

2018 Kansas Statutes

19-4904. Same; redevelopment authority, creation, members, powers and duties, authority to incur debt, issue bonds and enter into lease-purchase agreements, debt incurred not a debt of the state or any political subdivision; acquisition of sunflower army ammunition plant or Kansas army ammunition plant, dissolution. (a) The board of county commissioners of Johnson county and the board of county commissioners of Labette county may create by resolution a redevelopment authority consistent with the provisions of this act.

(b) Any redevelopment authority shall be composed of seven members appointed by the board of county commissioners, with at least three of the members being representatives of cities, townships or other local governmental entities located adjacent to the federal enclave property. Each member appointed to the redevelopment authority shall be a resident of the county and shall serve for a term established by the board of county commissioners. In case of a vacancy in office, a member shall be appointed by the board in the same manner to fill the unexpired term.

Any member of the redevelopment authority may be removed by the board of county commissioners for the same cause justifying removal of any appointive officer.

Members of the redevelopment authority shall receive no compensation for their services but may be reimbursed for necessary expenses incurred in the performance of their duties.

(c) Upon creation, the redevelopment authority shall be a body corporate and politic, as quasi-municipal organization under the laws of this state, with the powers conferred by this act or by resolution of the board of county commissioners. In performing the duties authorized under this act, the redevelopment authority shall have the power:

- (1) To sue and be sued;
- (2) to receive any contributions or moneys appropriated by the state, any city, county or other political subdivision or agency, or by the federal government or any agency or officer thereof from any other source;
- (3) to disburse funds;
- (4) to enter into contracts;
- (5) to acquire by donation, purchase or lease land that is located within a federal enclave or land located within a redevelopment district established under this act;
- (6) to sell and convey real estate acquired under this act; and
- (7) to do and perform all other things provided by this act, or by resolution of the board of county commissioners and to have the powers conferred by this act or board resolution.

Powers conferred on the redevelopment authority may be exercised only with the approval of the board of county commissioners and all expenditures made by the redevelopment authority shall be within available resources.

(d) The redevelopment authority shall, at a minimum, perform the following duties:

- (1) Conduct meetings with representatives and officials of cities, counties, planning associations or commissions or similar entities or organizations to develop information and ensure that the full range of interests related to the redevelopment is considered;
- (2) review any comprehensive plan adopted for the property and develop recommendations for changes, if needed;
- (3) evaluate surrounding property uses, zoning regulations, and other land use factors and development recommendations to ensure compatibility;
- (4) evaluate the development potential and market feasibility for proposals and options for redevelopment of the property;
- (5) evaluate potential methods for the transfer, ownership and development of the property;
- (6) make recommendations to the board on proposals for the acquisition and financing of the property by the county;
- (7) conduct such other studies as the board may request or direct; and
- (8) present studies, reports, recommendations and other information to the board.

(e) Upon the establishment of a redevelopment district pursuant to K.S.A. 19-4902 or 19-4903, and amendments thereto, the redevelopment authority shall perform the following additional duties as prescribed by the board:

- (1) Solicit and receive development proposals for all or parts of property;
- (2) evaluate development proposals received for all parts of the property and present the evaluation and recommendation to the board or to a zoning board as directed by the board;
- (3) coordinate with county officials or staff in negotiations with developers;
- (4) prepare recommendations to the board concerning financing or redevelopment or infrastructure for the property;
- (5) prepare recommendations for updates to the comprehensive master plan; and
- (6) perform other studies and coordination as the board may request or direct.

(f) In the event that the board of county commissioners determines that it is in the best interest of the county to acquire all or part of the enclave property for redevelopment purposes, then the redevelopment authority shall perform the following additional duties as prescribed by the board:

- (1) Act as the primary contact for developers who are interested in acquiring and developing land at the property;
- (2) prepare and present marketing strategy for the property; and
- (3) provide other duties as the board may request or direct.

(g) If created, the redevelopment authority may, upon approval of the board of county commissioners, acquire by negotiated sale, all or any part of the property located within a federal enclave in county, and in so doing, may enter into contracts for the payment of costs for the property, may incur debt and obligation secured by the property, and may sell the property to pay such obligations.

The board of county commissioners shall approve such acquisition if the following conditions are satisfied:

- (1) The property was part of the sunflower army ammunition plant in Johnson county or the property was a part of the Kansas army ammunition plant located in Labette county;
- (2) the property is transferred by deed without restrictions due to environmental contamination and with a covenant of transfer in compliance with the provisions of 42 U.S.C. § 9620 et seq., and amendments thereto, or the governor has executed a finding of suitability for early transfer in compliance with federal laws and regulations;
- (3) neither the state of Kansas through its subdivisions or agencies nor Johnson county or Labette county has declared an intent to acquire the property for redevelopment purposes;
- (4) the acquisition will not require the redevelopment authority to finance the acquisition with resources other than that which is secured by the property itself;
- (5) the acquisition is made upon terms that expressly exclude any obligation of Johnson county or Labette county

or the state for the payment of any funds for the acquisition; and

(6) the redevelopment authority has presented a feasibility study demonstrating that the costs of acquisition, including all required obligations for environmental remediation, can be paid and satisfied as and when due through the subdivision, selling and redevelopment of the property.

Upon acquisition of all or any part of the property, the redevelopment authority shall immediately request establishment of a redevelopment district under K.S.A. 19-4902 or 19-4903, and amendments thereto, and all redevelopment or the property shall be in conformance with the comprehensive master plan and zoning and subdivision regulations adopted by the board of county commissioners.

(h) If, at any time after creating a redevelopment authority pursuant to this section, the board of county commissioners determines that the redevelopment authority is no longer needed or should otherwise be dissolved, then the board of county commissioners may, by resolution, dissolve and abolish the redevelopment authority. Thereafter, the board of county commissioners, for and on behalf of the county, shall assume and perform any on-going duties or powers of the authority, shall assume title to and possession of all property, real or personal, owned or held by the authority, and shall assume all debts, contracts and obligations lawfully incurred or entered into by the authority. The board of county commissioners may, by subsequent resolution, reestablish a redevelopment authority under this section at any later time.

(i) (1) The redevelopment authority may, by resolution duly adopted by the majority of the members of the redevelopment authority:

(A) incur debt and issue bonds in the name of the redevelopment authority to pay the costs of developing and improving properties within the redevelopment district, specifically including, but not limited to, the construction, operation and maintenance of water lines and treatment facilities, sewer and wastewater lines and treatment facilities, electrical lines and distribution facilities, gas lines and storage and transmission facilities, roads and bridges, railway improvements, the demolition of existing obsolete or otherwise unusable structures and the disposal of construction and demolition waste on-site and otherwise, and the construction of buildings and other capital improvements within the redevelopment district;

(B) secure the indebtedness by lien upon, security interest in or mortgage of any property owned by the redevelopment authority; and

(C) acquire and finance the property and improvements through lease-purchase agreements pursuant to K.S.A. 10-1116b et seq., and amendments thereto.

(2) The principal and interest on any bonds or other indebtedness issued under the provisions of this act shall be payable solely from any lawful source of revenue of the redevelopment authority.

(3) The maximum maturity of any bonds issued pursuant to this act shall not exceed 20 years.

(4) Any debt incurred under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision thereof. All such debt shall contain on the face thereof a statement to the effect that neither the state nor any political subdivision thereof shall be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued or from funds provided therefor and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of or the interest on such debt.

(5) All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the authority beyond the extent to which moneys shall have been provided under the provisions of this act.

History: L. 2003, ch. 136, § 4; L. 2018, ch. 43, § 2; Apr. 19.