

RESOLUTION NO. 2020-04

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND
BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 3,
CITY OF APPLETON, WISCONSIN**

WHEREAS, the City of Appleton (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 3 (the "District") was created by the City on November 4, 1992 as a blighted area district; and

WHEREAS, the City now desires to amend the boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will remove territory from the District as permitted under Wisconsin Statutes Section 66.1105(4)(h)2.; and

WHEREAS, an amended Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Outagamie County, the Appleton Area School District, and the Fox Valley Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 11, 2020 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the amended district, adopted the Project Plan, and recommended to the Common Council that it amend the Project Plan and boundaries for the District.


NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton that:

1. The boundaries of the District named "Tax Incremental District No. 3, City of Appleton", are hereby amended as identified in Exhibit A of this Resolution.
2. The territory being subtracted from the District shall no longer be part of the District effective as of January 1, 2020.
3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District, as amended, was a blighted area at the time the District was created.
 - (b) Based upon the finding stated in 3.a. above, the District was declared to be, and remains, a blighted area district based on the identification and classification of the property included within the District.
 - (c) The District's project costs will not change as a result of this amendment. Prior project costs incurred directly promoted the elimination of blight, consistent with the purpose for which the District is created
 - (d) The limitation as the percentage of equalized taxable property value that can be located within tax incremental districts does not apply to this Plan Amendment as no territory will be added to the District
 - (e) Improvements made within the District have and are likely to continue to significantly enhance the value of substantially all of the other real property in the District.
 - (f) The City estimates that less than 35% of the territory within the District was devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
4. The Project Plan for "Tax Incremental District No. 3, City of Appleton" (see Exhibit B), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT 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, 2020, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).


BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said 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.

Adopted this 19th day of August, 2020.



Jacob A. Woodford, Mayor

ATTEST:



Kami L. Lynch, City Clerk

**LEGAL BOUNDARY DESCRIPTION OR MAP OF
TAX INCREMENTAL DISTRICT NO. 3
CITY OF APPLETON**

[INCLUDED WITHIN PROJECT PLAN]

EXHIBIT B -

PROJECT PLAN

[DISTRIBUTED SEPARATELY]



August 11, 2020

Tax Incremental District No. 3 Project Plan Amendment



Organizational Joint Review Board Meeting Held:	August 10, 2020
Public Hearing Held:	August 11, 2020
Adoption by Plan Commission:	August 11, 2020
Adoption by Common Council:	Scheduled for August 19, 2020
Approval by the Joint Review Board:	Scheduled for September 10, 2020

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SECTION 1: Executive Summary

Description of District

Tax Incremental District (“TID”) No. 3 (“District”) is a blighted area district created by the City on November 4, 1992. In accordance with its Project Plan (“Plan”), the objectives for the District were to stimulate downtown and commercial development, to expand the property tax base and employment opportunities, and to reduce blight in the downtown retail area. On August 3, 2011, the District was designated as distressed as permitted under Wis. Stat. § 66.1105(4e) which extended the expiry of its maximum life by ten years until November 4, 2029. This extension did not lengthen the District’s expenditure period, which terminated on November 4, 2014. The distressed designation was sought following a \$15.4 million decrease in the District’s valuation from 2009 to 2010 resulting from the Department of Revenue’s implementation of a new valuation methodology, and a loss of valuation in the Richmond Terrace project following a bankruptcy sale. As of January 1, 2019, the District had an incremental valuation of \$51,958,700. The District’s remaining liabilities include an advance from the City’s General Fund, which is projected to be repaid in 2024, and payments due to the City’s Parking Utility which are expected to run through the remaining life of the District.

Amendment Purpose

The City has identified 61 parcels within the District that continue to have redevelopment potential. Since the District’s expenditure period has passed, the City is unable to incur further Project Costs to promote redevelopment on those sites. This Plan Amendment will subtract these 61 parcels from the District as permitted under Wis. Stat. § 66.1105(4)(h)2. By separate amendment to Tax Incremental District No. 11 (“TID No. 11”), the City will add the same 61 parcels to that district, which has an active expenditure period through August 2, 2039. This will allow the City to promote further redevelopment in the downtown area in furtherance of the objectives of both TIDs No. 3 and 11. The effective date of the subtraction for valuation purposes will be January 1, 2020, first impacting the 2021 levy for the 2022 budget year.

Other than the subtraction of territory from the District, this Plan Amendment makes no further changes to the District or its Plan. The territory subtraction is expected to reduce the incremental value of the District by a net amount of \$1,095,100. At the present tax rate, the annual revenue reduction will be approximately \$23,000, or \$230,000 over the remaining life of the District. As the District is currently projected to remain open for the balance of its remaining life, the removal of territory will not impact closure, but will instead reduce the funds available for repayments to the Parking Utility.

Summary of Findings

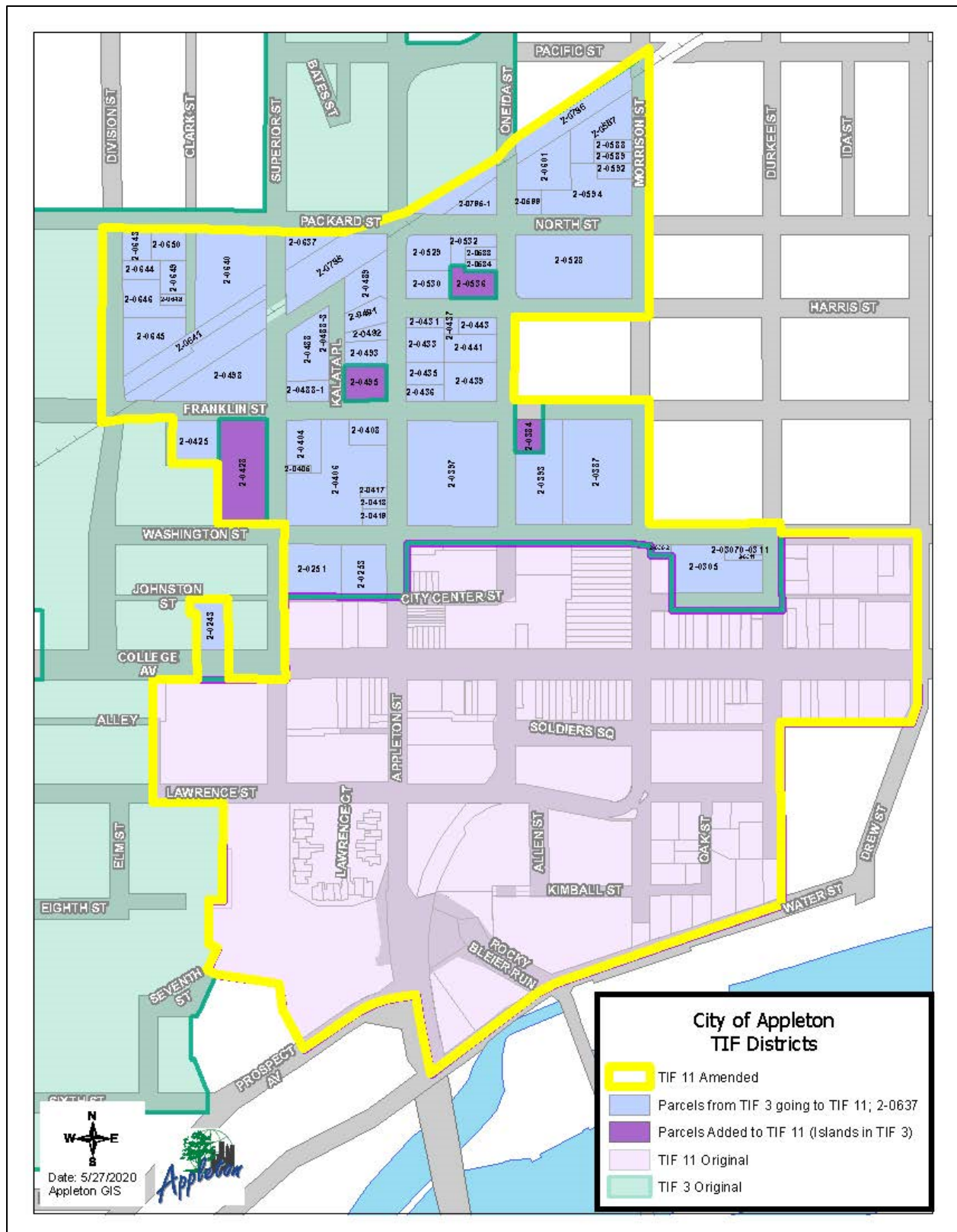
As required by Wis. Stat. § 66.1105, and as documented in this Plan Amendment and the exhibits contained and referenced herein, the following findings are made:

1. **That “but for” this Plan Amendment: 1) the City’s economic development objectives for the District will not be achieved; and 2) additional potential development within the District may not occur in the manner, at the values, or within the timeframe desired by the City.** In evaluating the appropriateness of this Plan Amendment, the Joint Review Board must consider “(w)hether the development expected in the tax incremental district would occur without the use of tax incremental financing” customarily referred to as the “but for” test. Since the purpose of this Plan Amendment is solely to subtract territory, this test cannot be applied in the conventional way. The Joint Review Board has previously concluded that the “but for” test was met with respect to the District. Accordingly, the City finds that it is reasonable to conclude the “but for” test continues to be satisfied.

2. **The economic benefits of amending the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements.** As a result of the Project Costs made within the District, nearly \$52 million in incremental property value has been created. While not quantified, increased employment, business and personal income, and other economic benefits have resulted from the redevelopment that has occurred within the District.
3. **The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.** Given the Joint Review Board has previously concluded the benefits of the District outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions, the City finds that it is reasonable to conclude that this test continues to be satisfied.
4. Not less than 50% by area of the real property within the District, as amended, was a blighted area within the meaning of Wis. Stat. § 66.1105(2)(ae)1. at the time the District was created.
5. Based on the foregoing finding, the District is declared to be, and remains, a blighted area district based on the identification and classification of the property included within the District.
6. The District's Project Costs, which remain unchanged, relate directly to promoting the elimination of blight.
7. No territory will be added to the District. Demonstration of compliance with the 12% equalized value test is therefore not required for this Plan Amendment.
8. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District
9. The Plan for the District is feasible and is in conformity with the Master Plan of the City.
10. That based on the District's creation date, the City was not required to provide an estimate of the percentage of territory within the District expected to be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).

SECTION 2: District Boundary Map & Identification of Parcels to be Subtracted

Map Found on Following Page.



SECTION 3:

Identification of Parcels to be Subtracted

The purpose of this Plan Amendment is to remove the parcels identified in the table below from the District effective January 1, 2020. The parcel subtraction will reduce the District's base value by approximately \$5,673,000, and its incremental value by approximately \$1,095,100. The figures listed in the table reflect assessed values. The actual adjustments to the base and incremental value will be calculated by the Department of Revenue using equalized value. Furthermore, the figures listed under the "Current Value" column reflect valuations as of January 1, 2019. The actual reduction in incremental value will be based on January 1, 2020 valuations which are not yet available. The actual reductions in both the base and incremental valuation of the District will therefore vary from the estimates provided. The District's revised based and incremental values resulting from the removal of the listed parcels will first be reflected in the valuations certified for January 1, 2021.

Parcel Number	Street Address	Base Value (Jan. 1, 1993)	Current Value (Jan. 1, 2019)
0-0311	229 E WASHINGTON ST	\$ -	\$ -
2-0243	318 W COLLEGE AVE	\$ -	\$ 827,000
2-0251	221 W WASHINGTON ST	\$ -	\$ -
2-0253	131 N APPLETON ST	\$ 530,600	\$ 536,600
2-0302	130 N MORRISON ST	\$ 89,600	\$ 140,000
2-0305	215 E WASHINGTON ST	\$ 90,000	\$ 34,100
2-0307	E WASHINGTON ST	\$ 124,000	\$ 28,500
2-0311	129 N DURKEE ST	\$ 100,000	\$ 160,500
2-0387	130 E WASHINGTON ST	\$ 95,000	\$ -
2-0393	100 E WASHINGTON ST	\$ -	\$ -
2-0397	225 N ONEIDA ST	\$ 275,000	\$ -
2-0404	231 W FRANKLIN ST	\$ 567,700	\$ 270,900
2-0405	214 N SUPERIOR ST	\$ -	\$ 174,900
2-0406	N APPLETON ST	\$ -	\$ 762,800
2-0408	233 N APPLETON ST	\$ -	\$ 223,100
2-0417	211 N APPLETON ST	\$ 198,300	\$ 135,500
2-0418	207 N APPLETON ST	\$ 78,600	\$ 218,700
2-0419	201 N APPLETON ST	\$ -	\$ 313,000
2-0425	W FRANKLIN ST	\$ 140,700	\$ 136,600
2-0431	322 N APPLETON ST	\$ 127,800	\$ -
2-0433	314 N APPLETON ST	\$ 112,500	\$ -
2-0435	304 N APPLETON ST	\$ 27,500	\$ 272,600
2-0436	300 N APPLETON ST	\$ -	\$ -
2-0437	E HARRIS ST	\$ 88,900	\$ 14,700
2-0439	303 N ONEIDA ST	\$ 30,000	\$ -
2-0441	N ONEIDA ST	\$ 60,200	\$ 103,800

(Table Continued on Next Page)

Parcel Number	Street Address	Base Value (Jan. 1, 1993)	Current Value (Jan. 1, 2019)
2-0443	N ONEIDA ST	\$ -	\$ 38,900
2-0488	N SUPERIOR ST	\$ 32,900	\$ 173,400
2-0488-1	222 W FRANKLIN ST	\$ -	\$ -
2-0488-3	323 N KALATA PL	\$ 148,700	\$ -
2-0489	N APPLETON ST	\$ -	\$ -
2-0491	325 N APPLETON ST	\$ 183,800	\$ 228,000
2-0492	319 N APPLETON ST	\$ 34,200	\$ -
2-0493	317 N APPLETON ST	\$ 17,100	\$ 212,000
2-0498	N SUPERIOR ST	\$ 98,200	\$ 236,100
2-0528	120 E HARRIS ST	\$ 91,000	\$ -
2-0529	N APPLETON ST	\$ -	\$ 86,900
2-0530	116 W HARRIS ST	\$ -	\$ 125,000
2-0532	433 N ONEIDA ST	\$ 146,400	\$ -
2-0533	415 N ONEIDA ST	\$ 217,000	\$ 86,000
2-0534	N ONEIDA ST	\$ 28,700	\$ 20,900
2-0587	531 N MORRISON ST	\$ 29,800	\$ -
2-0588	N MORRISON ST	\$ 44,200	\$ -
2-0589	517 N MORRISON ST	\$ 44,700	\$ 66,300
2-0592	513 N MORRISON ST	\$ 48,000	\$ -
2-0594	130 E NORTH ST	\$ -	\$ -
2-0599	506 N ONEIDA ST	\$ 180,200	\$ 122,200
2-0601	510 N ONEIDA ST	\$ -	\$ 242,600
2-0637	N SUPERIOR ST	\$ -	\$ -
2-0640	311 W PACKARD ST	\$ -	\$ -
2-0641	311 N SUPERIOR ST	\$ 32,100	\$ 143,200
2-0643	414 N DIVISION ST	\$ 74,000	\$ 142,000
2-0644	N DIVISION ST	\$ -	\$ -
2-0645	N DIVISION ST	\$ -	\$ 132,400
2-0646	400 N DIVISION ST	\$ 95,700	\$ -
2-0648	401 N CLARK ST	\$ 77,600	\$ 108,000
2-0649	403 N CLARK ST	\$ 805,700	\$ 88,900
2-0650	327 W PACKARD ST	\$ 78,500	\$ 162,000
2-0795	LAND LOCKED	\$ 78,500	\$ -
2-0795	LAND LOCKED	\$ 28,800	\$ -
2-0795-1	W PACKARD ST	\$ 209,100	\$ -
2-0796	LAND LOCKED	\$ 111,700	\$ -

Totals

\$ 5,673,000	\$ 6,768,100
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SECTION 4: Map Showing Existing Uses and Conditions

Except for subtraction of territory, this Plan Amendment makes no changes to the map depicting existing uses and conditions of real property within the District as included in the original Project Plan for the District approved on November 4, 1992. That map is hereby incorporated by reference.

SECTION 5: Equalized Value Test

No territory will be added to the District. Demonstration of compliance with the 12% equalized value test is therefore not required for this Plan Amendment.

SECTION 6: Statement of Kind, Number and Location of Proposed Public Works and Other Projects

The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs may be incurred. The Statement of Kind, Number and Location of Proposed Public Works and Other Projects set forth in the original Project Plan for the District approved on November 4, 1992 remains unchanged.

SECTION 7: Map Showing Proposed Improvements and Uses

Except for subtraction of territory, this Plan Amendment makes no changes to the maps depicting proposed improvements and uses within the District as included in the original Project Plan for the District approved on November 4, 1992. That map is hereby incorporated by reference.

SECTION 8: Detailed List of Project Costs

The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs may be incurred. The Detailed List of Project Costs set forth in the original Project Plan for the District approved on November 4, 1992 remains unchanged.

SECTION 9:

Economic Feasibility Study, Financing Methods, and the Time When Costs or Monetary Obligations Related are to be Incurred

The cash flow projection found on the following page reflects the District's current financial position and anticipated performance through the end of its maximum life. The District's expenditure period ended on November 4, 2014 and additional expenditures will be limited to repayment of existing obligations and direct administrative cost. Existing liabilities include an advance from the General Fund expected to be repaid by 2024, and payments owed to the City's Parking Utility which will run through the District's final year in 2031.

TAX INCREMENT DISTRICT # 3

CASH FLOW PROJECTION

Valuation Year 1/1	Revenue Year	TIF District 3 Valuation*	Tax Rate	Tax Increment	Other Revenues	Admin Expense	Interest on Gen Fund Advance	Repayment to Parking Utility	Fund Balance	Repayment of General Fund Advance	Cash Balance
	2019								\$ (4,158,375)		\$ 334,052
2019	2020	70,899,500	21.2190	1,102,512	13,593	(1,500)	(195,871)	0	(3,239,641)	(1,150,000)	102,786
2020	2021	71,608,495	21.2190	1,117,556	13,000	(2,000)	(142,121)	0	(2,253,206)	(1,000,000)	89,221
2021	2022	65,420,441	21.2190	1,106,627	13,000	(2,000)	(92,121)	0	(1,227,700)	(1,000,000)	114,727
2022	2023	66,074,646	21.2190	1,120,508	13,000	(2,000)	(39,621)	0	(135,813)	(1,100,000)	106,614
2023	2024	66,735,392	21.2190	1,134,529	13,000	(2,000)	0	(900,000)	109,716	(242,427)	109,716
2024	2025	67,402,746	21.2190	1,148,689	13,000	(2,000)	0	(1,200,000)	69,405	0	69,405
2025	2026	68,076,773	21.2190	1,162,992	13,000	(2,000)	0	(1,200,000)	43,397	0	43,397
2026	2027	68,757,541	21.2190	1,177,437	13,000	(2,000)	0	(1,200,000)	31,834	0	31,834
2027	2028	69,445,117	21.2190	1,192,026	13,000	(2,000)	0	(1,200,000)	34,860	0	34,860
2028	2029	70,139,568	21.2190	1,206,762	13,000	(2,000)	0	(1,200,000)	52,622	0	52,622
2029	2030	70,840,963	21.2190	1,221,645	13,000	(2,000)	0	(1,200,000)	85,267	0	85,267
2030	2031	71,549,373	21.2190	1,236,677	13,000	(6,000)	0	(1,328,944)	(0)	0	(0)
				<u>\$ 13,927,960</u>	<u>\$ 156,593</u>	<u>\$ (27,500)</u>	<u>\$ (469,734)</u>	<u>\$ (9,428,944)</u>		<u>\$ (4,492,427)</u>	

* A 1% valuation growth has been used for 2020 and beyond. Valuation and Tax Increment figures also assume a \$5,673,000 reduction in District base value, and a \$6,768,100 reduction in District incremental value as of January 1, 2020 as a result of the territory subtraction. (Net loss of \$1,095,100 in incremental value).

SECTION 10: Annexed Property

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. No territory is being added to the District as part of this Plan Amendment

SECTION 11: Proposed Zoning Ordinance Changes

The proposed Plan Amendment is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

SECTION 12: Proposed Changes in Master Plan, Map, Building Codes and Ordinances

The proposed Plan Amendment is in general conformance with the City's Comprehensive Plan. Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

SECTION 13: Relocation

The District's expenditure period terminated on November 4, 2014, therefore no additional Project Costs, to include relocation costs, may be incurred.

SECTION 14: Orderly Development of the City

This original District Plan contributed to the orderly development of the City by promoting revitalization of blighted and transitional areas in the City's Downtown District. The District's expenditure period has past, and this Plan Amendment has no impact to the original District Plan regarding orderly development of the City.

SECTION 15: List of Estimated Non-Project Costs

Non-Project Costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

The District's expenditure period terminated on November 4, 2014, therefore no additional Project Costs, or Non-Project Costs will be incurred.

SECTION 16:

Opinion of Attorney for the City of Appleton Advising
Whether the Plan is Complete and Complies with
Wisconsin Statutes 66.1105



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

August 13, 2020

Mayor Jacob A. Woodford
City of Appleton
100 N. Appleton Street
Appleton, WI 54911

Re: Project Plan Amendment for Tax Incremental District No. 3

Dear Mayor Woodford:

Wisconsin Statute 66.1105(4)(f) requires that a project plan for a tax incremental financing district include an opinion provided by the City Attorney advising as to whether the plan is complete and complies with Wisconsin Statute 66.1105. As City Attorney for the City of Appleton, I have been asked to review the above-referenced project plan for compliance with the applicable statutory requirements. Based upon my review, in my opinion, the Project Plan Amendment for the City of Appleton Tax Incremental District No. 3 is complete and complies with the provisions of Wisconsin Statute 66.1105.

Sincerely,

Christopher R. Behrens
City Attorney

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas VandeCastle
Assistant City Attorney

SECTION 17:

Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The scope of this Plan Amendment makes no changes to the calculations prepared and included in the original District Project Plan approved on November 4, 1992. Those calculations are hereby incorporated by reference.