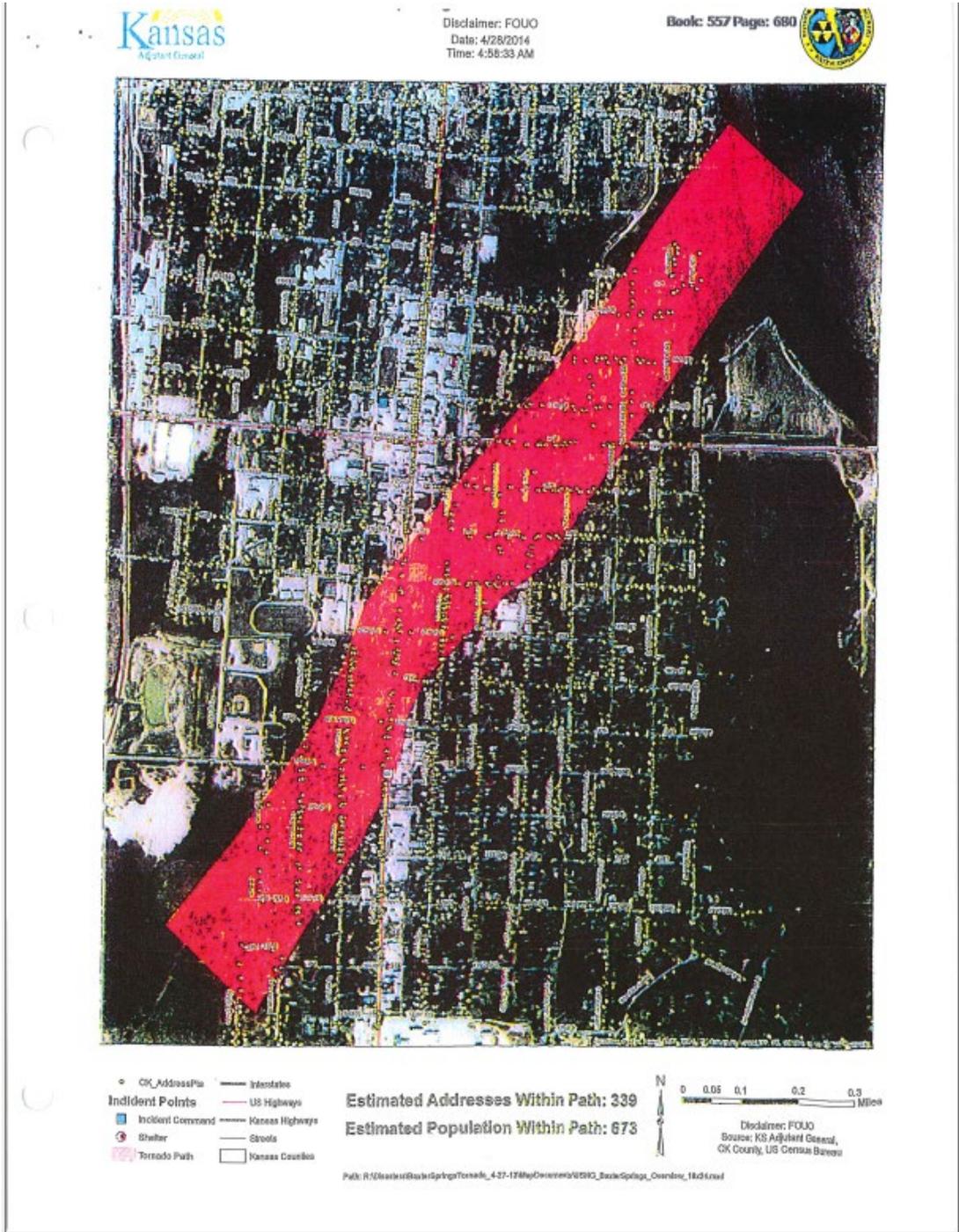
- A. All tax rebate benefits under this Plan shall transfer with a change of ownership of the qualifying property upon the new owner/applicant providing the County Clerk notification of such change together with acceptable record of ownership documentation prior to December 31st of the year in which ownership was transferred.
 - 1. The tax rebate will be disbursed to the owner of record notwithstanding the Seller and Buyer of an eligible property having, before the distribution, provided signed written instructions to the County Clerk including but not limited to a contract for sale with an agreement to the disposition of the rebate and deed of conveyance.
- B. Property eligible and approved for rebates under this Plan shall waive rights to other Cherokee County property tax incentives.

**SECTION XV
ADOPTION OF PLAN BY TAXING ENTITIES**

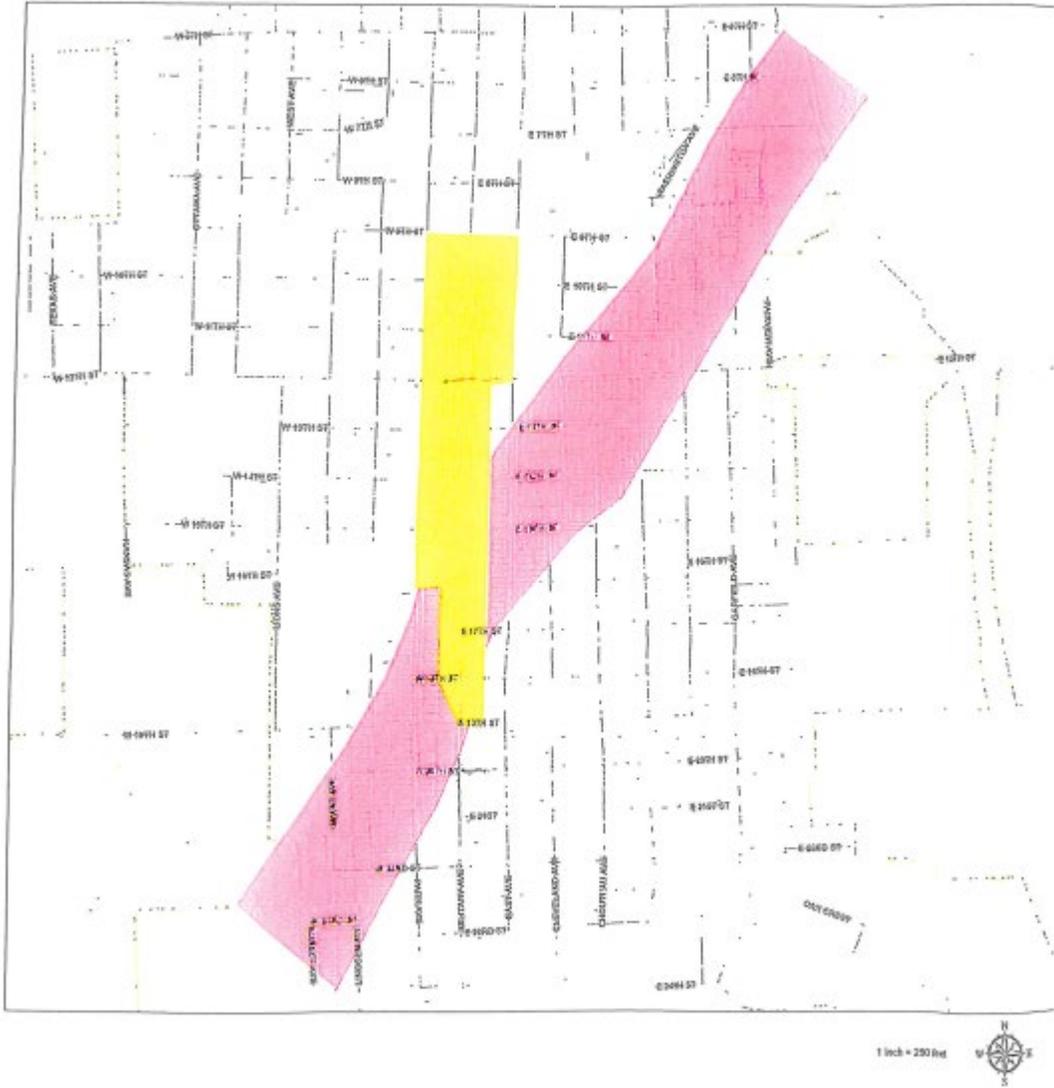
- A. Any taxing entity participating with the County in the tax rebate program will do so by entering into an Interlocal Agreement with the County by which this Plan is adopted. The Interlocal Agreement will also provide, among other things, for the means and procedures whereby a taxing entity may cease its participation in the Interlocal Agreement and thereby in the Plan, and where force majeure warrants a suspension or elimination, by one or more participating taxing entity, of the rebate program prior to the scheduled expiration of the Interlocal Agreement.

EXHIBIT A

Baxter Springs Revitalization Map



Baxter Springs Revitalization Map



**EXHIBIT B
APPLICATION FOR TAX REBATE
CHEROKEE COUNTY NEIGHBORHOOD REVITALIZATION PLAN**

PART 1.A.

Property Owner's Name:
Daytime Phone No.:
Owner's Mailing Address:
Property Address:
Parcel Identification No.:
Quick Reference No.:
Property Type (check one): <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial/Industrial
Age of Principal Building (existing structure):
Will any buildings be demolished (check one)? <input type="checkbox"/> YES <input type="checkbox"/> NO
List and Describe Proposed Improvements (add additional sheets if necessary):
Estimated Cost of Improvements: \$
Construction Start Date:
Estimated Completed Date:
Building Permit No. (attach copy of permit):
PART 1.A. Certification by County Mapping Department that Property is NOT located within Baxter Springs Neighborhood Revitalization Area must be attached by Applicant.

Property Owner's Signature

Date

County Clerk's Signature

Date Received

PART 1.B.

MUST BE RETURNED BY THE APPLICANT WITH PART 1.A.
TO THE COUNTY CLERK'S OFFICE

Certification of Property within NRA of Cherokee County

Property Owner's Name:
Daytime Phone No.:
Owner's Mailing Address:
Property Address:
Parcel Identification No.:
Quick Reference No.:
Property Type (check one): <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial/Industrial

The Cherokee County 911 Addressing and Mapping Department is in receipt of the above Applicant's Part 1.A. of the Application for Tax Rebate pursuant to the Cherokee County Neighborhood Revitalization Plan. Having reviewed the same, the undersigned hereby certifies that the Applicant's property is within the Neighborhood Revitalization Area of Cherokee County and is not within the Baxter Springs Revitalization Area as shown in Exhibit A of the Plan.

Signature
Cherokee County 911 Addressing and
Mapping Department

Date

Print Name

PART 2.A.

**MUST BE RETURNED TO THE COUNTY CLERK'S OFFICE
BY DECEMBER 31ST OF THE YEAR OF COMPLETION
TO COMPLETE THE REBATE APPLICATION PROCESS**

Applicant's Notice of Project Completion

Property Owner's Name:
Daytime Phone No.:
Owner's Mailing Address:
Property Address:
Parcel Identification No.:
Quick Reference No.:
Property Type (check one): <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial/Industrial
Actual cost of construction: \$
Completion Date:

Property Owner's Signature

Date

PART 2.B.

FOR COUNTY APPRAISER’S USE ONLY:

Property Type: Residential Agricultural Commercial/Industrial

Appraised Valuation Prior to Construction: \$ _____

County Appraiser’s Signature

Date

Appraised Valuation After Construction: \$ _____

Incremental Increase in Appraised Value: \$ _____

Improvements Made to the Property Meet the Required Increase? _____ YES _____ NO
(Required minimum increase in appraised value of \$20,000.00)

County Appraiser’s Signature

Date

Print Name

+++++

FOR COUNTY CLERK’S USE ONLY:

Are the applicant’s real and personal property taxes current and all interest, penalties and special assessments paid?

_____ YES _____ NO

County Clerk’s signature

Date

Print Name

**CHEROKEE COUNTY CLERK'S
CERTIFICATION OF APPLICATION CONFORMANCE FOR TAX REBATE**

Property Owner's Name:
Owner's Mailing Address:
Property Address:
Parcel Identification No.:
Quick Reference No.:
Property Type (check one): <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial/Industrial
Completion Date:

The Cherokee County Clerk's Office has received, in full, Part 1 and Part 2 of the above Applicant's Application for Tax Rebate pursuant to the Cherokee County Neighborhood Revitalization Plan. Having reviewed the same, the County Clerk hereby certifies the Application:

- DOES or DOES NOT conform with the Plan requirements and,
 IS or IS NOT eligible for the applicable tax rebate as set forth in the Plan.

County Clerk's signature

Date

Print Name