

CITY OF ANDOVER, KANSAS

NEIGHBORHOOD

REVITALIZATION PLAN

Adopted – July 27, 2021

Expires – December 31, 2024

Interlocal Cooperation Agreement Approved by Attorney General – December 3, 2021

**CITY OF ANDOVER, KANSAS
NEIGHBORHOOD REVITALIZATION PLAN**

PURPOSE

This City of Andover, Kansas Neighborhood Revitalization Plan (“NRP”) (the “Plan”) shall take effect on January 1, 2022 and is intended to promote **the revitalization and development of certain areas** within the City of Andover, Kansas (the “City”) in order to protect the public health, safety, and welfare of the residents of the City. More specifically, through the Plan the City, Butler County, Kansas (the “County”), Unified School District No. 385, Butler County, Kansas (the “U.S.D. 385”), and Butler Community College (the “College”), to the extent the same participate and adopt the Plan, 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.* (the “Act”).

NEIGHBORHOOD REVITALIZATION DISTRICT

The City’s Neighborhood Revitalization District (the “District”) includes those areas depicted on the District map included as Exhibit A to this Plan and legally described in Exhibit B to this Plan. The map included as Exhibit C to this Plan contains the zoning classifications, district boundaries, and existing and proposed land uses for all areas within the District, all as of the adoption of this Plan. Exhibit D to this Plan contains the names and addresses of all property owners within the District as of the adoption of this Plan.

The appraised valuation of the real estate contained in the Neighborhood Revitalization Area is available at the Butler County Courthouse at 205 West Central, El Dorado, Kansas 67042 and via the [Butler County, Kansas website](#).

Subject to the terms and conditions of the Act and this Plan, the owner of property and improvements participating in the Plan may receive a rebate of a portion of the incremental increase in real property taxes resulting from any increased appraised property valuation from the approved improvements.

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- I. Subject to the requirements of this Plan, all real property improvements (including rehabilitations¹, alterations and additions to any existing structures and construction of new structures) within the corporate limits of the City at the time of application and also within the District are eligible for participation in the Plan.

- II. Subject to the requirements of this Plan, improvements to “dilapidated structures”, as defined in the Act, which are outside of the District are eligible for participation in the Plan upon approval by the City Council. “Dilapidated structures” include any building

¹ Projects that are more likely to increase a structure’s appraised value include additions and major renovations etc.

which is at least 25 years old and “which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants”, or “which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.”

- III. City Staff will use the following criteria to determine eligibility for participation in the Plan and property tax rebates:
- A. Construction of improvements must begin on or after the application date. No applications will be accepted for completed or under-construction improvements.
 - B. Residential: Improvements must have a value of at least \$25,000 based upon building permit value.
 - C. Commercial/Industrial: Improvements must have a value of at least \$50,000 based upon building permit value.
 - D. Upon completion, all existing and new existing improvements on the subject property must conform to all City codes and regulations in effect at the time the improvements are made. Building permits must be approved before commencement of construction. Only one building permit will be required for each application.
 - E. 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 and in the Act. If any applicant is dissatisfied with City Staff’s decision, a written appeal may be submitted to the 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.
 - F. A property may only participate in one tax incentive program at a time. For example, improvements constructed in a tax increment finance district or with the proceeds of industrial revenue bonds are not eligible for participation in the Plan.

APPLICATION PROCEDURE

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

- A. **Application Forms:** The application form is included as Exhibit E to this Plan.
- B. **COMPLETE PART I:** Prior to the commencement of construction on any improvement or new construction, the property owner must complete and submit to the City Building Official (the “Building Official”), Part I of the application together with a non-refundable \$25.00 application fee payable to the City.

- C. **Preliminary Approval and County Inspection:** The City will forward the application to the County after certifying the application, property, and proposed improvements meet the requirements of this Plan and the Act. The County Appraiser's office will return a copy of Part I to the City and the applicant within fifteen (15) working days indicating approval or denial of participation in the Plan.

- D. **Notice of Final Approval and Procedure Construction:** The Building Official, or his designated representative will file the County approval of Part I with the associated building permit, and withhold permit approval until such County approval is secured. 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 will cause the property and improvements to be ruled ineligible for participation.**

- E. **COMPLETE PART II:** If construction of the improvements has not been completed by January 1 of any year, the property owner must complete and submit to the Building Official, Part II of the application by January 30 of the same year.

- F. The owner will have a **maximum of one year to complete the improvements.** Applicants are not allowed to phase-in improvements and a property may only have one active rebate at a time. The Building Official may, upon written application from NRP owner, approve an extension of six months for completion of construction.

- G. **COMPLETE PART III: Immediately upon completion of the improvements,** but no later than November 1 of the year in which the improvements are completed, the property owner shall file Part III of the application with the Building Official. Upon receipt of Part III, and no later than December 1, the Building Official's Office will conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) to confirm completion, confirm compliance with all applicable building codes and regulations, and issue any occupancy permits. The Building Official may deny the property and improvements participation in the Plan for any violation of applicable building codes or regulations or failure to qualify for an occupancy permit.

- H. **New Valuation:** After confirmation of completion by Building Official's Office, the completed application will be forwarded to the County, certifying the property and improvements are in compliance with the eligibility requirements for the Plan. In accordance with its procedures, the County Appraiser will report the new valuation to the County Clerk by June 15th.

FURTHER TERMS AND CONDITIONS

- A. 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.
- B. All current and future rebates will be immediately forfeited with respect to any property for which payment to Butler County of any real estate tax, including special assessments, becomes delinquent. However, such rebates may be reinstated once during the property’s participation in the Plan at the City’s sole discretion; provided further, in the event the property is delinquent on the second half payment of taxes, the property will forfeit that year’s taxes, but may, in the City’s sole discretion, be reinstated for future payments. No property will be granted consideration for reinstatement if the property was disqualified from the City’s previous neighborhood revitalization plan prior to January 1, 2022, or has previously been allowed back into this Plan after being delinquent on taxes or assessments.
- C. 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.
- D. 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) will be made to the property owner within 45 days of the tax due date. Butler County will issue the rebate checks to the individual taxpayers.
- E. Participating Plan property owners that disagree with their property’s valuation may protest the property’s value by hearing after valuation notices are sent each Spring. Payments made “under protest” will not be accepted after a participating property’s taxes have been calculated. 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: This Plan will terminate on December 31, 2024, unless terminated sooner by State action or extended by the parties to the Interlocal Cooperation Agreement. The termination date of December 31, 2024 represents the deadline for filing an NRP application for this program. Construction of any project approved under this Plan must be complete on or before December 31, 2025, unless the Building Official approves a six-month extension.

Rebate Period: Rebates granted under this Plan will be in effect for:

- (i) 5 years for rehabilitations, alterations, or additions.
- (ii) 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: Rebates granted under this Plan shall be calculated as:

- (i) 45% of the property tax corresponding to the increase in appraised value (on building only, not land) resulting from new residential construction as identified on the application. The increase in appraised value will not necessarily match the construction cost shown on the building permit.²
- (ii) 95% of the property tax corresponding to the increase in appraised value (on building only, not land) resulting from new non-residential construction as identified on the application. The increase in appraised value will not necessarily match the construction cost shown on the building permit.²
- (iii) 95% of the property tax corresponding to the increase in appraised value (on building only) resulting from rehabilitation/repair of either a residential or non-residential building as identified on the application. The increase in appraised value will not necessarily match the construction cost shown on the building permit.²

The rebate amount will fluctuate due to mill rates and improvement values, however the final increase in improvement value (NRP base value) shall not increase after the first year in the NRP program, but the property value may increase or decrease due to market conditions.

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

² Projects that are more likely to increase a structure's appraised value include additions and major renovations etc.

EXHIBIT A

NEIGHBORHOOD REVITALIZATION DISTRICT MAP

The current District map is available at Andover City Hall, 1609 E. Central Avenue, Andover, KS 67002, and is incorporated herein by reference. The current District map is also available online at www.andoverks.com/nrp.

EXHIBIT B

NEIGHBORHOOD REVITALIZATION DISTRICT LEGAL DESCRIPTION

The 2022-2024 Neighborhood Revitalization District shall include all the following areas located in Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas:

- Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 6: S $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ EXCEPT Cornerstone 5th Addition to Andover
- Section 7: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 8: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 9: SW $\frac{1}{4}$ EXCEPT Prairie Creek Addition – Sixth Phase, an addition to Andover
- Section 17: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 18: E $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$
- Section 19: E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 20: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
- Section 29: N $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$
- Section 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 31: S $\frac{1}{2}$ SE $\frac{1}{4}$ EXCEPT Tuscany Addition – Third Phase, an addition to Andover

EXHIBIT C

ZONING CLASSIFICATION AND LAND USE MAP

Current zoning classifications, district boundaries, and the land use map is available at Andover City Hall, 1609 E. Central Avenue, Andover, Kansas 67002, and incorporated herein by reference. The current zoning classification and land use map is also available at the [City of Andover website](#).

EXHIBIT D

PROPERTY OWNERS WITHIN THE DISTRICT

A list of names and addresses of the owners of record of real estate within the District are available at the Butler County Courthouse, 205 W. Central Ave., El Dorado, Kansas 67042 and the [Butler County, Kansas website](#), and incorporated herein by reference.

EXHIBIT E

FORM OF APPLICATION

**CITY OF ANDOVER, KANSAS
2022-2024 NEIGHBORHOOD REVITALIZATION PLAN
APPLICATION FOR TAX REBATE**

PART I Pre-Construction

Owner's Name: _____ Daytime Phone No. _____

Owner's Mailing Address: _____

Address of Property: _____

CAMA No. _____
(Found on your tax statement or call the County Appraiser's office)

Legal Description of Property: Lot: _____ Block: _____
Subdivision _____

Other legal description (if needed): _____

	SELECT ONE	
	New	Rehab
Residential*		
Commercial		
Industrial		

*If residential: _____ Residence _____ Other (explain) _____

_____ Single Family **or** _____ Multi-Family _____ Number of Units

Does the applicant own the land? _____ Yes _____ No

Are the property taxes paid up-to-date? _____ Yes _____ No

Will the proposed project be on a foundation? _____ Yes _____ No

Will it be permanently attached to the property? _____ Yes _____ No

Improvements and associated cost: (provide rough draft drawings and dimensions)

(Use additional sheets if necessary)

Estimated or Actual Cost of Improvements: Materials \$ _____ Labor \$ _____
(Documentation is needed, even hand-written estimates)

Construction estimated to begin on: _____

Estimated date of completion of construction: _____

List of buildings proposed to be or actually demolished: _____

I have read and do hereby agree to follow all application procedures and criteria. I further understand that this application will void six months from the date below, if improvements or construction have not begun, or if improvements are not complete within one (1) year from start.

Acknowledgement

I have received a copy of the City of Andover, Kansas Neighborhood Revitalization Plan and the application form and by my signature, I have read and am applying for a Butler County tax rebate based on my investment and the incremental increase in appraised value of the project after improvements.

One dollar spent is not necessarily equal to one dollar of increased value. Any questions regarding said values should be addressed to the Butler County Appraiser's Office.

I acknowledge this program is not official until the State Attorney General approves the applicable Interlocal Cooperation Agreement. In the unlikely event the Interlocal Cooperation Agreement is not approved, my \$25.00 NRP application fee will be refunded. City of Andover building permit fees associated with this application will not be refunded.

Signature of Owner

Date

****A non-refundable \$25 application fee must accompany this application.****

I find this application complete and recommend its consideration for any and all tax rebates subject to the Butler County Kansas taxing authority.

Building Official

Date

Building Permit Number

FOR COUNTY APPRAISER'S USE ONLY

Based upon the above listed improvements and associated costs supplied by the applicant, the improvement **initially may** _____ **or may not** _____ meet the terms for a tax rebate.

By: _____
(Butler County Appraiser's Office)

Date: _____

Copy to: Applicant _____ County Appraiser _____ File _____

**CITY OF ANDOVER, KANSAS
2022-2024 NEIGHBORHOOD REVITALIZATION PLAN
APPLICATION FOR TAX REBATE**

**PART II (Optional)
January Status of Completion**

Owner's Name: _____ Daytime Phone No. _____

Owner's Mailing Address: _____

Address of Property: _____

Building Permit # assigned: _____

As of January 1 following commencement of construction, the improvements are approximately _____% complete.

Signature of Applicant

Date

FOR COUNTY APPRAISER'S USE ONLY	
As of _____, taxes and special assessments on this parcel of property are _____ or are not _____ delinquent.	
By: _____ (Butler County Appraiser's Office)	Date: _____

**CITY OF ANDOVER, KANSAS
2022-2024 NEIGHBORHOOD REVITALIZATION PLAN
APPLICATION FOR TAX REBATE**

PART III Completion of Construction

Owner's Name: _____ Daytime Phone No. _____

Owner's Mailing Address: _____

Address of Property: _____

Building Permit # assigned: _____

As of _____, the construction is complete.

Signature of Owner

Date

As of _____, the final inspection has been performed.

Building Official

Date

FOR COUNTY APPRAISER'S USE ONLY	
As of _____, taxes and special assessments on this parcel of property are _____ or are not _____ delinquent.	
By: _____ (Butler County Appraiser's Office)	Date: _____