

COMMON COUNCIL RESOLUTION

A RESOLUTION CREATING, DESCRIBED, AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #9 CITY OF APPLETON, WISCONSIN

WHEREAS, the overall development of the City of Appleton is recognized as a major need of the City; and

WHEREAS, the City of Appleton desires to create a tax incremental district, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public works and improvement projects within said district and thereby create incentives and opportunities for appropriate private development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission on August 26, 2013 held a public hearing concerning the proposed creation of a tax incremental district and proposed project plan thereof in the City of Appleton, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Outagamie County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Appleton Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the proposed tax incremental district and recommended to the Common Council that it create such tax incremental district within the area enclosed by said boundaries, as specified in the boundary description attached to this Resolution as Exhibit A and entitled "Boundary Description of Tax Incremental District #9, City of Appleton"; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #9, which includes:

1. Intent and purpose of Tax Increment Financing District #9;
2. A statement of the kind, number, and location of all proposed public works and improvements projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;
6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;
8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;

9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects by development areas;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the project plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the Plan Commission has submitted such Project Plan to the Common Council and recommended approval thereof; and

WHEREAS, the Common Council hereby approves such Project Plan and finds the Plan feasible and in conformity with the master plan:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton as follows:

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Appleton, a tax incremental district to be known as “Tax Incremental District #9, City of Appleton” the boundaries of which shall be those recommended to the Common Council by the Plan Commission, as specified in the attached Exhibit A.
2. The Common Council hereby finds and declares that:
 - a. Not less than 50 percent by area of real property within such district is blighted within the meaning of Wisconsin Statute Section 66.1105 and 66.1333; and therefore the district is created as a “Blighted District”.
 - b. The improvement of such area is likely to enhance significantly the value of substantially all the other real property in the said tax incremental district; and
 - c. The project costs directly serve to redevelop the area consistent with the purpose for which the district is created; and
 - d. The equalized value of taxable property of the district plus the value increment of all existing districts within the city does not exceed 12 percent of the total equalized value of the taxable property within the City of Appleton; and
 - e. Finds, pursuant to Section 66.1105(5)(b) that approximately less than 10 percent of the real property within the district will be devoted to retail business at the end of the district’s maximum expenditure period;
 - f. The boundaries for Tax Incremental District #9 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and

- g. Less than 25% of the area of Tax Incremental District #9 has been vacant for a period of 7 years or more; and
- h. The Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030; and

The District is hereby created as of January 1, 2013. The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2013, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property that are within Tax Incremental District #9, specifying thereon the name of the said tax incremental district, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted ____ day of _____, 2013.

Timothy M. Hanna, Mayor

Attest:

Charlene M. Peterson, City Clerk

EXHIBIT A
BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #9

DESCRIPTION: A TRACT OF LAND BEING PART OF THE SW ¼ OF SECTION 24, THE NW ¼ OF SECTION 25 AND THE NE ¼ OF SECTION 26, ALL IN T.21N., R.17E., OUTAGAMIE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25;
THENCE N.89°20'56"E. 33.00' ALONG THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 24 TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF MEADE STREET AND BEING THE POINT OF BEGINNING;
THENCE N.00°51'39"W. 604.5' M/L ALONG SAID EXTENSION AND THEN THE EAST LINE OF MEADE STREET TO THE NW CORNER OF LOT 1 OF KUBITZ PLAT;
THENCE EASTERLY 120' M/L ALONG THE NORTH LINE OF SAID LOT 1 TO THE NE CORNER THEREOF;
THENCE SOUTHERLY 60' ALONG THE EAST LINE OF SAID LOT 1 TO THE SE CORNER THEREOF;
THENCE EASTERLY 132' M/L ALONG THE SOUTH LINE OF KUBITZ PLAT TO A POINT 285' M/L EAST OF THE WEST LINE OF THE SW ¼ OF SECTION 24;
THENCE SOUTHERLY 115.5' PARALLEL TO THE WEST LINE OF THE SW ¼ OF SAID SECTION 24;
THENCE EASTERLY 195' M/L ALONG A NORTH LINE OF TAX PARCEL NO.31-1-6562-18 TO THE WEST LINE OF RANKIN STREET;
THENCE SOUTHERLY 154' ALONG THE WEST LINE OF RANKIN STREET TO THE SOUTH LINE THEREOF;
THENCE EASTERLY 60.00' ALONG THE SOUTH LINE OF RANKIN STREET TO THE EAST LINE THEREOF;
THENCE NORTHERLY 154' ALONG THE EAST LINE OF RANKIN STREET TO THE NORTH LINE OF LANDS DESCRIBED IN W.D. DOC. No.1813454;
THENCE EASTERLY 119.82' ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID W.D. DOC. No.1813454 TO THE NE CORNER THEREOF;
THENCE NORTHERLY 231' M/L ALONG THE WEST LINE OF LANDS DESCRIBED IN VOL.51D.590 AND VOL.77D.251 TO THE NORTH LINE OF TAX PARCEL 31-1-6562-28;
THENCE EASTERLY 132' M/L ALONG THE NORTH LINE OF SAID TAX PARCEL 31-1-6562-28 TO THE WEST LINE OF FOX'S PLAT;
THENCE SOUTHERLY 327.5' M/L ALONG THE WEST LINE OF FOX'S PLAT TO THE NW CORNER OF LOT 5 OF SAID FOX'S PLAT;
THENCE EASTERLY 167.43' (RECORDED AS 168') ALONG THE NORTH LINE OF SAID LOT 5 TO THE WEST LINE OF VIOLA STREET;
THENCE SOUTHERLY 260' M/L ALONG THE WEST LINE OF SAID VIOLA STREET TO THE NW CORNER OF VIOLA STREET AND WISCONSIN AVENUE;
THENCE S.13°24'W. 111.34' M/L TO THE SOUTHERLY LINE OF WISCONSIN AVENUE;
THENCE S.75°56'34"E. 115.88' ALONG THE SOUTHERLY LINE OF WISCONSIN AVENUE;
THENCE S.83°33'36"E. 43.57' ALONG THE SOUTHERLY LINE OF WISCONSIN AVENUE TO THE NORTHWESTERLY LINE OF THE CANADIAN NATIONAL RAILROAD;
THENCE NORTHEASTERLY 75.93' M/L ALONG THE NORTHWESTERLY LINE OF SAID CANADIAN NATIONAL RAILROAD TO THE SOUTHERLY LINE OF WISCONSIN AVENUE;
THENCE N.89°20'56"E. 171.26' ALONG THE SOUTHERLY LINE OF SAID WISCONSIN AVENUE TO THE SOUTHEASTERLY LINE OF SAID CANADIAN NATIONAL RAILROAD;
THENCE SOUTHWESTERLY 52' M/L ALONG THE SOUTHEASTERLY LINE OF SAID

CANADIAN NATIONAL RAILROAD TO THE NORTHEASTERLY EXTENSION OF THE WESTERLY LINE OF TAX PARCEL NO.31-1-1190-00;
THENCE SOUTHWESTERLY 178' M/L ALONG SAID EXTENSION AND THEN ALONG THE WESTERLY LINE OF SAID TAX PARCEL NO.31-1-1190-00 TO AN ANGLE POINT IN SAID WESTERLY LINE;
THENCE CONTINUE SOUTHWESTERLY 434.87' M/L ALONG THE WESTERLY LINE OF SAID TAX PARCEL NO.31-1-1190-00 AND THEN THE WESTERLY LINE OF TAX PARCEL NO.31-1-1191-00 TO AN ANGLE POINT IN SAID LINE;
THENCE SOUTHERLY 252.9' PARALLEL TO THE EAST LINE OF RANKIN STREET TO THE NORTH LINE OF COMMERCIAL STREET;
THENCE WESTERLY 367.5' TO THE NORTHEAST CORNER OF COMMERCIAL STREET AND RANKIN STREET;
THENCE WESTERLY 60' TO THE NORTHWEST CORNER OF COMMERCIAL STREET AND RANKIN STREET;
THENCE WESTERLY 499.41' ALONG THE NORTH LINE OF COMMERCIAL STREET TO THE NORTHEAST CORNER OF COMMERCIAL STREET AND MEADE STREET;
THENCE CONTINUE WESTERLY 60.0' ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF COMMERCIAL STREET TO THE WEST LINE OF MEADE STREET;
THENCE SOUTHERLY 590.6' ALONG THE WEST LINE OF MEADE STREET TO THE NORTHWEST CORNER OF MEADE STREET AND HANCOCK STREET;
THENCE WESTERLY 486.37' ALONG THE NORTH LINE OF HANCOCK STREET TO THE NORTHEAST CORNER OF HANCOCK STREET AND LAWE STREET;
THENCE NORTHWESTERLY 60.4' M/L TO THE SOUTHEAST CORNER OF BLOCK 10 OF BATEMANS ADDITION TO THE 1ST WARD, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON;
THENCE WESTERLY 707' M/L ALONG THE SOUTH LINE OF BLOCK 10 AND THEN BLOCK 9 OF SAID BATEMANS ADDITION TO THE 1ST WARD, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON TO THE SOUTHEASTERLY LINE OF THE CANADIAN NATIONAL RAILROAD;
THENCE CONTINUE WESTERLY 121' M/L TO A POINT ON THE NORTH LINE OF HANCOCK STREET WHERE IT INTERSECTS THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 8 OF BLOCK 11 OF HERMAN ERBS ADDITION TO THE 1ST WARD, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON;
THENCE NORTHERLY 241' M/L ALONG SAID EXTENSION AND THEN THE WEST LINE OF LOT 8 AND THEN LOT 3 OF SAID BLOCK 11 TO THE SOUTH LINE OF WINNEBAGO STREET;
THENCE NORTHWESTERLY 63.3' M/L TO A POINT ON THE NORTH LINE OF WINNEBAGO STREET, SAID POINT BEING ON THE EAST LINE OF THE WEST 100' OF LOT 7 OF BLOCK 10 OF HERMAN ERBS ADDITION TO THE 1ST WARD, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON;
THENCE NORTHERLY 60.25' ALONG EAST LINE OF THE WEST 100' OF SAID LOT 7 TO THE NORTH LINE THEREOF;
THENCE EASTERLY 10.00' M/L ALONG THE NORTH LINE OF SAID LOT 7;
THENCE NORTHERLY 180.75' M/L ALONG THE WEST LINE OF THE EAST 10' OF LOT'S 6, 5 AND 4 OF SAID BLOCK 10 TO THE SOUTH LINE OF COMMERCIAL STREET;
THENCE EASTERLY 533.4' ALONG THE SOUTH LINE OF COMMERCIAL STREET TO THE SOUTHWEST CORNER OF COMMERCIAL STREET AND UNION STREET;
THENCE SOUTHERLY 51' M/L ALONG THE WEST LINE OF UNION STREET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 60' OF LOT 6 OF BLOCK 15 OF HERMAN ERBS ADDITION TO THE 1ST WARD, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON;

THENCE EASTERLY 182' ALONG SAID EXTENSION AND THEN THE SOUTH LINE OF THE NORTH 60' OF LOT 6 OF SAID BLOCK 15 TO THE EAST LINE THEREOF;
THENCE NORTHERLY 184' M/L ALONG THE EAST LINE OF LOTS 6 AND 1 TO THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 15;
THENCE EASTERLY 181.6' M/L ALONG THE NORTH LINE OF SAID 4 AND ITS EASTERLY EXTENSION TO THE EAST LINE OF LAWE STREET;
THENCE NORTHERLY 325' M/L ALONG THE EAST LINE OF LAWE STREET TO A POINT OF CURVATURE;
THENCE CONTINUE ALONG LAWE STREET R/W IN A NORTHEASTERLY DIRECTION 227.15' ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 171.00' TO A POINT ON THE SOUTH LINE OF SUMMER STREET;
THENCE EASTERLY 28.90' M/L ALONG THE SOUTH LINE OF SUMMER STREET;
THENCE NORTHEASTERLY 59.11' ALONG THE SOUTH LINE OF SUMMER STREET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 233.00';
THENCE EASTERLY 171.35' M/L ALONG THE SOUTH LINE OF SUMMER STREET AND ITS EASTERLY EXTENSION TO THE EAST LINE OF MEADE STREET;
THENCE NORTHERLY 58.19' M/L ALONG THE EAST LINE OF MEADE STREET TO AN ANGLE POINT IN SAID EAST LINE;
THENCE CONTINUE NORTHERLY 27.99' M/L ALONG THE EAST LINE OF MEADE STREET TO AN ANGLE POINT IN SAID EAST LINE;
THENCE CONTINUE NORTHERLY 194.8' M/L ALONG THE EAST LINE OF MEADE STREET (Per PARTIAL STREET VACATION RECORDED IN VOL.735 ON PAGE 555 AS DOCUMENT NO.596290 OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS OFFICE) AND ITS NORTHERLY EXTENSION THEREOF TO A POINT 33.00' SOUTH OF THE NORTH LINE OF THE NW ¼ OF SAID SECTION 25;
THENCE NORTHEASTERLY 33.2' M/L TO A POINT ON THE NORTH LINE OF THE NW ¼ OF SAID SECTION 25, SAID POINT BEING 33.00' EAST OF THE NW CORNER OF SAID SECTION 25 AND ALSO BEING THE POINT OF BEGINNING.