

PLAN COMMISSION RESOLUTION

A RESOLUTION DESIGNATING THE PROPOSED BOUNDARIES AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #9 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 Plan Commission, after completing preliminary planning work, scheduled, gave public notice of, and on August 26, 2013 held a public hearing 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 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, the 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 cost of needed public works and improvement projects within said area, 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 of Appleton; and

WHEREAS, it finds that 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

WHEREAS, it finds the improvement of the area in Tax Incremental District #9 is likely to enhance significantly the value of substantially all the other real property in the district; and

WHEREAS, the City of Appleton Plan Commission has prepared a Project Plan for Tax Incremental District # 9, attached as Exhibit B, 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 project costs directly serve to eliminate blighted conditions in the area, consistent with the purpose for which the tax incremental district is created; 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 #9 that is estimated will be devoted to retail business at the end of the maximum expenditure period is less than 10%; and

WHEREAS 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

WHEREAS less than 25% of the area of Tax Incremental District #9 has been vacant for a period of 7 years or more; 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 Plan Commission hereby designates the boundaries specified in the boundary description attached to this resolution as Exhibit A hereof and entitled "Boundary Description of Tax Incremental District #9, City of Appleton", as the boundaries of said Tax Incremental District #9, 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 Plan Commission hereby adopts such Project Plan for Tax Incremental District #9, 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.

3. That the Plan Commission hereby recommends that the Common Council adopt the Resolution attached to this Resolution as Exhibit C hereof and entitled “A Resolution Creating, Describing, and Making Certain Findings and Approving a Project Plan for Tax Incremental District #9, City of Appleton, Wisconsin”, and thereby formally create the said district as of January 1, 2013 and approve its Project Plan in accordance with the provisions of the Tax Increment Law.

Adopted this 26th day of August, 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.