

Ordinance

Version 3.5 released on 2/29/24
Use for all Ordinances including: TRO, Budget, Zoning,
Declarations, Trust Indentures, etc.



CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received:	Tracking #:	<input type="checkbox"/> Scanned	Date: 04.10.2024
Committee Date:	Committee:	<input type="checkbox"/> Posted	Item #: 2404.00897
1st Agenda Date:	Hearing Date:		
	2nd Agenda Date:		

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Department	Contact Name	Email	Phone
Mayors Office	Cassia Carr	jbetancourt@cityoftulsa.org	918-596-7700
Subject (Description)		Ordinance Type	
Project Anthem Economic Development Project Plan		Other	
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No.	TRO Title No.	TRO Subtitle	Property/Non-Property
	e.g. 43	e.g. G	
Council District	Zoning No.	PUD No.	Planning District
6			

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:		Date:	
Legal:		Date:	4-5-24
Board:		Date:	
Mayor:		Date:	APR 10 2024
Other:	Cassia Carr Mayor Pro Tem	Date:	

A24-1693

Policy Statement

Background Information

Pursuant to the Local Development Act, Title 62, O.S. Sections 851 et seq., (LDA) the City of Tulsa has been working on a Project Plan and new Tax incentive District to create economic stability, stimulate economic growth, and encourage business recruitment. The Local Development Act Review Committee (LDARC) reviewed the Project Plan, as required by State Statute, and Councilor Bengel served as Committee chair. The committee recommended approval of the Project Plan.

Two public hearings will be held at the 5pm meeting of City Council on April 17th, 2024 and on May 1st, 2024. At the close of the second public hearing, the City Council will take possible action on approval of the Project Plan and Incentive District.

Provide background information on the requested action.

Summation of the Requested Action

Staff recommends approval of the Ordinance adopting the Project Anthem Economic Development Project Plan; identifying and delaying the activation of one new Tax Incentive District for a future date.

Summarize the pertinent details of the requested action.

Emergency Clause?

Reason for Emergency Clause

☐ Yes

☒ No

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details

UED: April 17

First Public Hearing: April 17

Second Public Hearing: May 1

(Published in the
Tulsa World

_____, 2024)

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE PROJECT ANTHEM ECONOMIC DEVELOPMENT PROJECT PLAN AND SUPPORTING INCENTIVE DISTRICT, CITY OF TULSA, PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; IDENTIFYING AND ESTABLISHING AN INCENTIVE DISTRICT; DESIGNATING AND ADOPTING PROJECT AREA AND INCENTIVE DISTRICT BOUNDARIES; DEFERRING THE NAMING AND THE DATE FOR THE CREATION OF THE INCENTIVE DISTRICT; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF TULSA AND THE TULSA AUTHORITY FOR ECONOMIC OPPORTUNITY AS THE ENTITIES TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Tulsa, Oklahoma (“City”) has prepared the Project Anthem Economic Development Project Plan and Supporting Incentive District, City of Tulsa (“Project Plan”), in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (“Act”); and

WHEREAS, the purpose of the Project Plan is to provide for an incentive necessary to support development of a data center project (meeting U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 Revision) known as “Project Anthem” (“Project”) on approximately 340 acres of land in the easternmost portion of the City’s corporate boundaries; and

WHEREAS, the Project Plan supports both the City’s efforts to achieve its development objectives (especially furthering its efforts to promote the Tulsa Regional Advanced Mobility (“TRAM”) project), improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult without the adoption of the Project Plan and the provision of an incentive; and

WHEREAS, the Review Committee established by the City Council by adoption of Resolution No. 20289 (“Review Committee”), comprised of a representative of the City, a representative of Wagoner County, a representative of the Tulsa Metropolitan Area Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including Catoosa Public Schools, the Wagoner County Health Department, Tulsa Technology Center, and the Rolling Hills Fire District) and three members of the public at large, one of whom represents the business community, has reviewed the Project Plan; and

WHEREAS, the Review Committee has reviewed the proposed Project Area and the proposed ad valorem Incentive District (temporarily identified in the Project Plan as “Incentive District ‘A’” or “Incentive District”) (“Incentive District”) in accordance with the criteria specified in the Act and has determined that the Incentive District is eligible for designation as an incentive district and for development under the Act and that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the Review Committee has adopted its findings and recommends to the City Council the approval of the Project Plan, including the proposed Incentive District; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the Tulsa Comprehensive Plan and is desirable; and

WHEREAS, the Planning Commission has adopted a resolution recommending to the City Council the approval of the Project Plan, including the proposed Incentive District; and

WHEREAS, the Project Area, including the Incentive District, is located within an reinvestment area as defined by the Act; and

WHEREAS, the projected investment and development are difficult, but possible, within the proposed Project Area and Incentive District if the Project Plan is adopted and implemented; and

WHEREAS, the ad valorem tax incentive provided for in the Project Plan is a necessary component in generating economic development in the proposed Project Area and Incentive District; and

WHEREAS, the establishment of the proposed Incentive District will work in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the proposed Project Area; and

WHEREAS, the Project is expected to generate substantial new investment within the Incentive District and to stimulate additional indirect economic benefits outside of the Incentive District which would not occur without the Project; and

WHEREAS, the Project Plan provides tools which will supplement and not supplant or replace normal public functions and services; and

WHEREAS, the boundaries of the proposed Incentive District do not dissect any similar area nor create an unfair competitive advantage; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the Act in the review and approval of the Project Plan; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the Project Plan, as prescribed by the Act, the Oklahoma Open Meetings Act, 25 O.S. § 301, *et seq.*, and other applicable law; and

WHEREAS, pursuant to said notice, all persons present were given an opportunity to be heard for and against the Project Plan; and

WHEREAS, as required by Article 10, Section 6C of the Oklahoma Constitution and pursuant to Section 865 of the Act, the governing bodies of all taxing entities whose taxes are to be included in the incentive to be provided by the Incentive District have approved and executed a written agreement with the City Council providing for the same; and

WHEREAS, the City has the right, pursuant to the Act, to make minor amendments to the Project Plan; and

WHEREAS, the City and the Tulsa Authority for Economic Opportunity shall be authorized and designated to carry out certain provisions of the Project Plan, pursuant to the Act; and

WHEREAS, the Act authorizes the City to defer determination of the designation and date of creation of an incentive district under Section 856, provided that the determination is not more than 10 years after the date of approval of the project plan; and

WHEREAS, the City finds that it is in the best interest of the overall success of the Project to defer the date of creation, designation and official naming of the Incentive District until a later date, which date must be determined within 10 years of the date of the approval of the Project Plan; and

WHEREAS, the City deems it appropriate and desirable and in the best interest of the City and its citizens to adopt and approve the Project Plan, including the establishment of the Incentive District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TULSA:

SECTION 1. In order to develop the eligible Project Area, the City elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Act, which authorize the provision of incentives, exemptions, and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline.

SECTION 2. The Project Plan is hereby adopted and approved, as recommended by the Tulsa Metropolitan Area Planning Commission and the Review Committee. As used herein "Project Plan" shall mean the document dated January 22, 2024, and comprised of one cover sheet, seven pages of text, three exhibits titled "Exhibit A," "Exhibit B," and "Exhibit C," and titled "Project Anthem Economic Development Project Plan and Supporting Incentive District, City of Tulsa."

SECTION 3. The membership of the Review Committee and all actions taken and all recommendations and findings made in connection with the Project Plan by the Review Committee and the Planning Commission are hereby ratified and confirmed.

SECTION 4. For identification purposes and until such time that the City officially names and designates the Incentive District established under this Ordinance, and as set forth in the Project Plan, the Incentive District shall be identified as Incentive District A, as shown by the

shaded area on Exhibit A and described on Exhibit B of the Project Plan.

SECTION 5. The date of creation, official designation, and naming of Incentive District A is hereby deferred until such time as determined by the City, provided that such date of creation shall be within 10 years of the effective date of this Ordinance.

SECTION 6. The boundaries of the Project Area of the Project Plan are shown on Exhibit A of the Project Plan, and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

Project Area Legal Description

A TRACT OF LAND LOCATED IN SECTION 8, TOWNSHIP 19 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE ON THE WEST LINE OF SAID SECTION 8 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON AN ASSUMED BEARING OF N01°35'51"W, 2640.24 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8; (2) N01°36'38"W, 1320.45 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N88°59'14"E, 1319.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N01°34'23"W, 1320.26 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 N89°00'04"E, 1066.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE FOR THE FOLLOWING FOURTEEN (14) DESCRIBED COURSES: (1) S01°00'00"E, 85.34 FEET; (2) N88°58'26"E, 254.82 FEET; (3) N88°58'26"E, 133.21 FEET; (4) S45°58'59"E, 42.41 FEET; (5) S01°03'02"E, 1028.62 FEET; (6) S31°03'21"E, 810.01 FEET; (7) S15°26'06"E, 419.15 FEET; (8) S00°58'35"E, 799.95 FEET; (9) N88°05'44"E, 40.00 FEET; (10) S00°58'34"E, 2115.51 FEET; (11) S89°07'16"W, 113.07 FEET; (12) S82°06'35"W, 375.14 FEET; (13) S89°00'11"W, 384.60 FEET; (14) S00°37'49"E, 70.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8 S88°59'43"W, 2427.60 FEET TO THE POINT OF BEGINNING.

SECTION 7. The boundaries of Incentive District A is coextensive with the boundaries of the Project Area, shown on Exhibit A of the Project Plan, and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

Incentive District A Legal Description

A TRACT OF LAND LOCATED IN SECTION 8, TOWNSHIP 19 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE ON THE WEST LINE OF SAID SECTION 8 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON AN ASSUMED BEARING OF N01°35'51"W, 2640.24 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8; (2) N01°36'38"W, 1320.45 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N88°59'14"E, 1319.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N01°34'23"W, 1320.26 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 N89°00'04"E, 1066.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE FOR THE FOLLOWING FOURTEEN (14) DESCRIBED COURSES: (1) S01°00'00"E, 85.34 FEET; (2) N88°58'26"E, 254.82 FEET; (3) N88°58'26"E, 133.21 FEET; (4) S45°58'59"E, 42.41 FEET; (5) S01°03'02"E, 1028.62 FEET; (6) S31°03'21"E, 810.01 FEET; (7) S15°26'06"E, 419.15 FEET; (8) S00°58'35"E, 799.95 FEET; (9) N88°05'44"E, 40.00 FEET; (10) S00°58'34"E, 2115.51 FEET; (11) S89°07'16"W, 113.07 FEET; (12) S82°06'35"W, 375.14 FEET; (13) S89°00'11"W, 384.60 FEET; (14) S00°37'49"E, 70.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8 S88°59'43"W, 2427.60 FEET TO THE POINT OF BEGINNING.

SECTION 8. The City hereby finds and determines:

- (a) that the Project Area, including the Incentive District, is a reinvestment area as defined by the Act;
- (b) that the financial impacts of the proposed Project Plan and Project on the affected taxing jurisdictions and business activities within the Incentive District is positive and that the economic benefits for the community as a whole offset any adverse impacts;
- (c) that the improvement of the Project Area is likely to enhance the value of other real property in the area and to promote the general public interest;
- (d) that the Project Plan complies with the guidelines of Section 852 of the Act, including specifically paragraphs 1 and 2;

(e) Incentive District A will become wholly comprised of industries operating under NAICS code 518210; and

(f) that the Project Plan is feasible and conforms to the Tulsa Comprehensive Plan.

SECTION 9. The following Project and Incentive District authorizations are hereby approved:

(a) The City of Tulsa shall be the principal entity responsible for implementation and is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act, including the power to make minor amendments to the Project Plan in accordance with Section 858(D) of the Act;

(b) The Tulsa Authority for Economic Opportunity, a public trust, shall have the authority to carry out certain provisions of the Project Plan, including all necessary, appropriate, and supporting steps pursuant to one or more agreements with developers to provide the tax exemption described in Article VI of the Project Plan, as well as the authority to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act except for approval of the Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of Section 854 of the Act; and

(c) The Executive Director of the Tulsa Authority for Economic Opportunity, her successor in office, or another designee of the Executive Director shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in the Project Plan.

SECTION 10. The incentive to be provided within Incentive District A shall be an exemption of 85% of the ad valorem taxes and special assessments levied against new real and personal property investments made by Project Anthem by the following taxing entities: (1) City of Tulsa, (2) Wagoner County, (3) Catoosa Public Schools (Independent School District No. 2 of Rogers County), (4) Tulsa Technology Centers (School District No. 18 of Tulsa County), (5) Wagoner County Health Department, and (6) Rolling Hills Fire District (Rolling Hills Fire Protection District No. 1). The incentive to be provided within Incentive A shall be applicable for a period not to exceed twenty-five (25) fiscal years from the date of creation of Incentive District A, as provided for in paragraph B. of Section 860 of the Act for businesses described by U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 revision.

SECTION 11. In demonstration of compliance with the requirements of Article 10, Section 6C of the Oklahoma Constitution and the requirements of Section 865 of the Act, prior to the adoption of this Ordinance, the City Council has entered into a written agreement with the governing bodies of every local taxing entity whose taxes are to be included in the incentive to be provided by the Incentive District.

SECTION 12. The Project Plan is hereby determined to be desirable and is approved.

SECTION 13. SEVERABILITY. *If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall not*

affect the validity of the remaining portions of this Ordinance.

ADOPTED by the Council: _____.
Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa Oklahoma: _____,
at _____.
Time Date

Mayor

(Seal)

ATTEST:

APPROVED:

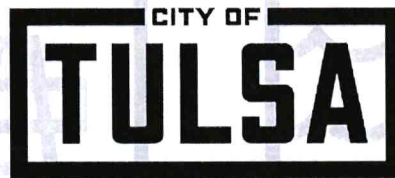
City Clerk

City Attorney AD13

Adopted _____, 2024

**PROJECT ANTHEM
ECONOMIC DEVELOPMENT PROJECT PLAN
AND SUPPORTING INCENTIVE DISTRICT,
CITY OF TULSA**

PREPARED BY:



THE CITY OF TULSA, OKLAHOMA

WITH THE ASSISTANCE OF:

CENTER FOR ECONOMIC DEVELOPMENT LAW
301 North Harvey, Suite 200
Oklahoma City, Oklahoma 73102
(405) 232-4606
econlaw@econlaw.com

FINAL FOR CONSIDERATION 01-22-24

PROJECT ANTHEM

ECONOMIC DEVELOPMENT PROJECT PLAN

I. INTRODUCTION

The Project Anthem Economic Development Project Plan is a project plan as defined under the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (“Act”), and is referred to here as the “Project Plan.” The project is being undertaken by the City of Tulsa, Oklahoma (“City”) in order to develop approximately 340 acres of land in the eastern-most portion of the City’s corporate boundaries, and to achieve the City’s development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base. At the heart of this project is the development of a data center meeting U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 revision, known as “Project Anthem.” The central component of the Project Plan is the support of this major private development.

This Project Plan is a critical element in fostering public-private partnerships to create the type of development that the City seeks under its Tulsa Regional Advanced Mobility (“TRAM”) project, an advanced mobility industry cluster throughout east Tulsa and surrounding areas focused on advancing aerial mobility, advanced batteries, and electrification of ground mobility and ancillary development supporting such industries, but can achieve only by means of the financing tools available under the Act. The Project Plan is a financing tool necessary for the successful implementation of the City’s economic development objectives. An incentive district provides the tax exemptions necessary to stimulate the development of Project Anthem. The tax exemptions to be provided will be applicable to a portion of the ad valorem taxes and ad valorem special assessments imposed on Project Anthem from taxing entities maintaining jurisdiction over the proposed Incentive District, tentatively described as Incentive District “A,” City of Tulsa (“Incentive District A”), until it becomes effective and is commenced as described in Sections II and VI of this Project Plan.

II. BOUNDARIES OF PROJECT AREA AND INCENTIVE DISTRICT

The Project Area is the area in which the activities described in this Project Plan will take place. The Incentive District is the area from which the tax exemptions described in this Project Plan will be applicable. The Incentive District is coextensive and congruous with the Project Area boundaries. The Project Area and Incentive District boundaries are generally located between East 11th Street and southern boundary of Section 8, Township 19 North, Range 15 East of the Indian Meridian, and immediately west of the Creek Turnpike.

The Project Area and Incentive District boundaries are depicted on Exhibit A. The Project Area and Incentive District legal description is set forth on Exhibit B.

The Incentive District will be assigned a number and an official designation when it becomes effective by action of the Tulsa City Council within 10 years of the adoption of this Project Plan, as required by Section 856(B)(2) of the Act.

III. ELIGIBILITY OF PROJECT AREA

The Project Area is a reinvestment area, as defined by the Act. Public improvements are required to serve as a catalyst for expanding employment, to attract investment, and to preserve and enhance the tax base. Investment, development, and economic growth in the area are difficult, but possible if the provisions of the Act are used. The Project Area is unproductive, undeveloped, underdeveloped, or blighted within the meaning of Article 10, § 6C of the Oklahoma Constitution, and suffers from conditions inhibiting development.

IV. OBJECTIVES

The purpose of the Project Plan and Incentive District is to make possible Project Anthem and support other public initiatives of the City. The tax exemptions to be provided within the Incentive District will be used to support the following objectives:

- A. To facilitate the development of Project Anthem.
- B. To support public education and public school districts impacted by the development in the Project Area.
- C. To support other governmental entities and services organizations dependent on ad valorem revenues for regular operations.
- D. To repurpose and activate vacant and underutilized property.
- E. To enhance the tax base and make possible investment, development, and economic growth that would otherwise be difficult without the Project Plan and the provision of tax exemptions.

V. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist principally of the following:

- A. Project planning, design and approval.
- B. Leveraging the development of Project Anthem pursuant to a development agreement with the Tulsa Authority for Economic Opportunity, a public trust (“Authority”), and the City.
- C. Maintaining of a portion of the ad valorem taxes outside of the tax exemption granted pursuant to this Project Plan to ensure they continue to be received by impacted taxing jurisdictions within the Incentive District.

VI. ESTABLISHMENT OF INCENTIVE DISTRICT

A. This Project Plan establishes the Incentive District, an ad valorem incentive district. The Incentive District shall commence as of the date determined by the Tulsa City Council in accordance with Section 856(B)(2) of the Act.

B. The ad valorem incentive within the Incentive District shall be an exemption of 85% of the ad valorem taxes and ad valorem special assessments levied against new real and personal property investments made by Project Anthem by the following taxing entities: (1) City of Tulsa, (2) Wagoner County; (3) Catoosa Public Schools (Independent School District No. 2 of Rogers County); (4) Tulsa Technology Centers (School District No. 18 of Tulsa County); (5) Wagoner County Health Department; and (6) Rolling Hills Fire District (Rolling Hills Fire Protection District No. 1). Each of these taxing entities have previously consented to the inclusion of their levies in the incentive described above by executing an agreement with the City.

C. The incentive described in paragraph "B." above shall be applicable to new real and personal property investments made by Project Anthem within the Incentive District for a period not to exceed twenty-five (25) fiscal years from the commencement date of the Incentive District, as provided by law, due to Project Anthem meeting the definition of U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 revision.

VII. PROJECT AND INCENTIVE DISTRICT AUTHORIZATIONS

A. The City is designated and authorized as the principal public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto as provided in Section 854 of the Act.

B. The Authority is authorized and designated to carry out implementation actions for the project, including all necessary, appropriate, and supportive steps pursuant to one or more agreements with developers to provide the tax exemption described in Article VI above consistent with the provisions of such agreements and this Project Plan. The Authority is also authorized to assist in carrying out this Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13 and 16 of Section 854.

C. The Executive Director of the Authority or another designee of the Executive Director shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in this Project Plan.

VIII. BUDGET OF ESTIMATED PROJECT COSTS

A. No Project Costs are anticipated to be funded by this Project Plan. Any Project Costs will be financed by private developers at no cost to the City, the Authority, or other public entities.

B. In the event additional public costs become necessary or appropriate to implement this Project Plan, the City or Authority may approve such costs at any time, subject to availability of funding and subject to constitutional and statutory restrictions.

IX. FINANCING PLAN AND AUTHORIZATIONS

A. Financing Plan and Authorizations. Any authorized public costs will be funded by the private development within the Incentive District unless separately approved and authorized by the City or Authority pursuant to relevant law, as provided in Section VIII.B. above.

B. Financial Reports and Audits. The activities undertaken by the City or the Authority pursuant to this Project Plan shall be accounted for and reported by the appropriate and necessary annual fiscal year audits and reports.

C. Other Necessary and Supporting Costs. The City and the Authority are authorized to apply for and obtain grants from other sources for any public costs incurred or to be incurred in connection with Project Anthem and the construction of improvements related thereto.

X. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT, AND ASSOCIATED FINANCIAL IMPACTS

A. Projected Public and Private Investment. The total estimated private investment is expected to be approximately \$800,000,000 over the course of the Incentive District's effective life. No public investment is anticipated or projected for Project Anthem.

B. Projected Public Revenues. The estimated increase in tax revenue is the 15% portion of the ad valorem taxes and special assessments not included in the tax exemption to be provided in the Incentive District. That 15% of ad valorem revenues from real property is estimated to be approximately \$728,000 per year at the outset of Project Anthem's operational period, and the revenues from personal property within the Incentive District is estimated to range between \$1,000,000 and \$320,000 annually based on depreciation and a 5-year reinvestment schedule. Total ad valorem revenues estimated that could be generated over the twenty-five (25) year lifespan of the Incentive District are just over \$36,000,000.

C. Economic Impacts and Impacts on Business Activities. Project Anthem will have a modest economic impact and impacts on business activities within the Project Area and the greater Tulsa community, region, and state, primarily due to the relatively low number of permanent employees anticipated. However, the impact on affected taxing jurisdictions will be overwhelmingly positive for the same reason. Project Anthem is anticipated to employ 50 people, with an average employee annual wage of \$63,000. This represents slightly more than \$3,000,000 in total annual payroll for completely new employment to the State and region. In addition to employment, an IMPLAN analysis of Project Anthem's economic effects indicates better economic impacts than its low direct employment-related impacts would suggest—up to \$50,000,000 in annual directly and indirectly generated economic activity will be spurred by Project Anthem's operations. This new economic activity will produce positive economic

impacts in east Tulsa and will help spur additional interest in TRAM-related economic development efforts.

ECONOMIC IMPACTS: IMPLAN ANALYSIS

Impact Type	Employment	Labor Income	Total Value Added	Output
Direct Effect	50	\$ 3,157,710	\$ 5,901,323	\$ 25,492,496
Indirect Effect	116	\$ 6,034,716	\$ 9,014,409	\$ 18,012,275
Induced Effect	40	\$ 1,981,397	\$ 3,629,148	\$ 6,729,574
Total Effect	206	\$ 11,173,824	\$ 18,544,880	\$ 50,234,345

The \$50,000,000 in new economic activity does not account for the construction impacts, which on their own are significant, given the amount of investment involved. An additional \$3.3 billion in new generated economic activity will be generated from the three-year construction period for Project Anthem, based on estimated construction costs of \$800,000,000.

CONSTRUCTION PERIOD IMPACTS: IMPLAN ANALYSIS

Impact Type	Employment	Labor Income	Total Value Added	Output
Direct Effect	3,393	\$ 185,187,927	\$ 188,087,582	\$ 391,559,621
Indirect Effect	625	\$ 41,222,601	\$ 67,449,762	\$ 147,437,095
Induced Effect	989	\$ 48,491,084	\$ 88,832,316	\$ 164,710,586
Total Effect	5,007	\$ 274,901,612	\$ 344,369,659	\$ 703,707,302

D. Financial Impacts on Taxing Jurisdictions.

1. Catoosa Public Schools.

Catoosa Public Schools may experience a small amount of growth in enrollment as a result of the Project Anthem's employment and the ancillary economic impacts from the Project. However, the negative financial impacts of this enrollment growth will be mitigated by receipt of 15% of the ad valorem taxes generated by Project Anthem. The goal of such revenue sharing will be to offset any increasing costs due to increased enrollment. Catoosa Public Schools should see approximately \$371,000 to \$627,000 in non-sinking fund revenues annually (depending on depreciation rates and reinvestment schedules for business personal property) during the life of the Incentive District, and upon termination of the Incentive District, an increase in non-sinking fund revenue of approximately \$3,800,000 annually (not accounting for State School Aid revenue offsets).

2. Wagoner County.

Wagoner County may experience a small amount of population growth from Project Anthem's employees moving to the area. Wagoner County should see approximately \$93,000 to \$158,000 in non-sinking fund revenues annually (depending on depreciation rates and reinvestment schedules for business personal property) during the life of the Incentive District. Upon termination of the Incentive District, projections estimate that Wagoner County will experience an increase of approximately \$950,000 in ad valorem revenue annually from Project Anthem.

3. Wagoner County Health Department.

There may be a miniscule demand for services from the Wagoner County Health Department anticipated to result from Project Anthem. The Wagoner County Health Department should see approximately \$23,000 to \$39,000 in non-sinking fund revenues annually (depending on depreciation rates and reinvestment schedules for business personal property) during the life of the Incentive District. Once the Incentive District terminates, the Health Department should anticipate receiving approximately \$239,000 in ad valorem revenue per year from Project investments.

4. Tulsa Technology Center.

Tulsa Technology Center will experience a modest demand for increased services as a result of Project Anthem. The economic impact from Project Anthem, may also present myriad opportunities for complimentary job training programs (including, but not limited to construction and engineering-related trades) and employment opportunities for graduates. Tulsa Technology Center should see approximately \$119,000 to \$202,000 in non-sinking fund revenues annually (depending on depreciation rates and reinvestment schedules for business personal property) during the life of the Incentive District, and approximately \$1,225,000 upon the termination of the Incentive District.

5. Rolling Hills Fire Protection District.

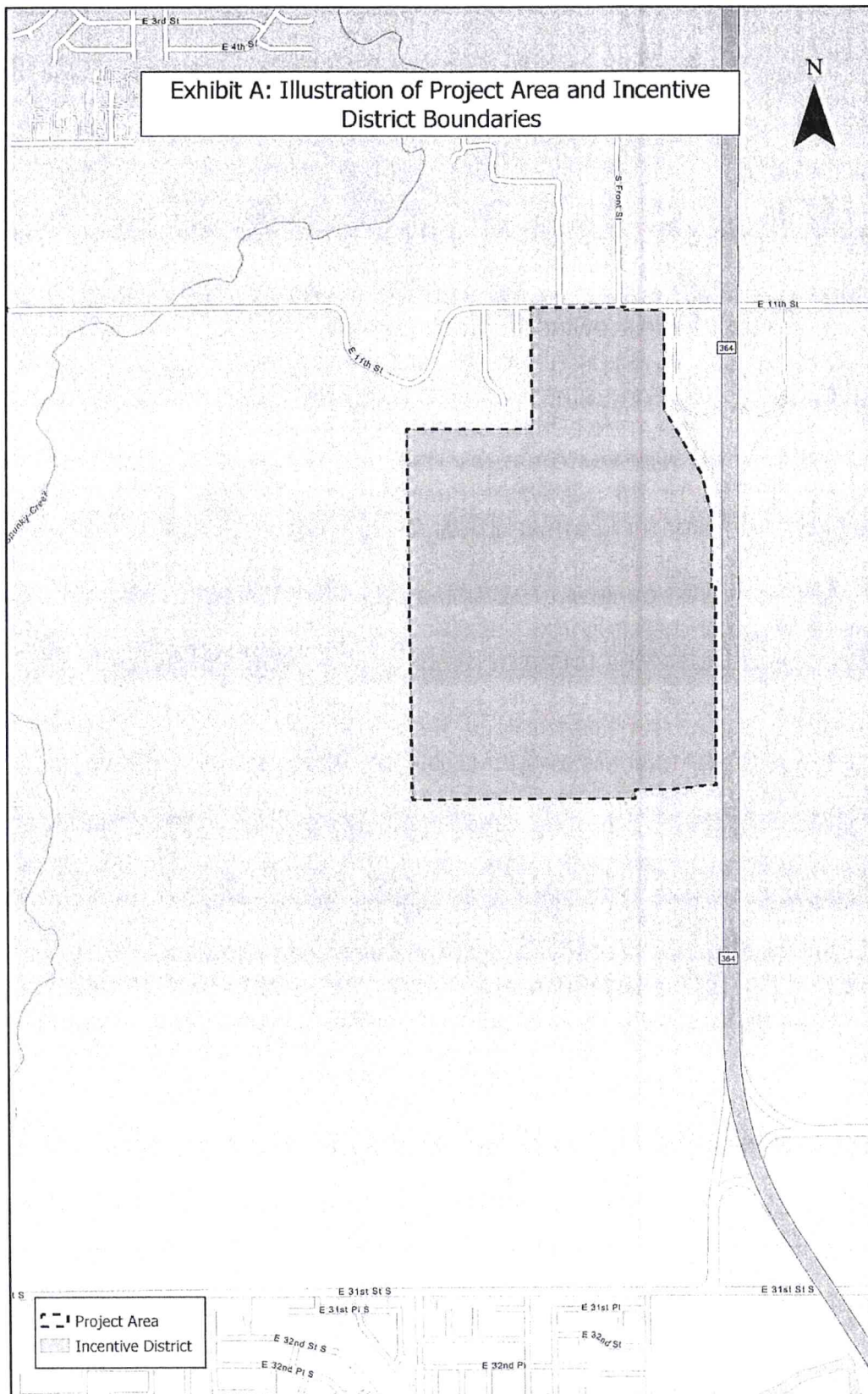
Project Anthem likely has no negative impacts on the Rolling Hills Fire Protection District. Project Anthem will lie with the City of Tulsa Fire Department's service area, so any of Rolling Hills Fire Protection District's special assessments can or will be used elsewhere. Rolling Hills Fire Protection District should also anticipate receiving approximately \$63,000 to \$107,000 in ad valorem special assessment revenue annually (depending on depreciation rates and reinvestment schedules for business personal property) from Project Anthem during the life of the Incentive District, and approximately \$649,000 annually upon the termination of the Incentive District.

6. City of Tulsa.

Project Anthem likely has the largest impacts on the City of Tulsa, which will become responsible for maintenance of all new public infrastructure and improvements anticipated to be constructed by Project Anthem, in addition to providing police, fire, and general municipal services to serve Project Anthem.

XII. LAND USE

Existing uses and conditions of, and proposed improvements to, the real property in the Incentive District are shown on the attached Exhibit C. No changes to the Tulsa Comprehensive Plan are necessary to accommodate Project Anthem.



\\cityoftulsa\it\InfoSvcs\GIS\Admin\Projects\TAEO\ALTA Maps\

EXHIBIT B:
PROJECT AREA AND INCENTIVE DISTRICT LEGAL DESCRIPTION

The Project Area and Incentive District share the same legal description:

A TRACT OF LAND LOCATED IN SECTION 8, TOWNSHIP 19 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE ON THE WEST LINE OF SAID SECTION 8 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON AN ASSUMED BEARING OF N01°35'51"W, 2640.24 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8; (2) N01°36'38"W, 1320.45 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N88°59'14"E, 1319.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER N01°34'23"W, 1320.26 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 N89°00'04"E, 1066.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF CREEK TURNPIKE FOR THE FOLLOWING FOURTEEN (14) DESCRIBED COURSES: (1) S01°00'00"E, 85.34 FEET; (2) N88°58'26"E, 254.82 FEET; (3) N88°58'26"E, 133.21 FEET; (4) S45°58'59"E, 42.41 FEET; (5) S01°03'02"E, 1028.62 FEET; (6) S31°03'21"E, 810.01 FEET; (7) S15°26'06"E, 419.15 FEET; (8) S00°58'35"E, 799.95 FEET; (9) N88°05'44"E, 40.00 FEET; (10) S00°58'34"E, 2115.51 FEET; (11) S89°07'16"W, 113.07 FEET; (12) S82°06'35"W, 375.14 FEET; (13) S89°00'11"W, 384.60 FEET; (14) S00°37'49"E, 70.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8 S88°59'43"W, 2427.60 FEET TO THE POINT OF BEGINNING.

Exhibit C : Existing and Proposed Uses, Conditions, and Improvements

North-South
50' Statutory ROW Dedication

11th Street to 21st Street
60' ROW Dedication

Water Line from 11th Street - 21st Street

Water Line from Site to 31st Street S.

Roadway from site to Creek Turn Pike Entrance

Legend:

- Incentive District
- Project Area
- Proposed Water Lines
- Roadways & ROW

Map Labels:

- US Highway 412
- S Evans Rd
- Creek Turn Pike
- 11th St
- 21st St
- 31st St S
- S 25th East Ave
- S 22nd East Ave
- S 28th East Ave
- S 30th East Ave
- S 32nd East Ave
- S 34th East Ave
- S 36th East Ave
- S 38th East Ave
- S 40th East Ave
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- S 100th East Ave

Map created by City of Tulsa GIS Services Date: 1/24/2024

RESOLUTION

TULSA METROPOLITAN AREA PLANNING COMMISSION

Resolution No. 2909:1056

RESOLUTION DETERMINING THAT THE PROJECT ANTHEM ECONOMIC DEVELOPMENT PROJECT PLAN AND SUPPORTING INCENTIVE DISTRICT IS IN CONFORMANCE WITH THE TULSA COMPREHENSIVE PLAN AND RECOMMENDING TO THE CITY OF TULSA ITS APPROVAL AND ADOPTION

WHEREAS, it is an objective of the City of Tulsa, Oklahoma ("City") to promote economic development within its boundaries in order to attract major investment, enhance the tax base, stimulate economic growth, and improve the quality of life in and around the City; and

WHEREAS, the City envisions the development of portion of land near the intersection of East 11th Street and the Creek Turnpike as a mixed-use neighborhood, generally ("Broader Development"), one specific component of which is anticipated to be a data center ("Project"), and broader regional business recruitment efforts that may arise throughout the City; and

WHEREAS, in order to promote economic development, it is necessary and desirable to establish a legal framework and funding mechanism to provide public assistance to support the Project and future City recruitment efforts; and

WHEREAS, a key objective of the Project and future business recruitment is the development of infrastructure in the area; and

WHEREAS, the Project Anthem Economic Development Project Plan and Supporting Incentive District ("Project Plan") is a project plan as defined under the Oklahoma Local Development Act, 62 O.S. §850, *et seq.*, that includes provision of an incentive district for the Project; and

WHEREAS, the provisions of the Oklahoma Local Development Act provide procedures for developing a qualified area such as the project area; and

WHEREAS, the Project Anthem Economic Development Project Plan Review Committee, including a representative of the Tulsa Metropolitan Area Planning Commission, has recommended the approval of the Project Plan after finding the project eligible and determining that the Project Plan will make a positive impact on affected taxing jurisdictions and business activities within the proposed tax incentive district and project area; and

WHEREAS, pursuant to the Act, the governing bodies of the City and all taxing entities whose taxes or special assessments will be included in the exemption to be provided through the Project Plan's tax incentive district have or will have adopted a written agreement allowing for that portion of each taxing entity's tax or special assessment levies to be included in the exemption prior to the City's adoption of the Project Plan; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission has reviewed the Tulsa Comprehensive Plan and the Project Plan; and

WHEREAS, the Project Plan is appropriate and desirable in order to support efforts to achieve the objectives of the Tulsa Comprehensive Plan; and

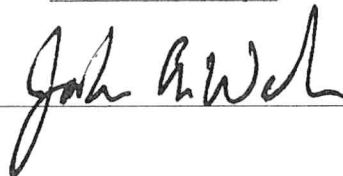
WHEREAS, the Tulsa Metropolitan Area Planning Commission finds it appropriate and desirable to recommend to the City Council of the City that it approve and adopt the Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION:

1. The Project Anthem Economic Development Project Plan is hereby declared to be in conformance with the Tulsa Comprehensive Plan.
2. The Project Anthem Economic Development Project Plan is determined to be desirable.
3. Recommendation is hereby made to the City Council of the City of Tulsa that it approve and adopt the Project Anthem Economic Development Project Plan.

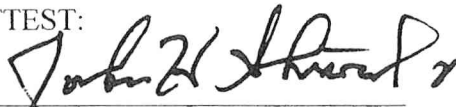
PASSED AND APPROVED this 6 day of MARCH, 2024.

Chairperson



ATTEST:

Secretary



RESOLUTION NO. 1

**RESOLUTION OF THE LOCAL DEVELOPMENT ACT REVIEW COMMITTEE
MAKING STATUTORY FINDINGS AND RECOMMENDATION WITH RESPECT TO
THE PROJECT ANTHEM ECONOMIC DEVELOPMENT PROJECT PLAN AND
SUPPORTING INCENTIVE DISTRICT, CITY OF TULSA**

WHEREAS, the Local Development Act, 62 O.S. § 850, et seq. (“Act”) was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, and empowers the governing bodies of cities, towns, and counties to provide incentives, exemptions and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline; and

WHEREAS, the City Council of the City of Tulsa (“City Council”) may consider the creation of a tax incentive district to facilitate, support, encourage, or incentivize public and private economic development to carry out development or redevelopment of areas within the City of Tulsa (“City”) qualifying under the Act; and

WHEREAS, by adoption of Resolution No. 20289 on November 15, 2023, the City Council declared an intend to consider the creation and adoption of a proposed project plan and potential incentive districts pursuant to the Act to help facilitate a data center project given the code name “Project Anthem” located generally south and west of the intersection of East 11th Street and the Creek Turnpike, and established this Review Committee to review, make findings with respect to the eligibility and financial impacts of, and to make a recommendation to the City Council concerning the proposed project plan and incentive district, as well as any future project plans, districts, and projects lying within the jurisdictions of the same affected taxing entities; and

WHEREAS, the membership of the Review Committee consists of representatives from every taxing jurisdiction whose taxes or special assessments might be impacted by the project plan and incentive district plus three members representing the public-at-large who were selected by the other Review Committee members at an initial meeting held on January 26, 2024, from a list of seven names submitted by City Council member Christian Bengel, chairperson of the Review Committee; and

WHEREAS, the Review Committee has completed its review of the proposed Project Anthem Economic Development Project Plan and Supporting Incentive District, City of Tulsa (“Project Plan”), and such other information as it has deemed relevant, and is prepared to make statutory findings and a recommendation, as required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCAL DEVELOPMENT ACT REVIEW COMMITTEE:

Section 1. With respect to the eligibility of the proposed Project Area and the proposed Incentive District, both as defined in the Project Plan and Act, the Review Committee finds that:

(a) The proposed Project Area and the proposed Incentive District meet the definition of a “reinvestment area” under the Act (62 O.S. § 853(17)) due to the fact that the area

lacks public improvements necessary to reverse economic stagnation and to attract major investment in the area.

(b) The level of investment, development, and economic growth desired by the City of Tulsa is difficult, but possible, within the proposed Project Area and Incentive District if the provisions of the Act are utilized.

(c) The incentive to be provided through the Incentive District is a necessary component in stimulating the proposed investment in the Project Area and Incentive District, which would not have occurred without the provision of the incentive pursuant to the Act.

(d) The incentive to be provided through the Incentive District will be used in conjunction with existing programs and efforts and other locally implemented economic development efforts.

Section 2. The Review Committee has been advised that there are some unresolved legal questions with respect to the annexation by the Rolling Hills Fire District (Rolling Hills Fire Protection District No. 1) of the property included in the Project Area and Incentive District into its jurisdiction, but that any such unresolved legal questions are outside of the Review Committee's purview and do not impact the determination by the City Council that Rolling Hills Fire District may be an impacted taxing jurisdiction, as defined by the Act, nor would the resolution of such unresolved legal questions impact the implementation or operation of the Project Plan, Incentive District, or the taxing entity agreement required to be adopted by the governing bodies of each potentially affected taxing jurisdiction prior to the City Council's approval and adoption of the Project Plan and creation of the Incentive District.

Section 3. With respect to the potential financial impacts on the affected taxing jurisdictions and business activities within the proposed Project Area and Incentive District, the Review Committee finds that:

(a) As described in Sections IX and X of the Project Plan, any public costs that may arise will be funded directly by the private development within the Incentive District unless separately approved and authorized by the City of Tulsa and/or the Tulsa Authority for Economic Opportunity.

(b) The development anticipated by the project may result in a modest increase in demand for services by or in costs to the affected taxing jurisdictions, but that the public revenue anticipated to result from the development outside of the provided incentive will be sufficient to cover any increased costs for additional service demands upon those affected taxing jurisdictions.

(c) The public revenue anticipated to result from the development described in the Project Plan includes increased tax revenue beyond the taxes and special assessments included in the incentive to be provided by the Incentive District and includes economic growth and benefits outside of the Incentive District.

(d) The economic benefits of the Project Plan for the affected taxing jurisdictions and the community as a whole offset any adverse financial impacts of the Project Plan on the affected taxing jurisdictions.

(e) The aggregate impacts of the affected taxing jurisdictions and on business activities from implementation of the Project Plan are positive and include the achievement of the objectives set forth in Section IV of the Project Plan and the economic impacts described in Section X of the Project Plan.

Section 4. The findings of the Review Committee demonstrate that the proposed Project Area and Incentive District meets the conditions for eligibility and that the financial impacts on the potentially affected taxing jurisdictions and business activities from implementation of the Project Plan are positive

Section 5. The Review Committee recommends that the City Council approve the Proposed Project Plan and establish the proposed Incentive District, as they have been presented to the Review Committee.

ADOPTED by the Local Development Act Review Committee this 26th day of March, 2024, and **SIGNED** by its Chairperson.

Approved:


CHAIRPERSON

I, Tetra Youngblood-Bledy, Acting Secretary of the Local Development Act Review Committee, certify that the forgoing resolution was duly adopted at a special meeting of the Local Development Act Review Committee, held at City Hall in Tulsa, Oklahoma, on the 26th day of March, 2024; that said meeting was held in accordance with the Open Meeting Act of the State of Oklahoma; that any notice required to be given of such meeting was properly given; that a quorum was present at all times during such meeting; and that said resolution was adopted by a majority of those present.


ACTING SECRETARY