

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Monday, October 19, 2020  
TIME: 5:30 p.m.  
PLACE: City Commission – Community Council Room – First Floor – City Building

***AGENDA***

CALL TO ORDER .....Mayor Phillip R. Jarvis  
ROLL CALL.....City Clerk, Brenda Peters  
MINUTES OF PRECEDING MEETING.....Monday, October 05, 2020

**PUBLIC HEARING**

-Consider Special Assessments for Stonebrook Addition

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 2077 – An Ordinance** – Levying special assessments on certain property to pay the costs of internal improvements in the City of Winfield, Kansas, as previously authorized by Resolution Nos. 5418, 5518 and 5618 of the City; and providing for the collection of such special assessments.

**Bill No. 2078 – A Resolution** – Authorizing and providing for improvements included in the Multi-Year Capital Improvement Plan for the City of Winfield, Kansas; and providing for the payment of the costs thereof.

**Bill No. 2079 – A Resolution** – Establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq.

**Bill No. 2080 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas. (Richardson)

**Bill No. 2081 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 12, Township 33 South of Range 3 East of the 6th P.M., Cowley County, Kansas. (Biby)

**Bill No. 2082 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 33, Township 32 South of Range 4 East of the 6th P.M., Cowley County, Kansas. (McCoy)

**Bill No. 2083 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas. (Packer)

**Bill No. 2084 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southwest Quarter of Section 12, Township 33 South of Range 3 East of the 6th P.M., Cowley County, Kansas. (Macomber)

**OTHER BUSINESS**

-Consider Authorizing the City Manager to negotiate and purchase fleet vehicles not to exceed \$150,000.00.

**ADJOURNMENT**

-Next Commission work session 4:00 Thursday, October 29, 2020.

-Next regular meeting 5:30 p.m. Monday, November 02, 2020.

-October 28, 12:45 p.m.- Ribbon Cutting, Lions Club Park Improvements

-October 29, 3:00 p.m.- Groundbreaking, Public Safety Center- Fire/EMS Addition

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**October 5, 2020**

The Board of City Commissioners met in regular session, Monday, October 05, 2020 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Phillip R. Jarvis presiding. Commissioners Ronald E. Hutto was also present. Commissioner Gregory N. Thompson was present by "Go to Meeting". Also in attendance were Taggart Wall, City Manager; Brenda Peters, City Clerk; and William E. Muret, City Attorney. Other staff members present were Gary Mangus, Assistant to the City Manager and Gus Collins, Director of Utilities.

City Clerk Peters called roll.

Commissioner Hutto moved that the minutes of the September 21, 2020 meeting be approved. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, motion carried.

**BUSINESS FROM THE FLOOR**

**NEW BUSINESS**

**Bill No. 2072 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas. (Beach) Director of Utilities Collins explains that the next four Resolutions are regarding the final easements for the Transmission projects to the Tie Substation. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson all Commissioners voting aye, Bill No. 2072 was adopted and numbered Resolution No. 5520.

**Bill No. 2073 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southwest Quarter of Section 11, Township 33 South, of Range 3 East of the 6th P.M., Cowley County, Kansas. (Miller) Upon motion by Commissioner Thompson, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 2073 was adopted and numbered Resolution No. 5620.

**Bill No. 2074 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas. (Johnson) Upon motion by Commissioner Hutto, seconded by Commissioner Thompson all Commissioners voting aye, Bill No. 2074 was adopted and numbered Resolution No. 5720.

**Bill No. 2075 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the

utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 11, Township 33 South, of Range 3 East of the 6th P.M., Cowley County, Kansas. (Priest) Upon motion by Commissioner Thompson, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 2075 was adopted and numbered Resolution No. 5820.

**Bill No. 2076 – A Resolution** – Authorizing the Mayor and City Clerk of the City of Winfield, Kansas, to execute a Quit Claim Deed between the City of Winfield, Kansas, and Richardson Bros Construction Company regarding the transfer of real property as listed in Section 1. of this resolution. Director of Utilities Collins explains this Resolution would allow the City to acquire .64 of an acre in conjunction with the Transmission projects. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson all Commissioners voting aye, Bill No. 2076 was adopted and numbered Resolution No. 5920.

#### **OTHER BUSINESS**

-Consider appointments to the Senior Citizen's Advisory Board and the Building Trades Board. City Clerk Peters explains that there are four vacancies on the Senior Citizen's Advisory Board. Linda Chase, the Director of the Board suggested two members for the Board, Keith Wohlgemuth and Kathy Wohlgemuth, who are willing to serve. Peters also states that there is an opening on the Building Trades Board for an electrician. Director of Public Improvements Steward spoke to Mitchell Potucek, working for McCoy Electric, and he has agreed to serve on the Building Trades Board. Commissioner Hutto moved that the Commission approve the appointments of Keith Wohlgemuth and Kathy Wohlgemuth to the Senior Citizen's Advisory Board and Mitchell Potucek to the Building Trades Board. Motion was seconded by Commissioner Thompson. With all Commissioners voting aye, motion carried.

-Consider Memorandum of Agreement for CARES Reimbursement. City Manager Wall explains that this Memorandum of Agreement delineates that the State, through the County is going to transfer dollars to the City of Winfield, under a previously approved agreement, of almost \$90,000. Most of this money has already been expended by the City so this will mainly be a reimbursement. Commissioner Hutto moved that the Commission approve the Memorandum of Agreement for CARES Reimbursement. Motion was seconded by Commissioner Thompson. With all Commissioners voting aye, motion carried.

#### **ADJOURNMENT**

Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, the meeting adjourned at 5:36 p.m.

Signed and sealed this 7 day of October 2020.

Signed and approved this 19<sup>th</sup> day of October 2020.

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Brenda Peters, City Clerk

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Phillip R. Jarvis, Mayor

**BILL NO. 2077**

**ORDINANCE NO. 4140**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WINFIELD, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 5418, 5518 AND 5618 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

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**WHEREAS**, the governing body of the City of Winfield, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

**WHEREAS**, the governing body has conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described Improvements:

**Project No. 1 - Stonebrook Addition - Water Main Improvements - Phase 1**

**Resolution No. 5418**

Install water main improvements to serve Lots 1 through 3, Block A; and Lots 15 through 17, Block A, Stonebrook Addition, City of Winfield, Cowley County, Kansas, in accordance with the City of Winfield Standard Specifications;

**Project No. 2 - Stonebrook Addition – Sanitary Sewer Improvements - Phase 1**

**Resolution No. 5518**

Install sanitary sewer improvements to serve Lots 1 through 3, Block A; and Lots 15 through 17, Block A, Stonebrook Addition, City of Winfield, Cowley County, Kansas, in accordance with the City of Winfield Standard Specifications; and

**Project No. 3 - Stonebrook Addition – Paving, Grading and Storm Sewer Improvements - Phase 1**

**Resolution No. 5618**

Install paving, grading and storm sewer improvements, to serve Lots 1 through 3, Block A; and Lots 15 through 17, Block A, Stonebrook Addition, City of Winfield, Cowley County, Kansas, in accordance with the City of Winfield Standard Specifications;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* attached hereto.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part by November 23, 2020.

**Section 3. Notification.** The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that unless such assessments are paid by November 23, 2020, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** Any amount of special assessments not paid within the time prescribed in *Section 2* hereof shall be certified by the City Clerk to the Clerk of Cowley County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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**PASSED** by the governing body of the City on October 19, 2020 and signed by the Mayor.

(SEAL)

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM ONLY.

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City Attorney

**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on October 19, 2020; that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; and that the Ordinance or a summary thereof was published in the ***Cowley CourierTraveler*** on October 22, 2020.

DATED: October 22, 2020.

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City Clerk

***EXHIBIT A-1***

**STONEBROOK ADDITION - WATER MAIN IMPROVEMENTS - PHASE 1  
RESOLUTION NO. 5418**

<b>Description of Property</b>	<b>Amount of Assessment</b>
<b>Stonebrook Addition, City of Winfield, Cowley County, Kansas:</b>	
<b>2 Connections (\$1,553.65 per connection) for each of the following lots:</b>	
Lot 1, Block A	\$ 3,107.30
Lot 2, Block A	3,107.31
Lot 3, Block A	3,107.31
Lot 15, Block A	3,107.31
Lot 16, Block A	3,107.31
Lot 17, Block A	<u>3,107.31</u>
<b>TOTAL</b>	<b>\$18,643.85</b>



**EXHIBIT A-2**

**STONEBROOK ADDITION – SANITARY SEWER IMPROVEMENTS - PHASE 1  
RESOLUTION NO. 5518**

<b>Description of Property</b>	<b>Amount of Assessment</b>
<b>Stonebrook Addition, City of Winfield, Cowley County, Kansas:</b>	
<b>2 Connections (\$2,053.92 per connection) for each of the following lots:</b>	
Lot 1, Block A	\$ 4,107.84
Lot 2, Block A	4,107.84
Lot 3, Block A	4,107.84
Lot 15, Block A	4,107.84
Lot 16, Block A	4,107.85
Lot 17, Block A	<u>4,107.85</u>
<b>TOTAL</b>	<b>\$24,647.06</b>

**EXHIBIT A-3**

**STONEBROOK ADDITION – PAVING, GRADING AND  
STORM SEWER IMPROVEMENTS - PHASE 1  
RESOLUTION NO. 5618**

<b>Description of Property</b>	<b>Amount of Assessment</b>
<b>Stonebrook Addition, City of Winfield, Cowley County, Kansas:</b>	
<b>2 Connections for each of the following lots:</b>	
Lot 1, Block A	\$ 28,108.20
Lot 2, Block A	28,108.20
Lot 3, Block A	28,108.20
Lot 15, Block A	28,108.20
Lot 16, Block A	28,108.19
Lot 17, Block A	<u>28,108.19</u>
<b>TOTAL</b>	<b>\$168,649.18</b>

**BILL NO. 2078**

**RESOLUTION NO. 6020**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR IMPROVEMENTS INCLUDED IN THE MULTI-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF WINFIELD, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 14-570 *et seq.*, as amended by Charter Ordinance No. 39 (the “Act”) provides that the City Engineer of the City of Winfield, Kansas (the “City”), may file with the governing body of the City (the “Governing Body”) a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute; and

**WHEREAS**, upon approval of the Plan by the Governing Body, the City is authorized to issue its general obligation bonds in an amount sufficient to carry out such Plan and associated costs; and

**WHEREAS**, the City Engineer has filed such a Plan, as may be amended, with the Governing Body, a copy of which is attached as *Exhibit A*, and the Governing Body desires to ratify and approve the Plan and to authorize the issuance of general obligation bonds to finance all or a portion of such Plan.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:**

**Section 1. Plan Approval.** The Governing Body hereby ratifies and approves the Plan, a copy of which is attached as *Exhibit A*.

**Section 2. Bond Authorization.** The Governing Body hereby authorizes the issuance of general obligation bonds of the City (the “Bonds”) for the following described projects included in the Plan (the “Improvements”):

<u>Description</u>	<u>Estimated Cost</u>
Electric Transmission Project	\$10,000,000*
East 9th Street Reconstruction	500,000
* It is anticipated that only a portion of the costs of this project will be financed by Bonds	

All or a portion of the costs of the Improvements, interest on interim financing and associated financing costs shall be payable from the proceeds of the Bonds issued under authority of the Act

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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**ADOPTED AND APPROVED** by the governing body of the City of Winfield, Kansas, on October 19, 2020.

(Seal)

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Mayor

ATTEST:

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Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on October 19, 2020, as the same appears of record in my office.

DATED: October 19, 2020.

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Clerk

**EXHIBIT A**

**CITY OF WINFIELD, KANSAS  
MULTIYEAR CAPITAL IMPROVEMENTS PLAN**

<b><u>Project</u></b>	<b><u>Funds Needed</u></b>	<b><u>Year Funds Needed</u></b>	<b><u>Project Description</u></b>
Ambulance Purchase	\$100,000	2016	Ambulance – Winfield EMS
Baden Community Center Improvements	100,000	2016	Public Building Improvements
Technology Upgrades	100,000	2016	Digital Storage Capacity Improvements
Public Safety Facility Study	100,000	2016	Comprehensive Study for Public Safety Facility Operational Needs
2016 KLINK	125,000	2017	Street improvements and related appurtenances
12th Avenue KDOT Project	800,000	2017	Street improvements and related appurtenances
Fire Truck	750,000	2018	Fire Truck Acquisition
14th Avenue Bridge	1,678,000	2017	Bridge improvements
2017 KLINK	315,000	2017	Street improvements and related appurtenances
Public Safety Facility	7,500,000	2017 - 2019	Construction of Public Safety Facility
Acquisition of Wastewater Treatment Plant Improvements	804,434	2017 – 2018	Purchase wastewater treatment plant improvements originally financed by a 2012 lease purchase agreement
Water Department SCADA System	275,000	2018	SCADA System upgrades
Water Treatment Plant Lagoon System	250,000	2018	Construction of Lagoon
Street Department Street Sweeper	240,000	2018	Street Sweeper Acquisition
Public Safety Building – Phase 1	4,825,000	2019	Public Safety Building – Phase 1 Construction
Refuse Truck	225,000	2019	Refuse Truck Acquisition
Land Purchase	255,000	2020	U.S. 77 and Country Club Rd. Land Purchase (87.2 acres)
Electric Transmission Project	10,000,000	2020	Improvements to electric transmission system; approximately 65% of costs anticipated to be paid from asset sale and balance paid by City- at-large
East 9th Street Reconstruction	500,000	2020	Street improvements and related appurtenances



## Request for Commission Action

**Date:** October 13, 2020

**Requestor:** Gary Mangus, Assistant to the City Manager

A handwritten signature in dark ink, appearing to read "G Mangus", is positioned to the right of the Requestor's name.

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**Action Requested:** An item on the October 19, 2020 Commission Agenda, consider a Resolution establishing a date for a public hearing concerning the adoption of the 2021-2023 Neighborhood Revitalization Plan.

**Analysis:** Each of the other participating agencies; USD #465, Cowley County, and Cowley College, have executed the Interlocal Agreement adopting the 2021-2023 Neighborhood Revitalization Plan. Prior to considering the proposed Plan, the City Commission must call and hold a public hearing. The Resolution for consideration sets the public hearing during the Regular Meeting, 5:30 p.m., Monday, November 2, 2020, in the Community Council Room--City Hall--200 East Ninth Ave.--Winfield, Kansas. Public notice of the hearing must be published at least once each week for two consecutive weeks in the official newspaper, and the Resolution must be delivered to the other taxing entities.

**Fiscal Impact:** The county appraiser will determine the increase in improvement value after January 1<sup>st</sup> the year immediately following the completion of the NRP project. The improvement value, only, will be used to calculate the tax value increment eligible for NRP rebates. Rebate checks are issued by Cowley County only after payment of all taxes and assessments have been paid in full. Estimated levy percentages of tax rebate values are USD #465-34%, City of Winfield-30%, Cowley County-24%, Cowley College-11%, and State of KS-1%.

**Attachments:** Proposed 2021-2023 NRP and Interlocal Agreement

(First published in the Cowley Courier Traveler on Friday, October 23, 2020)

**BILL NO. 2079**

**RESOLUTION NO. 6120**

**A RESOLUTION**

**ESTABLISHING** a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq.

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**WHEREAS**, the City of Winfield, Kansas, may pursuant to K.S.A. 12-17,114 et seq. adopt a plan to assist in the rehabilitation, conservation or redevelopment of any area within the city of Winfield which meets the conditions provided in said law; and

**WHEREAS**, the City of Winfield, Kansas, seeks to exercise the authority provided in K.S.A. 12-17,114 et seq. to rehabilitate, conserve or redevelop certain designated areas in the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT THE FOLLOWING NOTICE IS HEREBY GIVEN:**

**NOTICE OF PUBLIC HEARING**

The Governing Body of the City of Winfield, Kansas, will consider the adoption of a 2021-2023 Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 et seq., at a public hearing at 5:30 p.m., Monday, November 2, 2020, in the Community Council Room--City Hall--200 East Ninth Ave.--Winfield, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection during the hours of 7:30 a.m. to 5:30 p.m., Monday-Thursday or 7:30 a.m. to 11:30 a.m. Friday, in the office of City Manager, City of Winfield, Kansas.

Following the hearing, the Governing Body will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 et seq.

**BE IT FURTHER RESOLVED** that the City Clerk shall cause a copy of this resolution to be delivered to the other taxing entities within Cowley County, Kansas.

**BE IT FURTHER RESOLVED** that the City Clerk shall cause this resolution to be published in the official city newspaper at least once each week for two consecutive weeks prior to the public hearing.

**ADOPTED** this 19th day of October 2020.

(SEAL)

\_\_\_\_\_  
Phillip R Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Governing Body action: \_\_\_\_\_  
Taggart Wall, City Manager



**CITY OF WINFIELD**  
**2021-2023 NEIGHBORHOOD REVITALIZATION PLAN**  
**INTERLOCAL AGREEMENT**

THIS INTERLOCAL AGREEMENT entered into by and between the Board of Commissioners-City of Winfield, Kansas, hereinafter referred to as "CITY", the Board of Commissioners-Cowley County, Kansas, hereinafter referred to as "COUNTY", Board of Education-Unified School District #465, Winfield, Kansas, hereinafter referred to as "USD", and Board of Trustees-Cowley College, Arkansas City, Kansas, hereinafter referred to as "CC."

WITNESSETH:

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into Interlocal Agreements to jointly perform certain functions including economic development; and

WHEREAS, the parties of this Agreement are all public agencies pursuant to K.S.A. 12-2903, and therefore capable of entering into such Interlocal Agreements; and

WHEREAS, K.S.A. 12-17, 114 et seq. provides for neighborhood revitalization programs and allows for Interlocal Agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties to this Agreement to provide the maximum economic development incentive as provided for in K.S.A. 12-17, 119 by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The parties agree to adopt a Neighborhood Revitalization Plan (NRP), as attached hereto and incorporated herein, by this reference the same as if fully set forth herein. The parties further agree the NRP as adopted will not be amended without approval of the parties except, as may be necessary, to comply with applicable state law or regulation.
2. Acquiring, holding, and disposing of real and personal property is not within the nature of this joint or cooperative undertaking. If the circumstances should change, provisions dealing with acquisition and disposal of real or personal property will need to be added pursuant to K.S.A. 12-2904(d)(5) and (e)(2).
3. The parties further agree that COUNTY shall administer the NRP as adopted by each party hereto. COUNTY will participate in the issuance of tax rebates in accordance with the NRP by creating a Neighborhood Revitalization fund pursuant to K.S.A. 12-17,118 for the purpose of financing the redevelopment and to provide rebates. Except for those properties listed on Federal or State Historical Registries and the Local Historic Area, the parties acknowledge and agree that five percent (5%) of increment, as defined in K.S.A. 12-17,118, shall be used to pay for COUNTY administrative costs of implementing and administering the plan.
4. This Agreement shall expire December 31, 2023. The parties agree to undertake a review of the neighborhood revitalization plan concluding in or before August of each year to determine any needed modifications to the NRP and Interlocal Agreement. The parties to this Agreement agree that termination of the Agreement by any party prior to December 31, 2023 will adversely affect the success of the NRP. The parties further agree that any party may terminate this Agreement on any August 15<sup>th</sup> prior to December 31, 2023, by providing twelve (12) months notice in writing to the other parties to the Agreement. Provided, however, any

applications for tax rebate submitted prior to the effective date of the termination shall, if approved, be considered eligible for the duration of the rebate period.

IN WITNESS WHEREOF, the parties have hereto executed this agreement as shown below.

**CITY OF WINFIELD, KANSAS**

\_\_\_\_\_  
Phillip R. Jarvis, Mayor  
ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020

**COWLEY COUNTY, KANSAS**

\_\_\_\_\_  
Wayne Wilt, Board Chair  
ATTEST:

\_\_\_\_\_  
Karen Madison, County Clerk

Dated this 16<sup>th</sup> day of Oct., 2020

**UNIFIED SCHOOL DISTRICT #465**

\_\_\_\_\_  
Lyle Weinert, Board President  
ATTEST:

\_\_\_\_\_  
Tom Fell  
Tom Fell, Clerk of the Board

Dated this 12 day of Oct., 2020

**COWLEY CO. COMMUNITY COLLEGE**

\_\_\_\_\_  
Dr. Harold Arnett, Board Chair  
ATTEST:

\_\_\_\_\_  
Tiffany Vollmer, Clerk of the Board

Dated this 25<sup>th</sup> day of September, 2020

## ATTORNEY GENERAL APPROVAL

The above and foregoing Interlocal Agreement between the City of Winfield, Kansas, Cowley County, Kansas, Cowley College, and Unified School District #465, is in proper form and compatible with the laws of the State of Kansas and is hereby approved pursuant to K.S.A. 12-2904(g) this \_\_\_\_\_, 2020.

DEREK SCHMIDT, KANSAS ATTORNEY GENERAL

By \_\_\_\_\_  
Assistant Attorney General



# Neighborhood Revitalization Plan 2021-2023

Adopted by Interlocal Agreement

USD 465:

Cowley College:

Cowley County:

City of Winfield:

Adopted by Ordinance:

Ordinance No.

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## Purpose

The City of Winfield, Kansas, Neighborhood Revitalization Plan is intended to create an incremental tax rebate program intended to encourage the rehabilitation, conservation, or redevelopment of certain areas within the city of Winfield, in order to protect the public health, safety, or welfare of the residents of the community. More specifically, through the plan the City, Cowley County, USD No. 465, and Cowley 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 state statute (K.S.A. 12-17,114 et seq.).

## Section 1. Neighborhood Revitalization Areas

In accordance with the provisions of K.S.A. 12-17,114 et seq., the Winfield City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated areas, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Commission has carefully reviewed, evaluated, and determined that the areas meet one or more of the conditions to be designated as a "Neighborhood Revitalization Areas."

### Area 1-MidTown

That area within the city of Winfield bound by the following description: Point of Beginning--intersection of center line's of 18<sup>th</sup> Avenue and Manning Street; then West to East r-o-w line of BNSF RR; then Northerly along said RR r-o-w to its intersection with South r-o-w line of Flood Levee; then Easterly along said Levee r-o-w to its intersection with Olive Street; **excluding Island Park and the Timber Creek Nature Center area**; then Easterly to East r-o-w line of SK & O RR; then Northerly along said r-o-w to its intersection with center line of Pine Street; then East to center line of Michigan Street; then Northerly to the center line of North Street; then Easterly intersecting an extension of the center line of Houston Street 375 feet  $\pm$  North of Chicago Avenue; then South along said extension of Houston Street to its intersection with center line of Chicago Avenue; then Easterly intersecting an extension of the center line of McCabe Street; then South to center line of Fowler Avenue; then West to center line of College Street; then South to the center line of Warren Street; then East to center line of Stevens Street; then South to center line of Simpson Avenue; then East to a point 575 feet  $\pm$  West of the intersection of Simpson Avenue and Wheat Road; then South 420 feet  $\pm$ ; then West 260 feet  $\pm$ ; then South 200 feet  $\pm$ ; then West to center line of Alexander Street; then South to center line of 9<sup>th</sup> Avenue; then West to center line of Mound Street; the South to center line of 19<sup>th</sup> Avenue; then West to center line of Broadway Street; then South to the center line of Sunnyside Avenue extended; then West to center line of alley between Loomis Street and Pike Road; then North to center line of 19<sup>th</sup> Avenue; the West to center line of alley between Main Street and Millington Street; then North to center line of 11<sup>th</sup> Avenue; then West to center line of Manning Street; then South to center line of 14<sup>th</sup> Avenue; then East to center line of alley between Main Street and Manning Street; then South to center line of 18<sup>th</sup> Avenue; then West to POB.

### Area 2-West Ninth

That area within the city of Winfield bound by the following description: Point of Beginning--intersection of center line's of West 9<sup>th</sup> Avenue and Phillips Shepherd Road; then North following the center line of Phillips Shepherd Road to its intersection with Winfield City Limits; then westerly and southerly along Winfield City Limits to its intersection with the center line of Morning View Avenue; then East to the center line of Country Club Road; then North to the center line of Crestline Drive; then North along the center line of Country Club Road 185 $\pm$  feet; then east 476 $\pm$  feet; then North to the center line of West 9<sup>th</sup> Avenue; then East to the POB.

### *Area 3-Local Historic Preservation*

That area within Area 1 bound by the following description: Point of Beginning--intersection of center line's of Andrews Street and 11<sup>th</sup> Avenue; then West to center line of alley between Manning Street and Menor Street; then North to center line of 10<sup>th</sup> Avenue; then West to center line of Menor Street; then North to center line of 8<sup>th</sup> Avenue; then East to center line of alley between Manning Street and Menor Street; then North to center line 6<sup>th</sup> Avenue; then East to center line of Millington Street; then South to center line of alley between 7<sup>th</sup> Avenue and 8<sup>th</sup> Avenue; then East to center line of Fuller Street; then South to center line of 9<sup>th</sup> Avenue; then East to center line of Andrews Street; then South to POB.

### *Area 4-Residential Properties*

Those properties within Winfield city limits having been issued a 2021-2023 Building Permit on or after January 1, 2021 for new construction of Single Family or Multi-Family (2 or more dwelling units) Dwellings.

Those residential properties within Winfield city limits having been issued a 2021-2023 Building Permit on or after January 1, 2021 for improvements on structures built 40 or more years before issuance of a 2021-2023 Building Permit.

### *Area 5-Commercial/Industrial Properties*

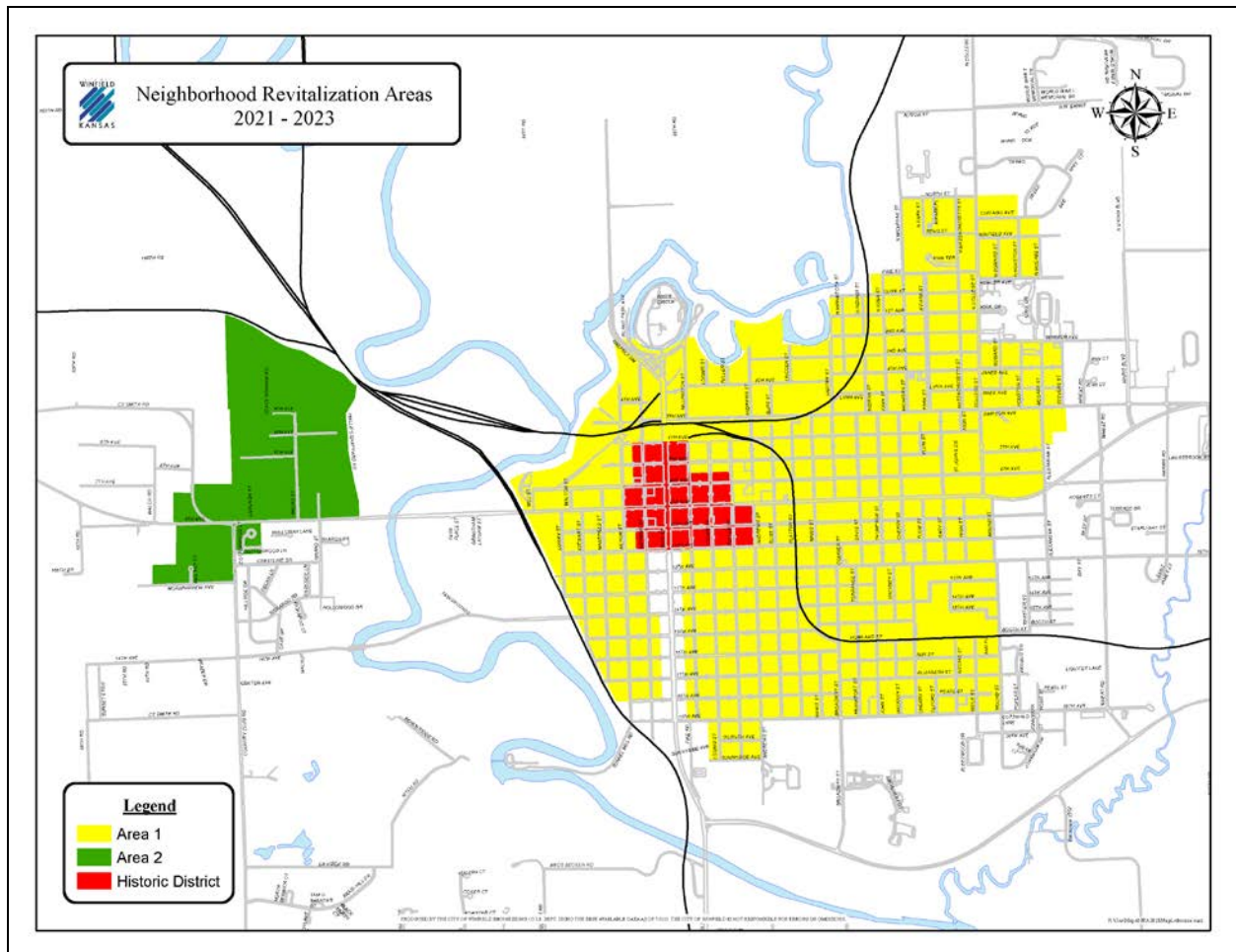
Those properties within Winfield city limits having been issued a 2021-2023 Building Permit on or after January 1, 2021 for new construction of commercial or industrial projects.

Those commercial or industrial properties within Winfield city limits having been issued a 2021-2023 Building Permit on or after January 1, 2021 for improvements on structures built 40 or more years before issuance of a 2021-2023 Building Permit.

### *Area 6-Sheriff's Sale*

Those properties within Winfield city limits acquired by delinquent tax or mortgage foreclosure. Building Permits for improvements must be issued and improvements made within 24 months after filing of Sheriff's Deed. Building Permit value for improvements must be a minimum \$20,000 to be eligible for tax rebate. Property will be removed from eligibility for the Neighborhood Revitalization Plan if Building Permit and improvement requirements are not met.

### Map A: Eligible Neighborhood Revitalization Areas



## Section 2. Plan Term and Review

This Neighborhood Revitalization Plan shall begin on January 1, 2021 and expire on December 31, 2023. The Plan and Interlocal Agreement will be reviewed annually in or before August, at which time the participating parties will determine any needed modifications.

## Section 3. Appraised Valuation of Real Property

The current assessed and appraised valuation of each parcel of real estate located within the Neighborhood Revitalization Areas, including land and building values, is available at the City of Winfield Public Improvement Department, on the Cowley County Parcel Search webpage: (<http://www.cowleycounty.org/parcelsearch>) , or at the Cowley County Appraiser's office.

## Section 4. Names and addresses of Owners of Record

The names of owners of record and addresses of each parcel of real estate located within the Neighborhood Revitalization Areas are available at the City of Winfield Public Improvement Department,



on the Cowley County Parcel Search (<http://www.cowleycounty.org/parcelsearch>) , or at the Cowley County Appraiser's office.

## **Section 5. Zoning Classifications, District Boundaries and Land Use Maps**

### *Map B: Zoning Classifications and District Boundaries*

The current Zoning Map for the City of Winfield is available at the Public Improvement Department or on the City's webpage: (<http://www.winfieldks.org/zoningmap>).

### *Map C: Land Use Map from the Comprehensive Plan*

The current Land Use Map for the City of Winfield is available at the Public Improvement Department or on the City's webpage: (<http://www.winfieldks.org/landusemap>).

## **Section 6. Improvements Planned within the Revitalization Areas**

### **Public Safety**

Rehab & Replace Fire/EMS Apparatus  
Police Cruiser Rotation  
Public Safety Facility- Fire Department  
Construction  
Public Safety Facility-Police Department Design

### **Transportation**

City Street Maintenance Plan  
State/Local CCLIP Partnership  
Sidewalk Replacement Plan

### **Parks & Recreation**

City Lake Upgrades  
Tree City Compliance  
Trail/Paths Improvements  
Splash Pad Construction

### **Utilities**

Electric Generation Upgrades  
Storm Water Upgrades  
Electric Transmission/Distribution Upgrades  
Sanitary Sewer Collection Rehab

## **Section 7. Property Eligible for Revitalization**

### **Residential Property:**

1. Rehabilitation and alterations to any existing residential structure, including the conversion of all or part of a non-residential structure into a residential structure, shall be eligible.
2. Construction of new residential structures shall be eligible.
3. Improvements to existing or construction of new residential accessory structures such as tear-off and re-roof, detached garages, carports, gazebos, storage sheds, workshops, swimming pools, etc., **shall not be eligible**. Repairs or maintenance items generally will not increase the appraised value, unless there are several major repairs completed at the same time.
4. Eligible residential property may be located anywhere in the described neighborhood revitalization areas.

### Commercial/Industrial Property:

1. Rehabilitation and alterations to any existing commercial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
2. Construction of new commercial 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 purposes shall be eligible.
3. Improvements to existing or construction of new structures used for public utility or railroad purposes shall not be eligible. Repairs or maintenance items generally will not increase the appraised value, unless there are several major repairs completed at the same time.
4. Eligible commercial or industrial property may be located anywhere in the described neighborhood revitalization areas.

### Section 8. Criteria for Determination of Eligibility

1. Eligible properties must have Building Permits issued on or after January 1, 2021 and be located within the described Neighborhood Revitalization Areas.
2. AN APPLICATION FOR TAX REBATE **MUST** BE FILED WITHIN SIXTY (60) DAYS OF THE ISSUANCE OF A BUILDING PERMIT.
3. The minimum investment in an improvement is \$5,000, as determined by Building Permit value, for residential, commercial, and historic property.
4. Rehabilitation, alteration, or new construction of residential, commercial, and industrial properties having been issued a Building Permit on or after January 1, 2021 within the described Neighborhood Revitalization Areas could be eligible for a tax rebate. Those residential properties having been issued a Building Permit on or after January 1, 2021 for rehabilitation or alterations could be eligible for a rebate for a 100% rebate for five (5) years. Those properties having been issued a Building Permit on or after January 1, 2021 for new construction of Single-Family residences could be eligible for a 50% rebate for five (5) years on the first \$150,000 of appraised value. Those properties having been issued a Building Permit on or after January 1, 2021 for new construction of Multi-Family (2 or more dwelling units) could be eligible for a 90% rebate for seven (7) years. Those properties having been issued a Building Permit on or after January 1, 2021 for rehabilitation, alteration, or new construction of Commercial or Industrial could be eligible for a rebate for a 75% rebate for seven (7) years. Properties listed on the national or state registries or local historical area or located within the described local historic area could be eligible for a 100% rebate for ten (10) years. Evidence of listing on the national or Kansas historic registers must accompany the application. 5% of the tax increment rebate for eligible properties, other than those located in federal or state historic registries and the local historic area, will be retained by Cowley County to offset administrative costs. Those properties within Winfield city limits acquired by delinquent tax or mortgage foreclosure could be eligible for a 75% rebate for seven (7) years.
5. Property eligible for tax incentives under any other program adopted pursuant to statutory or constitutional authority shall be eligible to submit only one program per project.

6. The improvements must conform to the City of Winfield's Comprehensive Land Use and Zoning Ordinance in effect at the time the improvements are made.
7. New, as well, as existing improvements on the property must conform to all applicable codes, rules, laws, ordinances and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
8. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time that all taxes and assessments have been paid. If such delinquency occurs after entry into the rebate program, the owner shall have no more than 90 days to bring the taxes current. If such delinquency continues beyond 90 days, the property shall no longer be eligible for a rebate.
9. Exceptions for eligibility will include but not be limited to:
  - Surface parking lots except as an accessory to a contiguous improvement
  - Railroads and utilities
  - Landscaping, sprinkler systems, fences, hot tubs, swimming pools, gazebos, storage sheds, carports, detached garages, and workshops
  - Conversion of single family to multi-family housing units
  - Manufactured or mobile homes, unless classified as a "Residential Design Manufactured Home"
  - Any property which has or will receive IRB financing and/or other tax exemption
10. Prior to declaring a building to be a dilapidated structure, the City Commission shall obtain a legal description of the property, determine the assessed value with separate values for the land and structure, and determine the owner of record.
11. The City Commission may declare that a building outside of the Neighborhood Revitalization Areas satisfies the conditions set forth in this agreement.

### Guidelines

The City Commission should review the following factors when considering a building outside of the Neighborhood Revitalization Areas.

- Condition of property
- Condition of other properties on the block
- If vacant, the length of time that the property has remained vacant
- If intended use is eligible for a Constitutional Tax or IRB Property Tax Exemption
- The appropriateness of the intended use for the zoning classification
- The impact upon city services and upon the neighborhood
- The potential for a long-term increase in property tax or sales tax receipts
- Without the adjustment, proposed project would not be financially feasible, thus risking existing tax receipts or jeopardizing future tax receipts
- Location of the property relative to other designated NRA eligible areas
- Any other factors that the City Commission should be deemed appropriate when considering a request

### Implementation

The following factors will guide the implementation of approval of a building outside of the Neighborhood Revitalization Areas.

- There will be no island adjustments. All adjustments must include the entire block, or logical geographic or physical boundaries of the property considered.
- The use of the property must be considered appropriate for the zoning classification. If, after approval, the applicant seeks a zoning change, the rebate shall immediately cease.
- The maximum tax rebate shall be 75% and the maximum length shall be 7 years.
- The application fee for all properties within the adjusted area shall be \$100
- The minimum improvements within the adjusted areas must be \$10,000 to be eligible for rebate.
- If there has been no eligible improvement made within approved area within two (2) years of authorization by City Commission, the adjusted area shall be removed from the City's Neighborhood Revitalization Plan.

### **Section 9. Contents of Application for Tax Rebate**

Applicants for the Neighborhood Revitalization Act tax rebate program should include the following information and be submitted on the following form. Each application shall require a \$50 application fee.



**APPLICATION FOR TAX REBATE**  
**City of Winfield Neighborhood Revitalization Plan**  
**2021-2023**

NRP Appl # \_\_\_\_\_

THIS FORM MUST BE SUBMITTED TO THE WINFIELD PUBLIC IMPROVEMENT  
DEPARTMENT WITHIN 60 DAYS OF OBTAINING A BUILDING PERMIT

**PART 1**

OWNER'S NAME \_\_\_\_\_

OWNER'S ADDRESS \_\_\_\_\_ NRP PROPERTY ADDRESS \_\_\_\_\_

OWNER'S EMAIL \_\_\_\_\_ OWNER'S PHONE NO. \_\_\_\_\_

(Take Parcel ID & Quick Reference numbers from your property tax statement or County Clerk's Office)

NRP PARCEL ID NO. \_\_\_\_\_ QUICK REFERENCE NO. \_\_\_\_\_

**WAS PROPERTY ACQUIRED THROUGH DELINQUENT TAX OR MORTGAGE FORECLOSURE?**

Yes ☐ No ☐ If YES, provide copy of filed sheriff's deed

IMPROVEMENT TYPE (check appropriate type)

	New Construction	Rehab, Alteration, Addition
Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>

**DATE IMPRINTED PICTURE(S) OF PRE-IMPROVED PROJECT AREA(S) MUST BE ATTACHED TO APPLICATION**

IMPROVEMENT DESCRIPTION:

CONSTRUCTION BEGAN ON: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

BUILDING PERMIT NO. (attach copy)

\_\_\_\_\_

BUILDING PERMIT VALUE

\_\_\_\_\_

ESTIMATED DATE OF COMPLETION \_\_\_\_\_

IS PROPERTY LISTED ON HISTORIC DISTRICT?

Yes, attach proof of listing ☐ No ☐

IF DEMOLISHING A RESIDENTIAL STRUCTURE, COMPLETE THE FOLLOWING:

DEMOLITION PERMIT NO. \_\_\_\_\_ NUMBER OF DWELLING UNITS \_\_\_\_\_

List tenants occupying the building when purchased, if known or present tenants

Owner's Signature: \_\_\_\_\_

Date \_\_\_\_\_

Part 2

---

AS OF JANUARY 1, FOLLOWING COMMENCEMENT OF CONSTRUCTION, THE IMPROVEMENTS ARE:

☐ COMPLETE                      ☐ APPROXIMATELY \_\_\_\_\_% COMPLETE

OWNER'S SIGNATURE

DATE

\_\_\_\_\_

CITY FINAL INSPECTION DATE \_\_\_\_\_ (attach copy)

County Appraiser must be notified upon completion of the improvements

---

**For Cowley County Appraiser's Use Only**

THE ABOVE BUILDING IMPROVEMENTS APPRAISED VALUE IS:

Prior to Improvements

After improvement

Eligible for NRP rebate

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COUNTY APPRAISER'S OFFICE SIGNATURE

DATE

\_\_\_\_\_

\_\_\_\_\_

---

**For Cowley County Clerk's Use Only**

AS OF \_\_\_\_\_ TAXES AND SPECIAL ASSESSMENTS ON THE PARCEL OF PROPERTY ARE:

☐ CURRENT

☐ NOT CURRENT

COUNTY CLERK'S OFFICE SIGNATURE

DATE

\_\_\_\_\_

\_\_\_\_\_

---

**For City Public Improvement's Use Only**

A TAX REBATE IS AUTHORIZED IF THIS APPLICATION AND THE IMPROVEMENTS WITHIN ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THE 2021-2023 CITY OF WINFIELD NEIGHBORHOOD REVITALIZATION PLAN.

☐ IS IN CONFORMANCE

☐ IS NOT IN CONFORMANCE

REASON NOT IN CONFORMANCE \_\_\_\_\_

CITY PUBLIC IMPROVEMENT OFFICE SIGNATURE    DATE

\_\_\_\_\_

\_\_\_\_\_

---

## Section 10. Procedure for Submission of an Application

### Process Overview

The City will offer and advertise the availability of the tax rebate program throughout the term of the Plan. Persons or businesses planning improvement projects may contact the Public Improvement Department at any time for a discussion of eligibility. The Neighborhood Revitalization Plan application will stipulate the type of improvement to be made, renderings, a timetable for completion and any supporting documents appropriate for the type of application. Prior to beginning the project, the owner shall apply for a building permit. Once the building permit has been issued the owner has 60 days to file a complete application. At project completion/final building inspection, a reappraisal by the county appraiser will determine the property value and shall be used to calculate the tax value increment added by the improvements. At the customary time, the county treasurer shall mail tax statements based on the new appraised value. Upon payment of all taxes in full by the taxpayer, the county treasurer will initiate the tax rebate procedure. Only the increase in taxes will be rebated less any applicable administrative fees. The rebate must be made within 30 days after the next distribution date.

### How To/Where To

This program will begin receiving applications after its adoption by the Governing Body of the City of Winfield and the execution of the Interlocal Agreement with Cowley County, Unified School District #465, and Cowley County College. Thereafter, the City will process applications as they are submitted with no monthly or quarterly deadlines. Applications will be available in the Public Improvement Office, City Hall, 200 East 9<sup>th</sup> Ave., 620-221-5520.

The County Treasurer will perform the calculation of the final rebate amount based on the actual appraised value. Each month in which rebates are paid, the Treasurer will submit a report to the City Public Improvement Department showing the property before and after appraisal and the amount of the rebate.

1. The applicant shall obtain an Application for Tax Rebate from the City's webpage, ([www.winfieldks.org/nrpapplication](http://www.winfieldks.org/nrpapplication)), or the Public Improvement Department, City Hall, 200 E. Ninth, Monday through Friday (excepting City observed holidays) during regular office hours.
2. The applicant shall complete and sign Part 1 of the application and file the original with Public Improvement Department within 60 days following issuance of the building permit. A \$50 application fee shall accompany the application. A valid copy of the building permit and date imprinted photos of the pre-improve project area(s) must be attached to the application.
3. The applicant shall certify the status of the improvement project as of January 1 following the commencement of construction by completing and signing Part 2 of the application. The Public Improvement Department shall notify the Appraiser's Office of the application status as certified by the applicant.
4. Upon a notification of project completion/final building inspection from the City, the County Appraiser shall conduct an on-site inspection of the construction project and determine the new valuation of the real estate and shall complete its portion of the application and report the new valuation to the County Treasurer and Clerk by June 1 of the year following project completion. The tax records on the project shall be revised by the County Clerk's Office.

5. Upon determination by the County Appraiser's Office of the value of the improvements and a determination by the County Clerk's office of the property taxes and assessments, the Public Improvement Department shall certify that the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant and the County Appraiser's Office of the rebate percentage due for each year of the rebate period.
6. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time that all taxes and assessments have been paid. If such delinquency occurs after entry into the rebate program, the owner shall have no more than 90 days to bring the taxes current. Upon full payment of any tax or special assessment for the subject property for the initial and each succeeding tax year extending through the specified rebate period, a tax rebate shall be made to the applicant less applicable administrative fees as specified in the Interlocal Agreements. The tax rebate shall be made by the County Treasurer within 30 days after the next distribution date. The tax rebate shall be made from the Neighborhood Revitalization Fund established by Cowley County and other taxing units participating in the Interlocal Agreement. The Public Improvement Department shall make periodic reports on the tax rebate program to the City Commission and other taxing units accordingly.
7. The Public Improvement Department shall provide the County Clerk and City Finance Department 30 days prior to the expiration of the final rebate period for each property receiving a tax rebate.

## **Section 11. Standards and Criteria for Review and Approval**

1. The property for which a rebate is requested shall conform with all applicable city codes and regulations in effect at the time the improvements are made and shall remain in conformance for the duration of the rebate period or the rebate may be terminated.
2. Any property that is delinquent in any tax payment or special assessment, including BID assessments, shall not be eligible for a rebate until such time as all taxes and assessments have been paid.
3. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years.
4. The Public Improvement Department shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the Department's decision, a no-cost written appeal may be submitted to the Planning Commission for determination.

## **Section 12. Statement Specifying Rebate Formula**

### **Program Period:**

Eligible properties must have: Building Permits with a minimum value of \$5,000; Building Permits issued on or after January 1, 2021; and meet a designated Neighborhood Revitalization Area definition.



*Rebate Period/Amount:*

Residential Properties

- Residential Rehabilitation and Alterations: 5 years/100%
- New Construction Single-Family Residential: 5 years/50% (first \$150,000 Appraised Building Value)
- New Construction Multi-Family Residential (2 or more dwelling units): 7 years/90%
- Delinquent Tax or Mortgage Foreclosure's Rehabilitation and Alterations: 7 years/75%

Commercial/Industrial Properties

- New Construction Commercial or Industrial: 7 years/75%
- Commercial and Industrial Rehabilitation and Alterations: 7 years/75%
- Delinquent Tax or Mortgage Foreclosure's Rehabilitation and Alterations: 7 years/75%

Properties in National, Kansas Registries or Local Historical Areas

- Residential, Commercial, or Industrial Properties: 10 years/100%

5% of the tax increment rebate of improvements to be retained by Cowley County to offset administrative costs of the City of Winfield Neighborhood Revitalization Plan. Those properties listed on Federal or State Historical Registries and the Local Historic Area will not pay the 5% County administrative costs.

**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas.

---

**WHEREAS**, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS**, said easement has been successfully negotiated.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Stanley Richardson, owner in Cowley County, Kansas, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

Commencing at the Southeast corner of said Quarter, thence S88°57'41"W a distance of 33.00 feet to the Point of Beginning of parcel to be described as; Thence continuing S88°57'41"W a distance of 50.00 feet; thence N00°57'21"W a distance of 2181.42 feet; thence S40°37'16"E a distance of 78.33 feet; thence S00°57'21"E a distance of 2121.05 feet to the Point of Beginning.

Said parcel contains 2.47 acres, more or less, and is subject to easements, reservations and restrictions of records.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.

**ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

\_\_\_\_\_  
Phillip R. Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager

Right of Way Easement

KNOW ALL MEN BY THESE PRESENTS:

Section 1. That we the undersigned (whether one or more) Richardson Bros Construction Company, having an address of 1013 Wheat Rd., Winfield, KS 67156 (hereinafter called the Grantor), in consideration of the sum of Two-Thousand Six-Hundred and Seventy Dollars (\$2,670.00), and other valuable consideration, the receipt of which and sufficiency of which is hereby acknowledged, and of the further agreements and considerations herein stated do hereby grant and convey unto GridLiance High Plains, LLC, having an address of 201 E. John Carpenter Frwy, Suite 900, Irving, TX 75062 and City of Winfield, Kansas, having an address of 200 E. 9<sup>th</sup>, Winfield, Kansas 67156 (hereinafter called the Grantee), and to its successors and assigns, a right-of-way easement for the replacement, removal, maintenance, repair and operation of an electric distribution line consisting of a junction box with nominal dimensions of 10-foot by 10-foot, installed on non-crop ground, with the right to alter, repair and remove the same in whole or in part at any time, over and across the following described real estate in Cowley County, Kansas, as follows:

See Exhibit "A" attached hereto and made a part hereof by this reference.

Section 2. That Grantee shall also have the right of ingress and egress across said real estate for any purpose necessary in connection with the replacement, removal, maintenance and operation of said line and existing overhead lines, structures and poles. Such ingress and egress shall be exercised in a reasonable manner; however, no new structures will be built within the 50-foot easement with the exception of one junction box, as depicted on Exhibit B, in addition to the acquisition of land purchased adjacent to described easement in Exhibit A.

Section 3. That the Grantee shall also have the right at any time to cut, remove, clear away, trim and control, by machinery or otherwise except chemical, any and all trees, brush, and shrubbery, whether on said right-of-way or adjacent thereto which now or hereafter, in the opinion of Grantee, may interfere with the safe operation and maintenance of the line and equipment used in connection therein.

Section 4. That Grantor, their heirs or assigns, agrees that all poles, wires, junction box and other facilities installed on the above described lands at the Grantee's expense, shall remain the property of the Grantee, removable at the option of the Grantee.

Section 5. That Grantor, their heirs or assigns, shall be entitled to the full use and enjoyment of said premises, subject to the rights of Grantee herein conveyed.

Section 6. That Grantor agrees that they are the owner of the above described lands and are authorized to execute this agreement. Grantor shall not be liable to satisfy any indebtedness caused by or that may result from Grantee's operation or activity on said lands. Grantee will indemnify and hold the Grantor harmless for any and all debts, obligations, or damages that result from the Grantee's operation or activity on the land.

Initial SR

Section 7. In the event Grantee's or its contractor's negligent acts or omissions in the construction or operation of the distribution line cause the destruction of any growing crops located in the above described lands, Grantee shall pay Grantor for his/her lost crops based upon the average per acre yield of the remaining portion of the crops at the time of harvest multiplied times the local market price at the time such harvest is completed, provided.

Section 8. That Grantor, their heirs or assigns, shall not allow any building or other structures, hay or straw stack, trees, or other combustible material or property to remain or to be placed under or near the transmission line, poles or fixtures in such a manner as to interfere with the safe operation or maintenance of said line or in such manner as might result in damage to the property of either party from fire or other cause.

Section 9. Grantee agrees that all Underground Distribution will be at least 48" below soil level at time of construction, for the entire length of the easement.

Section 10. Grantee, together with its successors and assigns, shall indemnify and hold Grantor from any loss, claim, suit at law and/or judgment which Grantor might suffer by reason of Grantee being granted and conveyed the easement herein or Grantee failing to meet any of its obligations as stated herein; unless Grantor has unlawfully or fraudulently executed the easement herein.

IN WITNESS WHEREOF, Grantor and Grantee have executed this agreement as of this 14 day of October, 2020

GRANTOR

Richardson Bros Construction Company

By: STG 12/1  
Name: STANLEY RICHARDSON  
Title: PARTNER

STATE OF Kansas, Reno COUNTY, SS:

On this 14th day of October, 2020 the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Stanley Richardson to me known to be the identical person who executed the same as their free and voluntary act and deed for the use and purpose therein set forth.

WITNESS my hand and seal this year and day last written.

My Commission Expires:



Patricia E. Snyder  
Notary Public  
Initial SR

Exhibit "A"

EXHIBIT A

**PERMANENT EASEMENT DESCRIPTION**

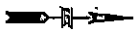
A parcel of land located in the Northeast Quarter of Section 7, Township 33 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Quarter, thence S88°57'41"W a distance of 33.00 feet to the Point of Beginning of parcel to be described;  
-thence continuing S88°57'41"W a distance of 50.00 feet;  
-thence N00°57'21"W a distance of 2181.42 feet;  
-thence S40°37'16"E a distance of 78.33 feet;  
-thence S00°57'21"E a distance of 2121.05 feet to the Point of Beginning.

Said parcel contains 2.47 acres, more or less, and is subject to easements, reservations and restrictions of record.

<b>EARLES ENGINEERING &amp; INSPECTION, INC.</b> Engineers - Surveyors - Construction Inspectors 115 W Iron Ave Salina, Ks 67401 (785)309-1060		211 N. Kansas St Liberal, Ks 67901 (620)626-8912
PROJECT NO: 20-619-B		Richard Bros. Construction Co.
DRAWN BY: JR		
Page 1 of 3		

Initial SR



SCALE:  
1" = 40'



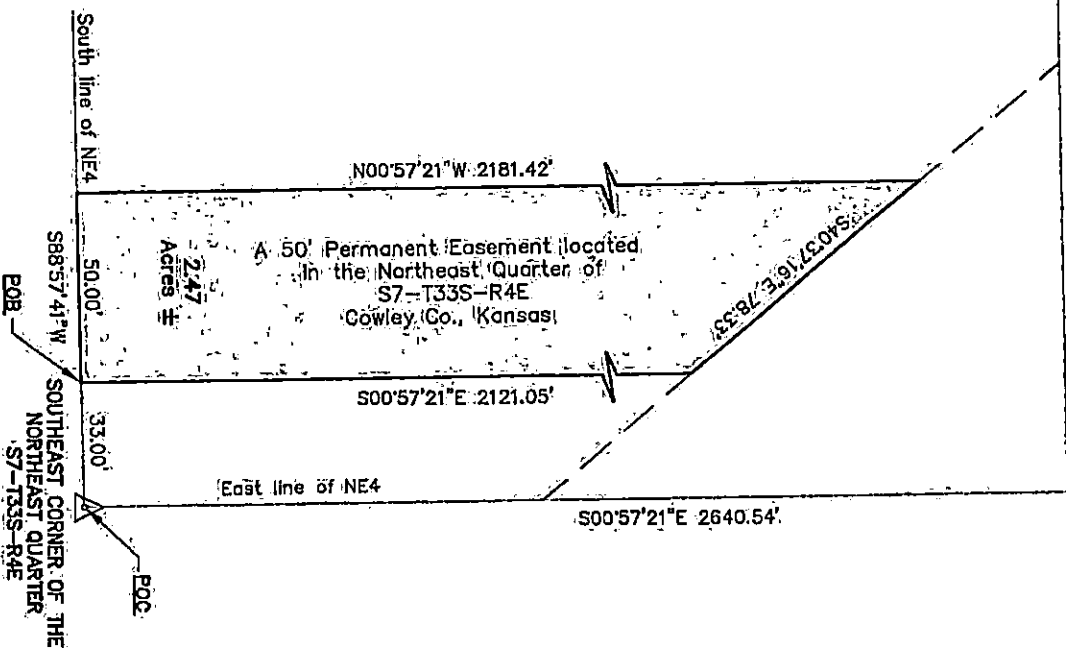
**LEGEND**

△ Section Corner

POC Point of Commencement

POB Point of Beginning

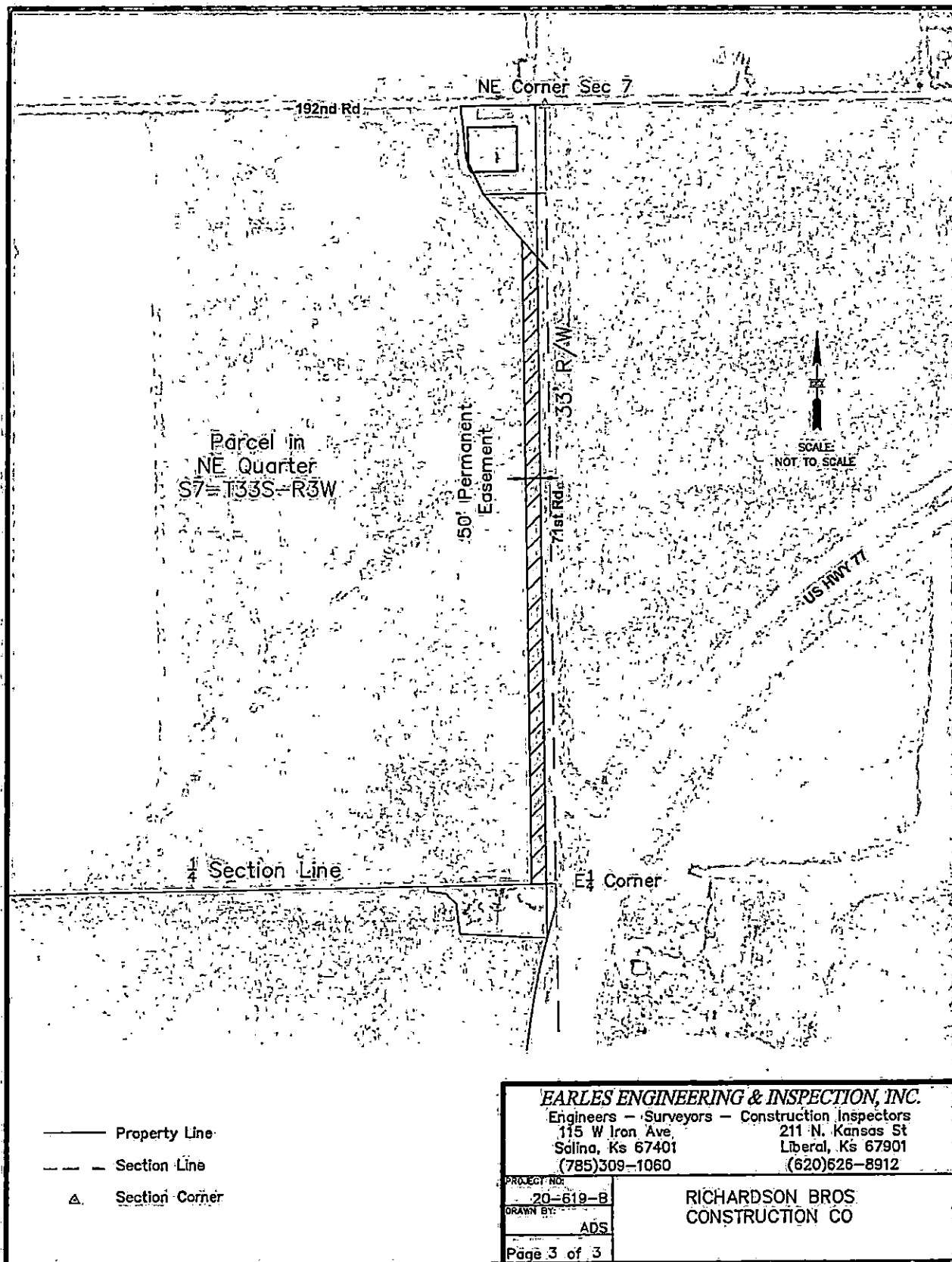
NORTHEAST CORNER  
OF THE NORTHEAST  
QUARTER  
S7-T33S-R4E



**EARLES ENGINEERING & INSPECTION, INC.**  
Engineers - Surveyors - Construction Inspectors  
115 W Iron Ave  
Salina, Ks 67401  
(785)309-1060  
(620)626-8912

**Richard Bros.**  
**Construction Co.**

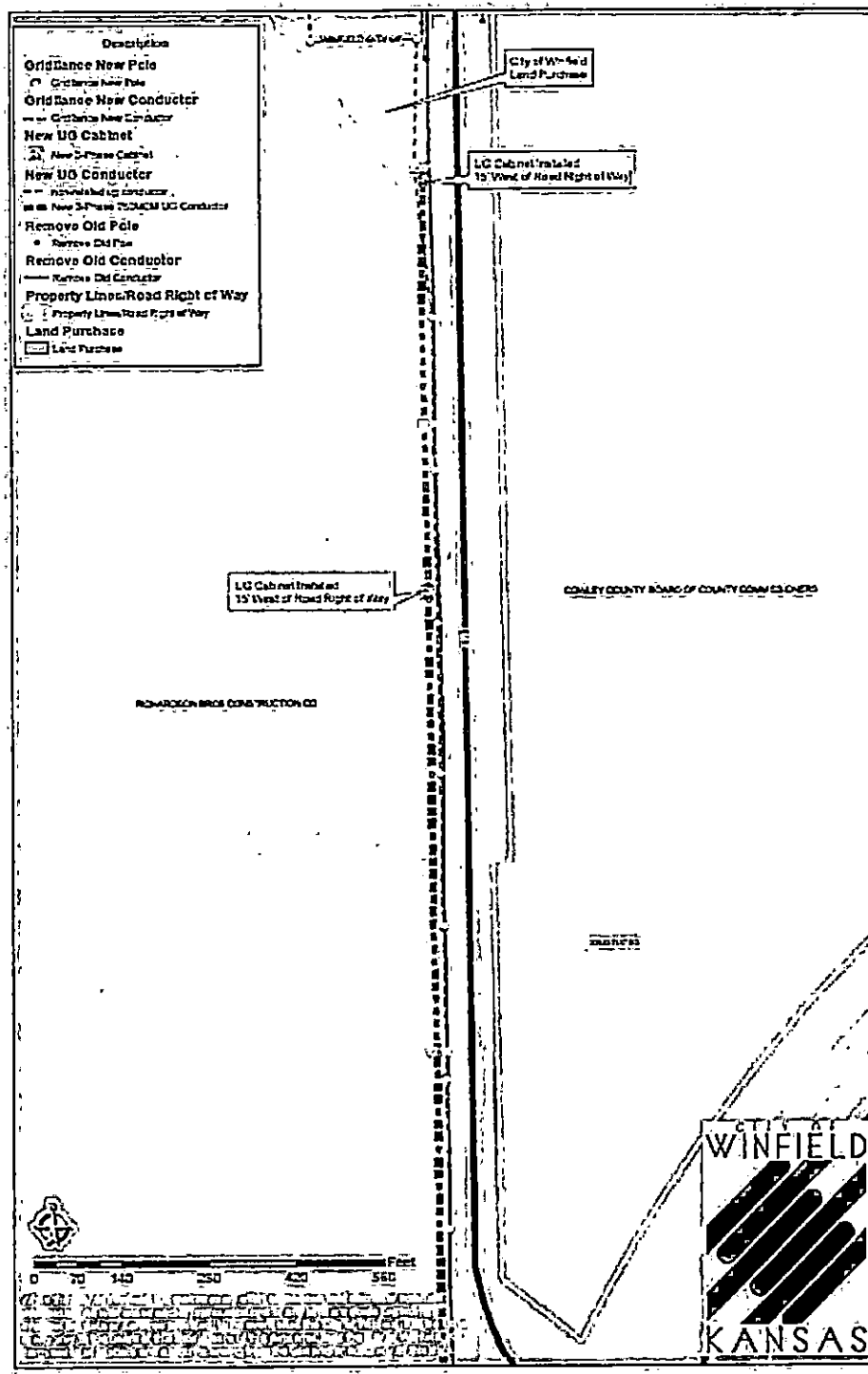
PROJECT NO.:  
20-619-B  
DRAWN BY:  
JBR  
Page 2 of 3



Initial SR



# Exhibit "B"



Initial SR

**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 12, Township 33 South of Range 3 East of the 6th P.M., Cowley County, Kansas.

\_\_\_\_\_

**WHEREAS**, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS**, said easement has been successfully negotiated.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Cameron P. Biby and Amy M. Biby, owners in Cowley County, Kansas, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

Commencing at the Southwest corner of said Quarter, thence S89°45'01"E along the South line of said Quarter a distance of 1283.78 feet, thence N00°14'59"E a distance of 40.00 to the Point of Beginning of parcel to be described as; Thence continuing N00°14'59"E a distance of 25.00 feet; thence S89°45'01"E a distance of 347.00 feet; thence S00°14'59"W a distance of 25.00 feet; thence N89°45'01"W a distance of 347.00 feet to the Point of Beginning.

Said parcel contains 8,675.14 square feet, more or less, and is subject to easements, reservations and restrictions of records.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.

**ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

\_\_\_\_\_  
Phillip R. Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager

**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 33, Township 32 South of Range 4 East of the 6th P.M., Cowley County, Kansas.

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**WHEREAS**, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS**, said easement has been successfully negotiated.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Theresa G. McCoy, Trustee of the Theresa G. McCoy Revocable Trust, owner in Cowley County, Kansas, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

A 70 feet wide tract of land in the East Half of the Southeast Quarter of Section 33, Township 32 South, Range 4 East of the 6<sup>th</sup> P.M. City of Winfield, Cowley County, Kansas described as the East 110 feet less the East 40 feet of the tract described as: Beginning at a point 1280.35 feet North of the Southeast corner of the Southeast Quarter of Section 33, Township 32 South, Range 4 East of the 6<sup>th</sup> P.M., and on the East line of said Southeast Quarter, said East line being on an assumed bearing of North 0 degrees, 00 minutes East; thence North 74 degrees, 47 minutes, 19 seconds West, 772.67 feet to a point, said point being the Northeast corner of Lot 24, Cedar Crest Subdivision; thence North 89 degrees, 15 minutes, 48 seconds West, along the North line of Lots 23 & 24, Cedar Crest Subdivision 270 feet to a point, said point being the Southeast corner of Lot 22, Cedar Crest Subdivision; thence North 0 degrees, 02 minutes, 02 seconds East, along the East line of Lot 22, Cedar Crest Subdivision, 200 feet to a point, said point being the Northeast corner of Lot 22, Cedar Crest Subdivision; thence North 89 degrees, 15 minutes, 58 seconds West a distance of 150 feet; thence North 0 degrees, 07 minutes, 54 seconds East a distance of 100 feet; thence North 89 degrees, 15 minutes, 58 seconds West a distance of 150 feet to the West line of the East Half of said Southeast Quarter; thence North along the West line of the East Half of said Southeast Quarter to the Center of the

Walnut River; thence Southeast along the Centerline of said river to the East line of said Southeast Quarter; thence South along the East line of said Southeast Quarter to the point of beginning as recorded as Tracts 1 and 2 in Book 741, Page 753 at the Cowley County Register of Deeds. Less road rights-of-ways.

Said parcel contains 18,530 square feet, more or less, and is subject to easements, reservations and restrictions of record.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.

**ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

\_\_\_\_\_  
Phillip R. Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager

**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southeast Quarter of Section 7, Township 33 South of Range 4 East of the 6th P.M., Cowley County, Kansas.

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**WHEREAS**, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS**, said easement has been successfully negotiated.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Robert H. Packer and Kathleen A. Packer, Trustees of the Robert H. Packer Living Trust and Kathleen A. Packer Living Trust, owners in Cowley County, Kansas, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

Commencing at the Southeast corner of said Quarter, thence N0°07'08"W along the East line of said Quarter a distance of 40.00 feet to the Point of Beginning of parcel to be described; thence continuing N01°07'08"W a distance of 25.00 feet; thence N89°51'22"W a distance of 104.81 feet; thence S01°10'01"E a distance of 25.00 feet; thence S89°51'22"E a distance of 107.79 feet to the point of beginning.

Said parcel contains 2,620.10 square feet, more or less, and is subject to easements, reservations and restrictions of record.

and;

Commencing at the Southwest corner of said Quarter thence N01°07'08"W along the West line of said Quarter a distance of 40.00 feet to the Point of Beginning of parcel to be described; thence continuing N01°07'08"W along said West line a distance of 25.00 feet; thence N88°12'07"E a distance of 1178.95 feet; thence S01°06'59"E a distance of 25.00 feet; thence S88°12'07"W a distance of 1178.95 feet to the point of beginning.

Said parcel contains 29,473.74 square feet, more or less, and is subject to easements, reservations and restrictions of record.

and;

Commencing at the Southeast corner of said Quarter, thence S88°12'07"W along the South line of said Quarter a distance of 432.00 feet, thence N04°51'04"E a

distance of 40.27 feet to the Point of Beginning of parcel to be described; thence continuing N04°51'04"E a distance of 25.17 feet; thence S88°12'07"W a distance of 846.37 feet; thence S01°06'59"E a distance of 25.00 feet; thence N88°12'07"E a distance of 843.75 feet to the Point of beginning.

Said parcel contains 21,126.48 square feet, more or less, and is subject to easements, reservations and restrictions of record.

and;

Commencing at the Northeast corner of said Quarter, thence S01°17'21"E along the East line of said Quarter a distance of 185.27 feet, thence N87°26'04"W a distance of 33.33 feet to the Southeast corner of a parcel recorded in Book 949, Pages 5 and 6, point also being the Point of Beginning of parcel to be described; thence continuing N87°26'04"W a distance of 51.15 feet; thence con a non-tangent curve to the left having a radius of 2484.74 feet, an arc length of 939.65 feet, a chord length of 934.06 feet and a chord bearing of S03°45'48"W; thence S07°03'21"E a distance of 835.97 feet; thence S01°17'21"E a distance of 140.77 feet; thence N85°40'10"E a distance of 50.07 feet; thence N01°17'21"W a distance of 140.63 feet; thence N07°03'21"W a distance of 838.50 feet; thence on a tangent curve to the right having a radius of 2434.74 feet, an arc length of 931.40 feet, a chord length of 925.73 feet and a chord bearing of N03°53'20"E to the Point of Beginning.

Said parcel contains 2.20 acres, more or less, and is subject to easements, reservations and restrictions of record.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.

**ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

---

Phillip R. Jarvis, Mayor

ATTEST:

---

Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager

**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Southwest Quarter of Section 12, Township 33 South of Range 3 East of the 6th P.M., Cowley County, Kansas.

---

**WHEREAS**, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS**, said easement has been successfully negotiated.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:**

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Roland and Danielle Jean Hovey, owner in Cowley County, Kansas, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

Commencing at the Southeast corner of said Quarter, thence N01°14'03"W along the East line of said Quarter a distance of 40.00 feet to the Point of Beginning of parcel to be described; Thence continuing N01°14'03"W along said East line a distance of 25.00 feet; thence N89°45'01"W a distance of 994.12 feet; thence S01°14'03"E a distance of 25.00 feet; thence S89°45'01"E a distance of 994.12 feet to the Point of Beginning..

Said parcel contains 24,853.08 square feet, more or less, and is subject to easements, reservations and restrictions of record.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

**Section 3.** This resolution shall be in full force and effect from and after its adoption.



**ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

\_\_\_\_\_  
Phillip R. Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
William E. Muret, City Attorney

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager