

**GRAHAM COUNTY ECONOMIC DEVELOPMENT  
NEIGHBORHOOD REVITALIZATION PLAN**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY,  
KANSAS.

IN THE MATTER OF THE ADOPTION OF A NEIGHBORHOOD REVITALIZATION PLAN:

**REVITALIZATION PLAN**

The Board of County Commissioners of Graham County, Kansas, (herein called "Governing Body") pursuant to the Kansas Neighborhood Revitalization Act, K.S.A. 12-17,114 et. seq, does hereby adopt a Neighborhood Revitalization Plan (herein sometimes called "Plan") for the County of Graham as follows:

**FINDINGS**

Pursuant to K.S.A. 12-17,116, the Governing Body FINDS:

1. Graham County currently suffers from poor economic conditions as evidenced by the following:
  - A. Graham County incomes are significantly below those found statewide. The median household income has decreased to \$40,890, down from \$42,009 in 2017.
  - B. Graham County's population has increased. According to the 2020 census, it has grown 28% overall from 2010 with population from 2482 to 2503. With that, continued out-migration of youth to urban areas poses problems for future income earnings and leadership in the county.
  - C. Further, the number of housing units is unchanged since 2012. The median value of an owner-occupied home in Graham County is \$77,500, well below the state of Kansas level of \$157,600.
2. Notice of hearing on this Plan has been given pursuant to K.S.A., 12-17,117(e) by publication in the Hill City Times, the official county newspaper of Graham County on the October 26, 2022, and November 2, 2022, editions of such newspaper and proof of such publication has been filed in the office of the County Clerk of Graham County.
3. By reason of the findings made in paragraphs 1 and 2 above, the Governing Body further finds that a majority of the conditions as described in subsection (c) of K.S.A. 12-17,115 exist in the entire County of Graham as a single unit or area eligible for designation under the Kansas Neighborhood Revitalization Act and that the rehabilitation, conservation and redevelopment thereof is necessary to protect the public health, safety and welfare of the residents of Graham County.

## PLAN INFORMATION

1. LEGAL DESCRIPTION OF AREA IN PLAN.

(a) A legal description of the real estate forming the boundaries of the area included within the Plan is the entire area of Graham County, Kansas, as set forth in K.S.A. 18-191 and such statute is adopted herein by reference. Graham County, the Cities of Bogue, Hill City and Morland, as well as U.S.D. #s 281, and 211 are participants in this economic development plan and are included in the Interlocal Agreement as well.

(b) Maps depicting the existing Parcels of real estate covered by this Plan have been prepared and are on file in the office of the County Appraiser of Graham County and the same are adopted as a part of the Plan by reference.

2. ASSESSED VALUATION. The existing (2022) assessed valuation of the real estate included in the Plan, listing land, and building values separately, is as follows:

Buildings & Improvements	\$ 12,891,834
Land	\$ 26,056,515
Total	\$ 38,948,349

3. NAMES AND ADDRESSES OF OWNERS. A list of the names and addresses of the Owners of record of the real estate included within the Plan constitutes a part of the records in the office of the County Appraiser of Graham County, and such list is adopted in and made a part of this Plan by reference.

4. ZONING CLASSIFICATIONS. The existing zoning classifications and zoning district boundaries and the existing land uses within the area included in the Plan (exclusive of those cities within the County of Graham which have not adopted zoning plans and ordinances) are as set forth in the official zoning maps, records, resolutions and ordinances of the County of Graham and the cities of Bogue, Morland and Hill City.

5. MUNICIPAL SERVICES. The Plan does not include any proposals for improving or expanding municipal services as described in K.S.A. 12-17,117(a)(5) and, if any proposals for any such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then any such proposal will be prepared and considered independently of this Plan.

## 6. REAL PROPERTY ELIGIBLE.

- (a) All real property and all improvements thereon situated in Graham County are eligible to apply for Revitalization under the Plan.
- (b) Rehabilitation of and additions to existing buildings and, also, construction of new buildings are each and all eligible to apply for Revitalization under the Plan.

### **PLAN PURPOSE**

#### **Purpose:**

This plan is intended to promote the revitalization and development of the County of Graham by stimulating new construction and the rehabilitation, conservation, or redevelopment of the area in order to protect the public health, safety or welfare of the County by offering certain incentives, which includes tax rebates.

#### **Disclaimer:**

In the event the county experiences a natural disaster with major property loss, as determined by the governing body, this program can be discontinued immediately after the declaration. There will be no new applications accepted after that point.

### **CRITERIA FOR DETERMINATION OF ELIGIBILITY**

- (A) “Structure” means any building, wall, or other structure, including the building and improvements to existing structures and fixtures permanently assimilated to the real estate.

Exceptions will include, but not necessarily be limited to:

- Non real estate items;
- Sprinkling systems, fences, landscaping, garden-type structures;
- Patios, gazebos, hot tubs, swimming pools,
- Irrigation wells and equipment, both agriculture and residential.

- (B) There will be an application period beginning January 1, 2023 and ending December 31, 2025. At the end of each year, the taxing entities will review the plan and determine its continuation. Those approved during the period will continue to receive the tax rebate as described, unless determined to be ineligible.
- (C) There must be a minimum increase of \$20,000 in appraised value to receive a tax rebate for commercial or residential construction and a minimum investment of \$20,000.

- (D) New as well as existing improvements on property must conform to all codes, rules, and regulations in effect at the time the improvements are made. Tax rebates may be terminated if improvements or new construction do not conform to code during the five-year rebate period.
- (E) Any Applicant that is past due in any real estate tax payment in Graham County and/or special assessment will forfeit any current or future rebates.
- (F) Qualified improvements or new construction eligible for tax rebates under Neighborhood Revitalization Plan may submit only one application per property per year. Each project on a property must be completed prior to a subsequent application being approved.
- (G) See the County Clerk for taxing units who have adopted the Tax Rebate Program of the Neighborhood Revitalization Plan. A tax rebate will be based on the increase in appraised value following the first full year of completion.
- (H) Tax rebates do not transfer with ownership of the qualifying property.
- (I) Upon payment in full of the real estate tax for the subject property for the initial and each succeeding year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Graham County to the other taxing units, a tax rebate in the amount of the tax increment will be made to the owner. The tax rebate will be made by the County Treasurer of Graham County through the Neighborhood Revitalization Fund established in conjunction with the other taxing units participating in an Interlocal Agreement.
- (J) In any given year, the rebate paid will be based upon the increase in appraised value from the initial program appraisal to the value as appraised in the current year.
- (K) Construction must be completed in one year from approval date, with a one-time, one-year extension allowed if requested in writing no less than 30 days prior to the one-year expiration date and approved by the County Appraiser.
- (L) Each August the Graham County Board of County Commissioners shall publish twice in the local paper a list of all NRP participants that received rebates. The publication will include the amount of taxes paid by all participants and the amount of the rebates (Both in lump sum format). This information will also be posted on the Graham County website. These postings will also include a brief overview of the NRP requirements and benefits available.

## **APPLICATION PROCEDURE**

Prior to filing the Application for Tax Rebate, the property owner will need to do the following:

1. Obtain an application from the County Appraiser's Office.
2. Prior to the commencement of demolition or construction on any improvement or new construction for which a tax rebate will be requested, the applicant-owner will complete Part A and B of the application. Requests must be received and approved before commencement of demolition for rehab or remodel projects and before commencement of construction on new construction projects.
3. Part A and B of the application must be filed with the County Appraiser's Office, with a non-refundable \$100.00 application fee prior to the commencement of construction.
4. The County Appraiser's Office will send a letter to the applicant within fifteen (15) working days, indicating formal approval or denial of the project. No work can begin before receiving formal approval.
5. For any improvement that won't be 100% finished by January 1, following the commencement of construction:
  - The owner-applicant will file Part C of the application with the County Appraiser indicating the expected status of construction on January 1. Part C must be filed on or before December 15, preceding the commencement of the tax rebate period.
6. Once the project is complete, the owner-applicant will file Part C of the application, including detailed costs of the project with receipts with the County Appraiser certifying the completion of the project. Part C with detailed costs and receipts must be received within 30 days after completing the project.
7. Before January 1, the County Appraiser will conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) and determine the new valuation of the real estate accordingly. The valuation is then reported to the County Clerk by June 1. The tax records will be revised.
8. Upon filing of Part C, and the determination of the new valuation of the said real estate, the form will be filed with the County Clerk and the County Appraiser certifying the project is

in compliance with the eligibility requirements for a tax rebate. The owner-applicant will be notified after valuations have been completed.

9. Upon payment in full of the real estate tax for the subject property for the initial and each succeeding year period extending through the specified rebate period, a tax rebate in the amount of the tax increment will be made to the owner. The tax rebate will be made by the County Treasurer of Graham County through the Neighborhood Revitalization Fund established in conjunction with the other taxing units participating in an Interlocal Agreement.
10. The owner of commercial property eligible for a tax rebate under the Neighborhood Revitalization Plan and, also eligible for any other property tax exemptions available throughout Graham County will be eligible to secure relief only under one such Plan or law, as the owner may elect.
11. Multiple qualified improvements to the same parcel completed within one calendar year shall be treated as one improvement.
12. If the owner is aggrieved by any act, action or omission by the County Appraiser, the owner, if possible, shall complete the remedial actions, as shall be necessary to secure the required approval of the County Appraiser or, if the owner cannot secure such approval, then the owner may appeal the County Appraiser's decision to a three person appeals panel, including at least one representative from each of the relevant taxing entities, in the manner provided for the filing of tax appeals by taxpayers in K.S.A. 79-1606(a) and (b). On the filing of any such appeal, the same shall be heard by the three-person appeals panel prior to September 1st next following filing of any such appeal. If the owner is likewise aggrieved by the three-person appeals panel's decision, then the taxpayer may appeal to the District Court in the manner authorized by K.S.A. 19-223.
13. An owner can file an informal appeal on the property with the tax rebate, but not a payment under protest. Filing a payment under protest will remove the project from the rebate program.
14. Applications will be subject to the policies and procedures developed by the relevant taxing entities.

## **BENEFITS OF THE TAX REBATE PROGRAM**

- It will provide incentives for housing improvements through property tax refunds.
- It does not interfere with current property tax revenues.
- The program will help spur new long-term tax revenue, without creating a fiscal burden for the cities and county.
- It will offer incentives for development where development might not otherwise occur.
- It will help create jobs because historically, jobs follow development.
- It will assist private efforts to stem the outward migration of residents and the resulting deterioration of neighborhoods within the county.
- It can assist in strengthening the fiscal capacity of our city and county governments to grow and serve our area.
- It provides a limited window of opportunity for participation, thereby encouraging quick response.
- It will encourage housing, commercial, and industrial development in the county.

**TAX REBATE PROGRAM UNDER THE  
GRAHAM COUNTY NEIGHBORHOOD REVITALIZATION PLAN**

**CRITERIA FOR ALL PROPERTIES - NEW & REHAB PROJECTS**

**REBATE SCHEDULE – 5 YEAR**

Year 1 – 90%  
Year 2 – 70%  
Year 3 – 50%  
Year 4 – 30%  
Year 5 – 10%

1. New construction/tear-down/rebuild and /or remodel projects qualify for rebates. There is no maximum cap on appraised valuation.
2. A \$20,000 minimum increase of appraised value is required. A minimum investment of \$20,000 is required for each project. Each property can apply multiple times.

**DETERMINATION FACTORS**

1. The intended purpose or use of the structure will determine if the project is commercial or residential
2. Multi-family structures and agriculture structures will be considered commercial.
3. Multi-use structures that include a single-family residence qualify for the residential schedules. all others qualify as commercial.

## FREQUENTLY ASKED QUESTIONS

**Q. What is the Tax Rebate Program?**

- A. During the 1994 legislative sessions, lawmakers passed Senate Bill 3732, which provides tax rebates for new construction and the rehabilitation of existing structures. In order to implement the legislation locally, each municipality must adopt a plan and designate an area in which they want to promote revitalization and development or redevelopment.

**Q. What is a “Tax Rebate”?**

- A. It is a refund of the property taxes which are paid on the actual value added to a property due to the improvement. Under the Neighborhood Revitalization Plan legislation, the taxes relating to the appraised value on the property prior to the improvement may not be reduced and will continue to be payable.

**Q. What is “Qualified Improvement”?**

- A. “Qualified Improvement” includes new construction, rehabilitation, and additions.

**Q. How is “Structure” defined?**

- A. “Structure” means any building wall or other structure, including the building and improvements to the existing structures and fixtures assimilated to the real estate.

**Q. What kind of “Improvements” will increase the appraised value?**

- A. New construction, additions and major rehabilitations will increase the appraised value. Repairs generally will not increase the appraised value unless there are several major repairs or improvements completed at the same time. Installation of commercial equipment does not necessarily increase appraised value.

**Q. Does “one dollar” spent on work equal “one dollar” of increase value?**

- A. One dollar spent is not necessarily equal to one dollar of increased value.

**Q. How can I determine if I am eligible for a tax rebate?**

- A. There must be a minimum appraised value increase of \$20,000, and you must have invested a minimum of \$20,000 in the project. New as well as existing improvements must conform

to all codes, rules, and regulations in effect. You should secure a building permit for all improvements (if applicable). Call the City Inspector to obtain the permit.

**Q. If qualified improvements have been made, how does one obtain a tax rebate? Who applies?**

A. A property owner applies. Even if, as a lessee, you are doing the improvements and your lease agreement has you paying the taxes, the property owner must apply. The tax rebate will be included as part of the property's tax record for the term of the rebate regardless of who owns or occupies the property.

**Q. How often do I need to apply?**

A. Apply each year that you make a qualifying improvement to the property even though the improvements may not actually be completed during the year. If you are not able to complete your improvement/project in time, you will need to complete Part C of the application to request additional time from the Appraiser's Office. This request for additional time must be submitted no less than 30 days prior to the initial project deadline.

If no further improvements are made following the initial qualifying improvement, the initial application will be sufficient without the property owner having to file an additional application for succeeding years in which a tax rebate is received.

**Q. Will the schedule of tax rebates as determined by the increase in appraised value in the first year ever change?**

A. Yes. The five-year plan is outlined in the Rebate Schedule. The total taxes rebated to you over the five years may decrease only if the appraised value of the property decreases. However, if the appraised value of your property increases during the five years, your rebate will increase. In other words, the rebate paid in any given year (1-5) will be based on the overall change in appraised value from the first year to the current year.