

RESOLUTION NO. 07-02

**A RESOLUTION CREATING, DESCRIBING AND MAKING CERTAIN FINDINGS
AND APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT NO. 3,
CITY OF BRILLION, WISCONSIN**

WHEREAS, the overall development of the City of Brillion is recognized as a major need of the City; and

WHEREAS, the City desires to create Tax Incremental District No. 3, City of Brillion, Wisconsin (the "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 January 2, 2007 held a public hearing concerning the proposed creation and boundaries of the District and proposed Project Plan thereof in the City, during which interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Calumet County, the Brillion School District, and the Fox Valley Technical College District, and the other entities having the power to levy taxes on 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 District and recommended to the City Council that it create such District within the area enclosed by said boundaries, as specified in the boundary description or map attached to this resolution as Exhibit A hereof, and entitled "Boundary Description or Map of Tax Incremental District No. 3, City of Brillion, Wisconsin", and

WHEREAS, the Plan Commission has prepared and adopted a Project Plan for Tax Incremental District No. 3 which 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 Section 66.1105(2)(f)1., Wisconsin Statutes 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 such costs or monetary obligations related thereto are to be incurred;
- e. A map showing existing uses and conditions of real property in such District;
- f. A map showing proposed improvements and uses therein;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. Statement of the proposed method for the relocation of any persons to be displaced;
- j. Estimate of District to be devoted to retail business;
- k. Equalized value test;

- l. Annexed property;
- m. A statement indicating how creation of the District promotes orderly development of the City;
- n. An opinion of the City Attorney or of an Attorney retained by the City advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

WHEREAS, the Plan Commission has submitted such Project Plan to the City Council and recommended approval thereof;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brillion as follows:

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Brillion, as of January 1, 2007, a tax incremental district to be known as "Tax Incremental District No. 3, City of Brillion", the boundaries of which shall be those recommended to the City Council by the Plan Commission, as specified in the attached Exhibit A
2. The City Council hereby finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is suitable for a combination of commercial and residential uses, defined as "mixed-use development" within the meaning of Section 66.1105(2)(cm) of the Wisconsin Statutes; and
 - (b) Based upon the findings, as stated in (a) above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the district; and
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
 - (d) The equalized value of taxable property of the District plus the value increment of all existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City; and
 - (e) The City estimates that approximately 90% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Section 66.1105(6)(am)1 of the Wisconsin Statutes; and
 - (f) The 7 year rule / 25% vacant land test has been met – per WI State Statutes 66.11054gm(1) "Property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25% of the area in the tax incremental district. Vacant property includes property where the fair market value or replacement cost value of structural improvements on the parcel is less than the fair market value of the land", unless the district is suitable for industrial sites or mixed use development and the approved project plan promotes these uses.
 - (g) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created; and
 - (g) Lands proposed for newly platted residential development comprise approximately 10% by area of the real property within the District; and

(h) If costs related to newly platted residential development are part of the Project Plan, the development has a residential housing density of at least 3 units per acre as defined in Section 66.1105(3)(a), Wisconsin Statutes. See Exhibit C.

BE IT FURTHER RESOLVED THAT the City Council of the City of Brillion approves the Project Plan adopted by the Plan Commission, attached as Exhibit B, and finds that:

1. Such Project Plan for the District in the City is feasible, and
2. Such Project Plan is in conformity with the master plan of the City.

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, 2007, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

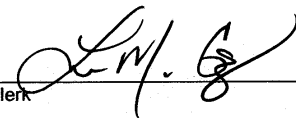
The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted this 22 day of January, 2007.



Mayor

Attest:



City Clerk