



City Council Policy: CP059 - City Assistance with Redevelopment Projects

Effective Date: June 15, 1998

Amends:

Approved By: City Council

I. SCOPE

- A. The guidelines set forth in this Policy shall apply to the provision of redevelopment assistance by the City to any individual or legal entity seeking to develop or redevelop real property within the City (hereinafter "redeveloper"). The City's legal authority to offer such incentives in no way obligates it to offer such incentives.
- B. Each request for assistance would be reviewed and acted upon by the Governing Body on a case-by-case basis. No action (or inaction) taken by the Governing Body will obligate or prohibit the Governing Body from taking similar or dissimilar actions at any future date.

II. PURPOSE

- A. Recognizing that Prairie Village is a fully developed community, the Governing Body acknowledges that the future economic growth and vitality of the City will partially derive from reinvestment in the community by residents, businesses, and other private property owners and the City in the form of redevelopment. Unlike development occurring on vacant or "raw" land, redevelopment presents unique challenges such as:
 - 1. Obsolete, deteriorated or dilapidated structures;
 - 2. Complex property acquisition due to diversity in ownership and private deed restrictions;
 - 3. Inefficient traffic systems or street layout;
 - 4. Environment concerns
- B. Recognizing the importance of economic development and redevelopment to the City's future prosperity, the Governing Body recognizes that the public good may be served by the City's ability to provide incentives, monetary and otherwise, which may serve to encourage redevelopment within the City.
- C. In order to ensure the public good is served when providing incentives for redevelopment, the Governing Body recognizes the need to establish guidelines to help direct the City in its effort to provide redevelopment incentives in a consistent and fair manner. While the guidelines shall serve to convey the intent, general priorities and references of the Governing Body of the City of Prairie Village, Kansas, relating to the City's assistance in redevelopment projects within the City.

III. RESPONSIBILITY

- A. The authority to establish a redevelopment or similar district within the City of Prairie Village, or to provide incentives to encourage redevelopment, rests with the Governing Body of the City of Prairie Village, as it is permitted by state statute or federal law to make such determinations.
 - 1. The Governing Body may obtain the assistance of City Staff, legal counsel, consultants, or other qualified experts to assist in any decision-making process relating to redevelopment issues.

IV. DEFINITIONS

V. POLICY

- A. **"But For" Principle** - It is the general intent of the Governing Body to allow market forces to direct redevelopment activities within the City, however, the Governing Body recognizes that redevelopment may involve unique challenges and expenses. The City shall apply a "but for" principle in considering redevelopment assistance. In light of this principle, it will be incumbent on the redeveloper requesting such assistance to demonstrate to the satisfaction of the Governing Body that the proposed project would not be economically feasible without assistance from the City.
- B. **Cost - Benefit Analysis** - Prior to providing any form of assistance, the City shall prepare, or direct to be prepared, a cost-benefit analysis examining the costs and benefits of the proposed project to the City and its residents. Such analysis shall be performed based on assumptions acceptable to the Governing Body and shall be conducted at the redeveloper's expense.
- C. **Condemnation** - Where permitted by law, the City may enter into condemnation proceedings in an effort to facilitate redevelopment. However, the City will only consider condemnation of private property, however, subsequent to the redeveloper's demonstration to the satisfaction of the Governing Body that the acquisition and use of private property is an essential element of the redevelopment project as approved by the City and that he/she has attempted in good faith, to acquire the property privately but has been unable to do so. In the

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event condemnation is approved by the Governing Body, the redeveloper shall be responsible for all costs associated with the condemnation proceedings, including but not limited to court and litigation costs, attorney's fees, and any final condemnation awards made.

- D. Impact on Existing Properties and Land Uses** - In making its determination regarding the provision of assistance, the Governing Body shall consider the impact of the proposed project on existing properties and land uses within the City. For example, the Governing Body may consider the impact the proposed project would have on:
 - 1. The value of adjacent properties;
 - 2. Zoning of adjacent properties;
 - 3. Competing business currently located within the City which may be in competition with the goods/services provided by the proposed project.
- E.** A report addressing the impact on current properties and land uses shall be incorporated into the cost-benefit analysis required pursuant to section D of this Policy. Preparation of such report shall be conducted at the redeveloper's expense.
- F. Other Issues** - The issues addressed in this Policy are not intended to be exhaustive. The Governing Body reserves the right to require information in addition to matters as set forth herein or issues relating to redevelopment which may be required by state statute or federal law.

VI. PROCEDURES