

**RESOLUTION NO. 2023-01
COMMON COUNCIL**

**RESOLUTION CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS
AND APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT #13
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 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, in accordance with the procedures specified in the Tax Increment Law, the City Plan Commission on June 28, 2023 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 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, after said public hearing, the City 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 “Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #13, 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 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 #13, City of Appleton, Wisconsin” 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 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
 - b. The real property within the District is zoned for manufacturing, industrial, warehousing, distribution, and other like uses and will remain zoned for industrial use for the life of the District; and
 - c. 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 by promoting industrial development; and
 - d. 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
 - e. 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

- f. Finds, pursuant to Section 66.1105(5)(b) that under 35 percent of the real property within the district will be devoted to retail business at the end of the district's maximum expenditure period; and
- g. 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
- h. The Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030.

The District is hereby created as of January 1, 2023. 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, 2023, 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. 13, 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 this 19th day of July, 2023.

Jacob A. Woodford, Mayor

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.