

COUNTY OF HOPKINS, KENTUCKY

ORDINANCE NO. 99- 3

AN ORDINANCE ESTABLISHING A NONPROFIT INDUSTRIAL DEVELOPMENT AUTHORITY PURSUANT TO KRS 154.50-301 THROUGH KRS 154.50-346.

WHEREAS, pursuant to KRS 154.50-316, any governmental unit by act of its legislative body, may establish a non profit industrial development authority to be composed of six members. Said authority shall be a body politic and 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 and necessary to effectively carry out the duties prescribed by KRS 154.50-301 to 154.50-346.

WHEREAS, it was believed that Hopkins County had established such an industrial development authority called Hopkins County Industrial Development Authority in 1993 and such authority has been operating since that time with apparent authority of its existence.

WHEREAS, it has been discovered that the Ordinance establishing said authority, even though prepared in draft form, was, by inadvertence or oversight, not duly enacted by the Hopkins County Fiscal Court.

WHEREAS, it is the desire of the Hopkins County Fiscal Court to establish that authority properly, nun pro tunc, and to reaffirm and ratify all actions by the Hopkins County Industrial Development Authority under its apparent authority since May 20, 1993.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY OF HOPKINS, KENTUCKY:

1. Pursuant to KRS 154.50-316 the Hopkins Fiscal Court establishes a non profit industrial development authority to be called The Hopkins County Industrial Development Authority, nun pro tunc, effective May 20, 1993.

2. The Hopkins County Development Authority shall be composed of six members.

3. The Authority shall be a body politic and 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 and necessary to effectively carry out the duties prescribed by KRS 154.50-301 to 154.50-346.

4. The purpose, duties and powers of the authority shall be to:

(a) Acquire, retain and develop land for industrial and commercial purposes in Kentucky:

(b) Aid in the development and promotion of industrial sites, parks, and subdivisions, to meet industrial and commercial needs in Kentucky.

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

(d) Cooperate with the United States Army Corp 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.

(e) 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 to 154.50-346.

(f) The authority may lease, sell, or convey any or all industrial sites, parks, and subdivisions owned or optioned by it to any public or private organizations, governmental unity or industry for the purpose of constructing and/or operating any manufacturing, 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 ten (10) years, the organization or industry shall reconvey the land, free and clear of liens or encumbrances, to the authority, and the authority shall return to the organization or industry ninety-five percent (95%) of the purchase price paid therefor.

5. 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 governmental units in which such land is located may direct and institute condemnation proceedings in the name of such governmental units, for the use and benefit of the authority. The procedure for condemnation shall conform to the procedures set out in the Imminent Domain Act of Kentucky. Upon acquisition of the property the governmental unit shall convey the property to the authority upon payment of the authority to the governmental unit of an amount of money equal to the judgment and costs paid by the governmental unit. Such condemnation powers shall be limited by KRS 154.50-232.

6. The members of the authority shall be appointed by the County Judge Executive.

Members of the authority shall serve for a term of four (4) years each, and until their successors are appointed and qualify. Initial appointment shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. Upon expiration of these staggered terms, successors shall be appointed for a term of Four (4) years. An industrial authority member may be replaced by the appointing authority upon a showing to the appointing authority of misconduct as an authority member or upon conviction of a felony.

7. The members who have been previously appointed shall be recognized as valid members of the authority; however, nothing shall be construed herein to limit the present Judge/Executive from making new appointments as though they were initial appointments.

8. Unless specifically provided herein or by subsequent ordinance of the Hopkins Fiscal Court, the duties of the industrial authority shall be governed by this ordinance and KRS 154.50-301 through 154.50-346 as amended.

9. This ordinance shall become effective immediately upon its passage and approved as provided by law and shall reaffirm and ratify the now existing Hopkins County Industrial Development Authority under its apparent authority since May 20, 1993.

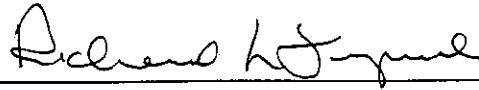
Upon Motion made by Magistrate Donald Hawkins, seconded by Magistrate Paul Hamilton, a first reading was held and approved on the 4th day of March, 1999.

  
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RICHARD L. FRYMIRE, County Judge  
Executive, Hopkins County

ATTEST:

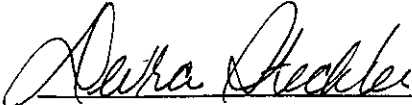
  
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DEVRA STECKLER  
Hopkins County Clerk

On Motion of Magistrate Karol Welch and seconded by Magistrate  
Dick Purdy, a second reading held on the 25 day of March  
1999, and passed on the 25 day of March, 1999.



RICHARD L. FRYMIRE, County Judge  
Executive, Hopkins County

ATTEST:



DEVRA STECKLER  
Hopkins County Clerk

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