

FIRST PUBLISHED IN THE WICHITA EAGLE ON FEBRUARY 13, 2009

ORDINANCE NO. 47-176

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF JR CUSTOM METAL PRODUCTS, SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, JR Custom Metal Products, requests an ad valorem tax exemption on a proposed expansion project of 32% for a five-plus-five year term on the construction of a new building; and

WHEREAS, JR Custom Metal Products, has operated within the City for more than forty years as a fabricator of metal products; and

WHEREAS, JR Custom Metal Products, proposes a \$458,280 expansion by the construction of a new building expansion to be located at 2237 South West Street Court in southwest Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by JR Custom Metal Products, has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on February 3, 2009; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. JR Custom Metal Products is an existing business located in Wichita, Kansas, and intends to expand its business by construction of a building expansion.
2. The construction of the expansion for which exemption is given occurred after March 6, 2008. No exemption will be given for construction which occurred before that date.
3. Such construction is to be used exclusively for manufacturing articles of commerce.
4. By such expansion, JR Custom Metal Products will create new employment for 9 employees within five years after the start of the project.

5. Tax exemption will be given only for the construction of a building expansion as reflected in Exhibit I attached hereto.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council of the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by JR Custom Metal Products is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for manufacturing articles of commerce.

2. JR Custom Metal Products is hereby granted an ad valorem tax exemption of 32% for a five-year term on the construction of a building expansion and 32% for a second five years, located within the Wichita City limits at 2237 South West Street Court in southwest Wichita, at an estimated cost of \$458,280, as further defined in Exhibit I attached hereto. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and JR Custom Metal Products may be required to repay amounts previously abated), in the event of any failure by JR Custom Metal Products to perform its obligations under the Economic Development Incentive Agreement it has executed with the City.

3. The Economic Development Incentive Agreement between the City of Wichita and JR Custom Metal Products is hereby approved.

4. The Office of Urban Development shall be responsible for monitoring the performance of JR Custom Metal Products and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in Piping & Equipment Company, Inc.'s written request for ad valorem tax exemptions as presented to the City Council and to administrative staff and dated August 21, 2008 and as stated in JR Custom Metal Products' annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that JR Custom Metal Products no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which JR Custom Metal Products has executed with the City.

7. The City Council may, at its discretion, require JR Custom Metal Products to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement which JR Custom Metal Products has executed with the City.

8. Upon finding that JR Custom Metal Products has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment

of all prior amounts of taxes that have been exempted and shall withhold any future exemption of taxes on JR Custom Metal Products' expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

9. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this 10th day of February, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, City Attorney