

**RESOLUTION NO. 23-CPC-01
CITY PLAN COMMISSION**

**RESOLUTION DESIGNATING THE PROPOSED BOUNDARIES
AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”) provides the authority and establishes procedures for creating tax incremental districts and approving the project plans; and

WHEREAS, the City of Appleton, after completing preliminary planning work, scheduled, gave public notice of, and on June 28, 2023 held a public hearing before the City Plan Commission wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries thereof, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet 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 Kimberly 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, the City Plan Commission, after due consideration following the said public hearing, determined the creation of a tax incremental district within the area described by the boundary description attached to this resolution as Exhibit A hereof will provide the City of Appleton with a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, it finds that not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and

WHEREAS, it finds the improvement of the area in Tax Incremental District #13 is likely to enhance significantly the value of substantially all the other real property in the district by promoting industrial development; and

WHEREAS, the City of Appleton Plan Commission has prepared a Project Plan for Tax Incremental District #13, attached as Exhibit B, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement 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;
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 project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and

WHEREAS, the equalized value of taxable property in the district, plus the value increment of all other existing districts does not exceed 12% of the total value of equalized taxable property within the City; and

WHEREAS, the percentage of territory within the Tax Incremental District #13 that is estimated will be devoted to retail business at the end of the maximum expenditure period is under 35%; and

WHEREAS, the boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and

WHEREAS, the Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the Common Council may create any tax incremental district, the Plan Commission must designate the boundaries of such district and submit its recommendation concerning the creation of such district to the Common Council;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Appleton as follows:

1. That the City Plan Commission hereby designates the boundaries specified in the boundary description attached to this resolution as Exhibit A hereof and entitled "Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin", as the boundaries of said Tax Incremental District #13, and recommends that the said district be created by the Common Council of the City of Appleton within the area enclosed by the said boundaries.
2. That the City Plan Commission hereby adopts such Project Plan for Tax Incremental District #13, attached to this Resolution as Exhibit B, and recommends to the Common Council the approval of such Project Plan as its creation promotes the orderly development of the City.

Adopted this 28th day of June, 2023.

Isaac Uitenbroek, City Plan Commission Vice Chair

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

EXHIBIT B

**PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

[DISTRIBUTED SEPARATELY]