

## **COMMON COUNCIL RESOLUTION**

### **A RESOLUTION CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #12 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 improvements 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 July 11, 2017 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 #12, City of Appleton”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a project plan for Tax Incremental District #12, which includes:

1. Intent and purpose of Tax Increment Financing District #12;
2. A statement of the kind, number, and location of all proposed public works or improvements within the district;
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;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and uses therein;
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 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 #12, 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 in need of "rehabilitation and conservation work" within the meaning of Section 66.1337(2m)(b); and therefore the district is created as a "Rehabilitation and Conservation 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 rehabilitate or conserve 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 44 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 #12 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 #12 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, 2017. 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, 2017, 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 No. 12, 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 August, 2017.

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Timothy M. Hanna, Mayor

Attest:

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Kami L. Lynch, City Clerk

**EXHIBIT A**  
**BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #12**

DESCRIPTION: A TRACT OF LAND BEING PART OF THE SW ¼ OF SECTION 26 AND A PART OF THE SE ¼ OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE OF FRANKLIN STREET AND THE WEST LINE OF RICHMOND STREET AND BEING THE POINT OF BEGINNING;

THENCE SOUTH ALONG THE WEST LINE OF RICHMOND STREET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 5425;

THENCE EASTERLY ALONG SAID EXTENSION AND THEN THE SOUTH LINE OF SAID LOT 1 AND THEN THE EASTERLY EXTENSION OF SOUTH LINE OF SAID LOT 1 TO THE SOUTHEASTERLY LINE OF THE WISCONSIN CENTRAL RAILROAD RIGHT OF WAY;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID WISCONSIN CENTRAL RAILROAD RIGHT OF WAY TO THE WEST LINE OF STATE STREET;

THENCE SOUTH ALONG THE WEST LINE OF STATE STREET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF JOHNSTON STREET;

THENCE EAST ALONG SAID WESTERLY EXTENSION OF JOHNSTON STREET AND THEN THE SOUTH LINE OF JOHNSTON STREET TO THE CENTERLINE OF WALNUT STREET;

THENCE SOUTH ALONG THE CENTERLINE OF WALNUT STREET TO THE NORTH LINE OF COLLEGE AVENUE;

THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF WALNUT STREET AND COLLEGE AVENUE;

THENCE SOUTH ALONG THE WEST LINE OF WALNUT STREET TO THE NORTH LINE OF LAWRENCE STREET;

THENCE WEST ALONG THE NORTH LINE OF LAWRENCE STREET TO THE WEST LINE OF STATE STREET;

THENCE SOUTH ALONG THE WEST LINE OF STATE STREET TO THE CENTERLINE OF LAWRENCE STREET;

THENCE WEST ALONG THE CENTERLINE OF LAWRENCE STREET TO THE CENTERLINE OF STORY STREET;

THENCE NORTH ALONG THE CENTERLINE OF STORY STREET TO THE CENTERLINE OF WASHINGTON STREET;

THENCE EAST ALONG THE CENTERLINE OF WASHINGTON STREET, LYING BETWEEN BLOCK 34 AND BLOCK 35 OF THE **FIFTH WARD PLAT**, TO THE CENTERLINE OF BENNETT STREET;

THENCE NORTH ALONG THE CENTERLINE OF BENNETT STREET TO A POINT 30 FEET NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF WASHINGTON STREET AND SAID SOUTH LINE BEING CONTIGUOUS WITH THE NORTH LINE OF LOTS 4, 5, 15, 14 AND 13 OF BLOCK 32 OF THE **FIFTH WARD PLAT**;

THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID WASHINGTON STREET TO THE CENTERLINE OF LOCUST STREET;

THENCE NORTH ALONG THE CENTERLINE OF LOCUST STREET TO THE CENTERLINE OF FRANKLIN STREET;

THENCE EAST ALONG THE CENTERLINE OF FRANKLIN STREET TO THE POINT OF BEGINNING.