

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 02-2018

AN ORDINANCE OF THE CITY OF HIGHLAND HEIGHTS, KENTUCKY (THE "CITY") AMENDING THE U.S. 27 DEVELOPMENT AREA (THE "DEVELOPMENT AREA") PREVIOUSLY ESTABLISHED BY CITY ORDINANCE 2014-08-05 ADOPTED ON AUGUST 8, 2014, EXPANDING THE BOUNDARIES OF THE DEVELOPMENT AREA TO INCLUDE CERTAIN ADDITIONAL LAND OWNED BY NORTHERN KENTUCKY UNIVERSITY; MAKING CERTAIN FINDINGS RELATING TO THE ADDITIONAL LAND; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT PLAN FOR THE DEVELOPMENT AREA; AND APPROVING THE EXECUTION OF A FIRST AMENDMENT TO THE LOCAL PARTICIPATION AGREEMENT RELATING TO THE DEVELOPMENT AREA TO AMEND THE BOUNDARIES OF THE DEVELOPMENT AREA.

WHEREAS, the City established the U.S. 27 Development Area (the "Development Area") dated by Ordinance 2014-08-05, adopted August 8, 2014 (the "Development Area Ordinance") pursuant to the provisions of KRS 65.7041 to KRS 65.7083 (the "Act"); and

WHEREAS, subsequent to adoption of the Development Area Northern Kentucky University ("NKU") has started the implementation of the development of a mixed-use development (the "Project") that had been referenced in the Development Plan adopted by the Development Area Ordinance, and that Project's proposed development boundary includes property owned by NKU (the "NKU Property") immediately contiguous to the Development Area, but not included with the boundaries of the Development Area; and

WHEREAS, in order to assist with the financing and construction of the Project and to allow the Project to be eligible for certain incentives as set forth in the Act, the City intends to amend the boundary of the Development Area to include the NKU Property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY, ACTING BY AND THROUGH ITS CITY COUNCIL, AS FOLLOWS:

SECTION 1. Findings. The City hereby makes the following findings related to the Development Area:

A. That the City reaffirms and restates the findings in the Development Area Ordinance and that the addition of the NKU Property will not substantially alter the findings in the Development Area Ordinance.

B. That the City finds the following regarding the NKU Property:

1. That the basic findings as set forth in the Development Area Ordinance are still correct by adding the NKU Property to the Development Area;

2. That the Development Area, as amended, will be 110.16 acres, which is less than three (3) square miles;

3. That the assessed taxable value of real property within the Development Area, as amended, based on the 2013 taxable assessments, will be \$13,570,125, which is still significantly less than 20% of the City's taxable real property assessment;

4. That there has been a substantial loss of residential users within the NKU Property. A couple of the houses are vacant, and all of the homes are in a transition as NKU seeks to redevelop to allow for the construction of the Project;

5. That many of the residential structures within the NKU Property are deteriorated or deteriorating. An review of each of the houses within the NKU Property shows need for maintenance and that houses are deteriorating;

6. That to develop the NKU Property as part of the Project as described in the Development Plan will require substantial investment in infrastructure, including parking facilities, and new storm water and sanitary sewer facilities; and

7. That in the alternative the Project constitutes a mixed-use project as defined by the Act, the development of which will require significant sanitary sewer and storm sewer improvements designed to meet the requirements of a federal consent decree, and, as a result the Development Area meets the requirements of KRS 65.7059(3)(b)(3).

SECTION 2. AMENDMENT TO THE DEVELOPMENT AREA. That the City hereby amends the boundary of the Development Area to include the NKU Property attached as Exhibit A.

SECTION 3. Development Area. That after adding the NKU Property the boundaries of the Development Area will include the property described in Exhibit B.

SECTION 4. First Amendment to the Local Participation Agreement. The Mayor of the City is hereby authorized and directed to execute, acknowledge and deliver on behalf of the City a First Amendment to the Local Participation Agreement which authorizes the pledge of a portion of the Incremental Revenues of the City from the Development Area to the payment of Redevelopment Assistance, Project Costs and/or Approved Public Infrastructure Costs and Financing Costs to add the NKU Property to the Development Area. The form of the First Amendment to the Local Participation Agreement to be signed by the Mayor on behalf of City, and by the Agency, and the County of Campbell, Kentucky, shall be in substantially the form attached to this Ordinance as Exhibit "C," subject to further negotiations and changes therein that are not inconsistent with this Ordinance and not substantially adverse to the City. The approval of such changes by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of, as applicable, such First Amendment to the Local Participation Agreement by such officials.

SECTION 5. First Amendment to the Development Plan. The City hereby adopts the First Amendment to the Development Plan attached hereto as Exhibit "D", and that prior to the adoption of the First Amendment to the Development Plan, the City conducted a public hearing as required by KRS 65.7051

SECTION 6. That except as amended by this Ordinance to expand the boundaries of the Development Area and to approve the execution of the amendment to the Local Participation Agreement, the Development Area Ordinance shall remain in full force and effect.

SECTION 7. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

SECTION 8. Repeal of Conflicting Orders and Ordinances. All prior resolutions, municipal orders or ordinances or parts of any resolution, municipal order or ordinance in conflict herewith are hereby repealed.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage, attestation, recordation and publication of a summary hereof pursuant to KRS Chapter 424.


SECTION 10. That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 6th day of February, 2018.
Passed on 2nd reading this 20th day of February, 2018.



MAYOR GREGORY V. MEYERS

ATTEST:



JEAN A. RAUF
CITY CLERK/TREASURER