

CHAPTER 154: DEVELOPMENT

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GENERAL PROVISIONS

§ 154.01 DOWNTOWN BUSINESS DISTRICT.

There is hereby established a Downtown Business District of the city for purposes of KRS 103.200(1)(n) consisting of the area within the city bounded by Main and Poplar and Fifth and 16th Streets, and also those properties within the city fronting of 12th Street between Olive Street and Town

Creek; the designation shall not change or effect the existing zoning classification as contained in the zoning ordinance adopted in § 155.01.

(Res. passed 8-5-85)

§ 154.02 PURCHASE AREA DEVELOPMENT DISTRICT.

The city does hereby officially recognize and accept the Purchase Area Development District, Inc. as the official development organization for the area and offers its support to development activities of the District.

(Res. passed - -)

INDUSTRIAL DEVELOPMENT AUTHORITY

§ 154.15 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. The Benton Industrial Development Authority established pursuant to the provisions of KRS 154.50-301 through 154.50-346.

DEVELOPMENT OF LAND. The improvement and provision of facilities essential to the use of land for industrial and commercial purposes such as, but not limited to, core drilling, grading, sewerage systems, water systems, access roads, rail lines, electrical lines and layout planning.

INDUSTRIAL SITES, PARKS and SUBDIVISIONS. Land suitable for one or more industries or commercial establishments.

PERSON. Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes trustee, receiver, assignee, or other similar representative.
(Ord. passed 7-2-84)

§ 154.16 ESTABLISHMENT.

There is hereby established the Benton Industrial Development Authority for the purpose of aiding in the acquisition, retention and development of land for industrial and commercial purposes in the city; to aid in the development and promotion of industrial sites, parks, and subdivisions accommodating industrial and commercial needs; to promote and stimulate the acquisition of land for industrial and commercial purposes in this city by other local development organizations, both public and private.
(Ord. passed 7-2-84)

§ 154.17 AUTHORITY DECLARED BODY POLITIC OR CORPORATE.

The Authority shall be a body politic or corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with and do all things reasonable or necessary to carry out the duties prescribed for such authorities by KRS 154.50-301 through 154.50-346. (Ord. passed 7-2-84)

§ 154.18 COMPOSITION AND TERM OF MEMBERS.

(A) The Authority shall be composed of six members appointed by the Mayor.

(B) Members of the Authority shall serve for a term of four years each and until their successors are appointed and qualified; provided, however, that initial appointments shall be made so that two members are appointed for two years and two members are appointed for four years. Upon expiration of the staggered terms, successors shall be appointed for a term of four years.

(C) The Mayor and City Clerk shall serve as representatives of the city on the city/county Industrial Development Authority and they are authorized and directed to execute any and all documents necessary or required to effectuate a marketing and brokerage agreement for the sale of that real property known as the Fleetwood Property located on the U.S. Highway 641 bypass in Benton, Marshall County, Kentucky.

(Ord. passed 7-2-84; Res. passed 11-17-14)

§ 154.19 ELECTION OF OFFICES; COMPENSATION.

Members of the Authority shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred by them in the conduct of the affairs of the Authority. The Authority shall, upon the appointment of its members, organize and elect officer. The Authority shall choose a Chairperson and Vice-Chairperson who shall serve for terms of one year. The authority may fix a salary for the Secretary-Treasurer, and the Secretary-Treasurer shall execute an official bond to be set and approved by the authority, and the cost thereof shall be paid by the authority.

(Ord. passed 7-2-84)

§ 154.20 REPLACEMENT OF MEMBERS.

An Authority member may be replaced by the Mayor upon a showing by the Mayor of misconduct as an authority member, or upon conviction of a felony. No member shall hold any official office with the city.

(Ord. passed 7-2-84)

§ 154.21 QUORUM; CALLING OF MEMBERS.

A quorum for the transaction of the business of the authority shall consist of four members. Meetings of the Authority may be called by the Chairperson or by four members. In case of tie voting by the Authority, the issue shall be deemed to have failed passage.
(Ord. passed 7-2-84)

§ 154.22 SECRETARY/TREASURER; POWERS AND DUTIES.

The Secretary/Treasurer shall keep the minutes of all meetings of the Authority and shall also keep a set of books showing the receipts and expenditures of the Authority. He shall preserve on file duplicate vouchers for all expenditures and shall present to the authority, upon request, complete reports of all financial transaction and the financial condition of the authority. Such books and vouchers shall at all times be subject to examination by the City Council. He shall transmit at least once annually a detailed report of all acts and doings of the authority to the City Council.
(Ord. passed 7-2-84)

§ 154.23 HIRING OF NECESSARY EMPLOYEES; RULES AND REGULATIONS.

The Authority may employ necessary counsel, agents and employees to carry out its work and functions and prescribe such rules and regulations as it deems necessary.
(Ord. passed 7-2-84)

§ 154.24 POWERS AND DUTIES OF AUTHORITY.

The purpose, duties and powers of the Authority shall be to:

(A) Acquire, retain and develop land for industrial and commercial purposes in the city; aid in the development and promotion of industrial sites, parks and subdivisions to meet industrial and commercial needs in the city.

(B) Encourage the acquisition, retention and development of land for industrial and commercial needs in the city by other local development organizations, both public and private.

(C) Cooperate with the U.S. Army Corps of Engineers and other federal agencies in formulating development plans and in acquiring and developing land for industrial and commercial purposes in accordance with these plans.

(D) (1) Acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for establishing industrial sites, parks, or subdivisions. The Authority may dispose of any real or personal property, or rights therein, which in the opinion of the authority are no longer needed to carry out the purposes of KRS 154.50-301 through 154.50-346.

The Authority may sell or convey any or all land owned or optioned by it to any public or private organization, governmental unit, or industry for the purpose of constructing and/or operating any industrial or commercial facility. Provided, however, that no sale or conveyance of any land shall be made to a private organization or industry without such organization or industry first having executed a written contract with the authority providing that if no actual construction of an industrial facility is commenced within two years, the organization or industry shall reconvey the land, free and clear on liens and encumbrances, to the authority, and the authority shall return to the organization or industry 95% of the purchase price paid therefore.

(2) Upon the adoption by the Authority of a resolution reciting that property is needed for industrial sites, parks and subdivisions and cannot be acquired by negotiation and purchase at its fair market value, the city may direct and institute condemnation proceedings in the name of the city for the use and benefit of the authority. The procedure for condemnation shall conform to the procedure set out in the Eminent Domain Act of Kentucky. Upon acquisition of the property, the city shall convey the property to the Authority upon payment by the Authority to the city of an amount of money equal to the judgement and costs paid by the city.

(Ord. passed 7-2-84)

§ 154.25 CONDEMNATION OF PROPERTY.

Notwithstanding any other provision or section of KRS 154.50-301 through 154.50-346, the city shall not have the power to condemn property under KRS 154.50-301 through 154.50-346 unless the city has first given proper public notice as required by law stating the specific purpose for which the property to be condemned shall be used and said purposes shall be pleaded and proved in such condemnation action. The property shall be developed within a period of five years pursuant to the purpose stated, and the failure of the Authority to so develop shall entitle the person or persons whose property was condemned to repurchase the property at the price the authority paid to the city for the same. The person from whom the land is taken by condemnation shall have the right to reacquire the land as aforementioned by application to the court of competent jurisdiction, if such procedure be necessary, and, shall be entitled to recovery of his costs and reasonable attorney's fees necessary to reacquire the land.

(Ord. passed 7-2-84)

§ 154.26 METHODS OF PROVIDING FOR COST OF DEVELOPMENT.

(A) In order to provide for the purchase of property necessary to develop industrial sites, parks and subdivisions, the City Council may make an annual appropriation from its general fund for such industrial development. Any appropriation shall be made by the City Council in such amounts in such proportion and upon such terms as the City Council may determine. All funds derived from such appropriation shall be turned over to the Authority for the purpose of carrying out the duties and powers of the Authority.

(B) The Authority may borrow money on its own credit in anticipation of revenue to be derived from appropriations or other income. For such purposes the authority may pledge the appropriations or incomes anticipated. The Authority may pledge the industrial sites, parks and subdivisions as security for monies borrowed.

(C) The Authority is authorized to defray the cost of acquiring and developing any industrial sites, parks and subdivisions through the issuance of revenue bonds issued under the terms, conditions and procedures set forth in KRS 103.200 through 103.285.

(D) The Authority may, as an alternative method and in addition to all other methods provided by law, and issue revenue bonds in connection therewith under the terms and provision of KRS Chapter 58 and under said law the term *GOVERNMENTAL AGENCY* means the Authority and the term *PUBLIC PROJECT* means industrial sites, parks and subdivisions.

(E) The title to all property acquired by the authority shall vest in the authority. All property acquired for the development of industrial sites, parks and subdivision shall be exempt from taxation to the same extent as other property used for public purposes. All revenues collected by the authority shall also be exempt from taxation.

(Ord. passed 7-2-84)

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE

§ 154.40 POLICY.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, as amended, being 24 CFR 570.606(b)(1) (the "Act"), the city will take the following steps to minimize the displacement of persons from their homes:

(A) The city shall make every effort not to displace any persons as a result of any projects under this subchapter.

(B) If displacement is required, the city will meet all requirements for relocation in accordance with the Act and this subchapter.

(Ord. passed - -)

§ 154.41 CITY TO REPLACE CERTAIN HOUSING.

The city will replace all occupied and vacant occupiable low or moderate income dwelling units demolished or converted to a use other than as low or moderate income housing as a direct result of activities assisted with funds provided under the Act.

(Ord. passed - -)

§ 154.42 TIME OF REPLACEMENT.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

(Ord. passed - -)

§ 154.43 INFORMATION TO BE DISCLOSED.

Before obligating or expending funds that will directly result in such demolition or conversion, the city will make public and submit to the Department of Local Government the following information in writing:

(A) A description of the proposed assisted activity;

(B) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low or moderate income dwelling units as a direct result of the assisted activity;

(C) A time schedule for the commencement and completion of the demolition or conversion;

(D) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

(E) The source of funding and a time schedule for the provision of replacement dwelling units; and

(F) The basis for concluding that each replacement dwelling unit will remain a low or moderate income dwelling unit for at least ten years from the date of initial occupancy.

(Ord. passed - -)

§ 154.44 RELOCATION ASSISTANCE.

The city will provide relocation assistance, as described in 524 CFR 70.606(b)(2), to each low or moderate income household displaced by the demolition of housing or by the conversion of a low or moderate income dwelling to another use as a direct result of assisted activities.

(Ord. passed - -)

