

## **COMMON COUNCIL RESOLUTION**

### **A RESOLUTION CREATING, DESCRIBED, AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #10 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 #10, City of Appleton”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #10, which includes:

1. Intent and purpose of Tax Increment Financing District #10;
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 #10, 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 57 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 #10 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 #10 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 #10, 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.

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Timothy M. Hanna, Mayor

Attest:

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Charlene M. Peterson, City Clerk

**EXHIBIT A**  
**BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #10**

DESCRIPTION: A TRACT OF LAND BEING PART OF THE SW ¼ AND THE SE ¼ OF SECTION 28 AND THE SW ¼ OF SECTION 27, ALL IN T.21N., R.17E., OUTAGAMIE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 28;

THENCE N.89°28'20"W. 50.01' ALONG THE NORTH LINE OF THE SW ¼ OF SAID SECTION 28 TO THE NORTHEAST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO.807 AND BEING THE POINT OF BEGINNING;

THENCE S.00°26'19"E. 617.61' M/L ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LYNNDALE AVENUE AND THEN THE WEST LINE OF SAID LYNNDALE AVENUE TO THE NORTHEASTERLY LINE OF CANADIAN NATIONAL RAILROAD;

THENCE S.45°12'38"E. 716.6' M/L, ALONG THE NORTHEASTERLY LINE OF THE CANADIAN NATIONAL RAILROAD, TO A POINT ON SAID NORTHEASTERLY LINE LYING 311.88' NORTHWESTERLY OF ITS INTERSECTION WITH THE NORTH LINE OF COLLEGE AVE. (330.00' R-O-W), AS MEASURED ALONG SAID NORTHEASTERLY LINE;

THENCE N.00°05'38"E. 604.59' ALONG THE WEST LINE OF TAX PARCEL NO.31-7-0026-00 TO THE NORTHWEST CORNER THEREOF;

THENCE S.89°40'09"E. 670.00' ALONG THE NORTH LINE OF TAX PARCEL NO.31-7-0026-00 TO A POINT ON THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SE ¼ OF SECTION 28, T.21N., R.17E., SAID POINT BEING 820.00' NORTH OF THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125");

THENCE S.00°04'46"W. 487.00' ALONG THE EAST LINE OF TAX PARCEL NO.31-7-0026-00;

THENCE N.89°56'37"E. 248.70' PARALLEL WITH THE NORTH LINE OF COLLEGE AVENUE TO THE CENTERLINE OF PERKINS STREET;

THENCE S.00°06'50"W. 55.00' ALONG THE CENTERLINE OF PERKINS STREET;

THENCE N.89°56'37"E. 248.67' PARALLEL WITH THE NORTH LINE OF COLLEGE AVENUE TO THE WEST LINE OF TAX PARCEL NO.31-7-0009-00;

THENCE N.00°04'08"E. 720.73' ALONG THE WEST LINE OF TAX PARCEL NO.31-7-0009-00;

THENCE S.89°56'14"E. 869.48' ALONG THE CITY OF APPLETON CORPORATE LIMITS TO THE WEST LINE OF THE CANADIAN NATIONAL RAILROAD, SAID POINT LYING 996.50' NORTH OF THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125");

THENCE S.00°05'45"E. 483.52' M/L ALONG THE WEST LINE OF THE CANADIAN NATIONAL RAILROAD TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LANDS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO.1716391 OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS OFFICE;

THENCE N.89°56'37"E. 223.95' M/L ALONG SAID WESTERLY EXTENSION AND THEN THE NORTH LINE OF SAID LANDS TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTHEASTERLY 716.95' M/L ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 895' TO THE WEST LINE OF LINWOOD AVENUE;

THENCE S.00°05'48"E. 154.70' M/L ALONG THE WEST LINE OF LINWOOD AVENUE TO THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125");

THENCE S.89°56'37"W. 575.97' M/L ALONG NORTH LINE OF COLLEGE AVENUE (S.T.H. "125") TO EAST LINE OF THE CANADIAN NATIONAL RAILROAD;

THENCE NORTHERLY 117' M/L ALONG THE EAST LINE OF THE CANADIAN NATIONAL RAILROAD TO THE EASTERLY EXTENSION OF THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125");

THENCE WESTERLY 2276.9' M/L ALONG THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125") TO AN ANGLE POINT IN SAID NORTH LINE;

THENCE CONTINUE WESTERLY 1039' M/L ALONG THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125") TO AN ANGLE POINT IN SAID NORTH LINE;  
THENCE SOUTHERLY 20' ALONG THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125") TO AN ANGLE POINT IN SAID NORTH LINE;  
THENCE WESTERLY 681.3' M/L ALONG THE NORTH LINE OF COLLEGE AVENUE (S.T.H. "125"), AND ITS WESTERLY EXTENSION THEREOF, TO THE WEST LINE OF LILAS DRIVE;  
THENCE N.00°30'51"W. 499.5' M/L ALONG THE WEST LINE OF LILAS DRIVE TO THE SOUTH LINE OF FRANKLIN STREET;  
THENCE S.89°28'20"E. 66.01' ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF FRANKLIN STREET TO THE EAST LINE OF LILAS DRIVE;  
THENCE N.00°30'51"W. 892.6' M/L ALONG THE EAST LINE OF LILAS DRIVE TO THE NORTH LINE OF THE SW ¼ OF SECTION 28 , T.21N., R.17E.;  
THENCE S.89°28'20"E. 1230.01' ALONG THE NORTH LINE OF THE SW ¼ OF SAID SECTION 28 TO THE NORTHEAST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO.807 AND BEING THE POINT OF BEGINNING.