

ORDINANCE NO. 23882

7-E

Ordinance

Version 2.3 released on 1/17/18

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.



CITY COUNCIL USE ONLY		Tracking #: <u>18-94-1</u>		CITY CLERK USE ONLY	
Date Received: <u>3/5/18</u>	Committee: <u>PW</u>	Hearing Date: _____	Date: <u>03-19-2018</u>	Item #: <u>2.16.1</u>	
Committee Date: <u>3/7/18</u>	Hearing Date: _____	2 nd Agenda Date: <u>3/14/18</u>			
1 st Agenda Date: <u>3/7/18</u>					

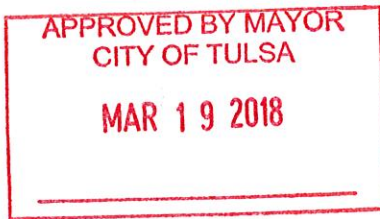
All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No. TIF G	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Mayors Office of Economic Dev	Contact Name Mike Dickerson	Email mdickerson@cityoftulsa.org	Phone 9185765568
Subject (Description) Ballpark Area TIF		Ordinance Type Adopting Tax Increment District	
Section	Township Tulsa	Range	Lot
Block	Address 175 E 2nd Street		BA / CT Number
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District 4	Zoning No.	PUD No.	Planning District

Budget

Funding Source(s)



Approved By
City Council On
MAR 14 2018

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project Sting-Amount (144104.Abst>Title5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: James D. Cels

Legal: Audrey D. Blank

Board: _____

Mayor: [Signature]

Other: _____

Date: 3/1/18

Date: 3-2-18

Date: _____

Date: MAR 05 2018

Date: _____

Policy Statement

Background Information

Pursuant to the Local Development Act, 52 O.S. Sections 850 et seq., the City of Tulsa approved Ordinance No. 23832, adopting the Downtown Area Economic Development Project Plan to create economic stability and stimulate economic growth. Ordinance No. 23832 also established eight new Tax Increment Districts, created Tax Increment District No. 10, and deferred the creation of each of the remaining seven Tax Increment Districts. At this time, the City has identified the Ball Park Area TIF as ready for creation under the Plan.

Provide background information on the requested action.

Summation of the Requested Action

On December 13, 2017, the City enacted Ordinance No. 23832, which adopted the Downtown Area Economic Development Project Plan which established the Project Area and identified eight tax increment financing districts. Ordinance No. 23832 created Increment District No. 10, City of Tulsa (generally located in the Brady Arts District) and deferred the creation of the other seven tax increment districts. The Mayor's Office of Economic Development has determined that it is necessary and appropriate to name and create one of the tax increment financing district deferred by Ordinance No. 23832. The Project Plan identifies this district as TIF "G", Ball Park Area TIF District, which is located in the vicinity of Archer Street and Elgin Avenue. This Ordinance names TIF "G" as Increment District No. 11, City of Tulsa and sets the date of creation as April 4, 2018.

Summarize the pertinent details of the requested action.

Emergency Clause

Creating TIF District No. 11 as of April 4 will facilitate the establishment of the base assessed value by the County.

If an emergency clause is included, explain the reason

Processing Information for City Clerk's Office

Post Execution Processing

- Mail vendor copy (add'l signature copies attached)
- Must be filed with other governmental entity
- Add'l governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the
Tulsa World

March 24, 2018)

ORDINANCE NO. 23882 - - - - -

AN ORDINANCE NAMING INCREMENT DISTRICT "G" AS INCREMENT DISTRICT NUMBER ELEVEN, CITY OF TULSA, AND ESTABLISHING THE DATE FOR THE CREATION THEREOF; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION WITH REGARD TO INCREMENT DISTRICT "G"; RATIFYING AND CONFIRMING THE ACTION OF THE CITY OF TULSA IN ENACTING ORDINANCE NO. 23832 THAT APPROVED AND ADOPTED THE DOWNTOWN AREA ECONOMIC DEVELOPMENT PROJECT PLAN, ESTABLISHED THE PROJECT AREA, AND ESTABLISHED INCREMENT DISTRICT "G"; RATIFYING AND CONFIRMING THE CITY OF TULSA AND THE TULSA INDUSTRIAL AUTHORITY AS THE ENTITIES AUTHORIZED TO CARRY OUT AND ADMINISTER THE PROJECT PLAN, INCLUDING ADMINISTRATION OF THE TAX APPORTIONMENT FUND AND THE USE OF INCREMENT REVENUES FOR THE PAYMENT OF CERTAIN PROJECT COSTS; DIRECTING CONTINUING APPORTIONMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tulsa, Oklahoma ("City") prepared the Downtown Area Economic Development Project Plan ("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 a planning framework and funding mechanism for a substantial portion of the local public investment required to support growth and investment in Downtown Tulsa ("Project"); and

WHEREAS, the Project Plan supports both the City's efforts to achieve its development objectives, 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 apportionment of incremental tax revenues; and

WHEREAS, the Project Plan identifies eight increment districts located within the Project Area, consisting of three ad valorem districts (temporarily identified as Increment Districts "C," "D," and "H," City of Tulsa) and five ad valorem and sales tax Increment Districts (temporarily identified in the Project Plan as Increment Districts "A," "B," "E," "F," and "G") (collectively, "Increment Districts"); and

WHEREAS, the Downtown Area Economic Development Project Plan Review Committee (“Review Committee”), comprised of a representative of the City, a representative of Tulsa County, a representative of the Tulsa Metropolitan Area Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including Tulsa Public Schools, Tulsa City-County Library, Tulsa Health Department, Tulsa Community College, and Tulsa Technology Center) and three members of the public at large, one of whom represents the business community, reviewed the Project Plan, the Project Area and the Increment Districts in accordance with the criteria specified in the Act and determined that the Increment Districts were eligible for designation as increment districts 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 adopted its findings and recommended to the City Council the approval of the Project Plan, including the Increment Districts; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission determined that the Project Plan conformed to the Tulsa Comprehensive Plan and is desirable; and adopted a resolution recommending to the City Council the approval of the Project Plan, including the Increment Districts; and

WHEREAS, all required notices were given and all required hearings were 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, deeming it appropriate and desirable and in the best interest of the City and its citizens, the City adopted and approved the Project Plan, including the establishment of the Increment Districts, by enacting Ordinance No. 23832 on December 13, 2017.

WHEREAS, the Act authorizes the City to defer determination of the designation and date of creation of an increment district under Section 856 and the commencement of its period of apportionment under Section 861, provided that the determination is not more than 10 years after the date of approval of the project plan; and

WHEREAS, the City found that it was in the best interest of the overall success of the Project to defer the date of creation, designation and official naming of seven of the eight proposed Increment Districts until later dates, which dates must be determined within ten years of the date of the approval of the Project Plan; and

WHEREAS, the City finds that it is now necessary and appropriate to name Increment District “G” as Increment District Number Eleven, City Of Tulsa, and establish the date for the creation thereof.

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 use of local taxes for specific public investments, assistance in development financing, and as a revenue source for other public entities in the area, and which provide for the direction of apportionment of local taxes to plan, finance, and carry out development of unproductive, undeveloped, underdeveloped, or blighted areas as determined by the governing body of a city, town or county.

SECTION 2. As used herein “Project Plan” shall mean the document dated November 21, 2017, and comprised of one cover sheet, thirteen pages of text, five exhibits labeled Exhibits A, B, C, D, and E, and titled “Downtown Area Economic Development Project Plan.”

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

SECTION 4. The action of the City Of Tulsa in enacting Ordinance No. 23832 that approved and adopted the Project Plan, established the Project Area, and established Increment District “G” is hereby ratified and confirmed.

SECTION 5. For identification purposes, Increment District “G” is shown on Exhibit A and described on Exhibit C of the Project Plan.

SECTION 6. For identification purposes, the name of Increment District “G”, an ad valorem and sales tax increment district as set forth in the Project Plan, shall be Increment District Number Eleven, City of Tulsa (“Increment District No. 11”).

SECTION 7. Increment District No. 11 is hereby created as of April 4, 2018.

SECTION 8. The date of creation, official designation, and naming of the Increment District temporarily identified as Increment District “G”, and, accordingly, the commencement of the respective period of apportionment, is within 10 years of the effective date of Ordinance No. 23832.

SECTION 9. 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 as follows:

Project Area Legal Description

Point of Beginning is the NE corner of Lot 26, Block 4, Mann’s Addition, thence continuing southerly to the NW corner of Lot 8, Block 7, Mann’s Addition, thence easterly to the NE corner of Lot 5, Block 7, Mann’s Addition, thence southerly to the SE corner of Lot 5, Block 7, Mann’s Addition, thence easterly to the NE corner of Bullette Park, thence southerly to the SE corner of Bullette Park, thence westerly along the southern boundary of Bullette Park for approximately 74.09 feet, thence southerly to the NE corner of Lot 36, Block 3, Bullett Addition, thence southerly to the SE corner of Lot 19, Block 3 of Bullett Addition, thence westerly to the SW corner of Lot 19, Block 3, Bullett Addition, thence southerly

to the NE corner of Lot 13, Block 2, Frisco Addition, thence southerly to the SE corner of Lot 32, Block 2, Frisco Addition, thence westerly to the SW corner of Lot 23, Block 2, Frisco Addition, thence southerly along the easterly right-of-way of N Madison Avenue to the intersection of the easterly right-of-way of N Madison Avenue and the northerly right-of-way of the Burlington Northern Railroad, thence southerly to the intersection of the southerly right-of-way of the Burlington Northern Railroad and the easterly right-of-way of N Madison Avenue, thence southerly along the easterly right-of-way of N Madison Avenue to the intersection with the northerly right-of-way of the Martin Luther King Expressway, thence southerly to the NW corner of the W50 of Lot 4, Block 7, Hodge Addition, thence westerly to intersection of the southerly right-of-way of the M K and T railroad and the westerly right-of-way of the Cherokee Expressway, thence southerly along the westerly right-of-way of the Cherokee Expressway to the southerly right-of-way of E 6th Street, thence southerly to the northernmost point of the easternmost boundary of the Home Depot North Tulsa Addition, thence westerly along the northern boundary of the Home Depot North Addition to the southerly right-of-way of E 8th Street, thence westerly along the northerly boundary of the Home Depot North Tulsa Addition to the easterly right-of-way of S Elgin Avenue, thence southerly along the western boundary of the Home Depot North Tulsa Addition and continuing easterly along the southern boundary of the Home Depot North Tulsa Addition to the westerly right-of-way of the Cherokee Expressway, thence southerly along the westerly right-of-way of the Cherokee Expressway and continuing westerly along the northerly right-of-way of US 75 to westerly right-of-way of W Denver Avenue, thence northerly along the westerly right-of-way of W Denver Avenue to the southerly right-of-way of I-244, thence easterly along the southern boundary of the I-244 expressway to the NE corner of John Hope Franklin Reconciliation Park, thence northerly along the westerly right-of-way of N Elgin Avenue to the SE corner of LT 1LESS BEG NWLY THEREOF TH CRV RT59.62 E272.70 CRV RT18.24 W289.93 SW46.19 POB BLK 1, thence southerly along the easterly right-of-way of N Elgin Avenue to the SW corner of Lot 1, Block 2, University Center at Tulsa Addition, thence southerly along the easterly right-of-way of N Elgin Avenue to the northerly right-of-way of I-244, thence easterly along northerly right-of-way of I-244 to the westerly right-of-way of the Southeast Kansas Railway, thence northerly along the westerly right-of-way of the Southeast Kansas Railway to the NE corner of LT 1LESS BEG NWLY THEREOF TH CRV RT59.62 E272.70 CRV RT18.24 W289.93 SW46.19 POB BLK 1, thence southeasterly to the southernmost point of Lot 4, Block 1, LANSING INDUSTRIAL PARK I RESUB B5-6-7-13&14 FAIRVIEW Addition, thence northeasterly along the northerly right-of-way of the Southeast Kansas Railway to the northerly right-of-way of the South Kansas and Oklahoma Railway, thence northeasterly along the northerly right-of-way of the South Kansas and Oklahoma Railway to the SE corner of Lot 9, Block 1, LANSING INDUSTRIAL PARK I RESUB B5-6-7-13&14 FAIRVIEW Addition, thence easterly to the SW corner of PRT SE NE BEG 339N & 145E SWC SE NE TH E307 N277 W29.5 N42.5 TO SL ATSF RY SWLY TO PT S190 POB SEC 36 20 12 1.61AC, thence easterly along the northerly right-of-way of E Latimer Place for approximately 144.25 feet; thence

southerly to the Point of Beginning.

SECTION 10. The boundaries of Increment District No. 11 are shown on Exhibit A and described on Exhibit C of the Project Plan under the heading "TIF 'G,'" and are hereby designated and adopted as follows:

Increment District No. 11 Legal Description

Increment District "G"
[Ball Park Area TIF District]

Beginning at the NE corner of Lot 1, Block 44, Tulsa-Original Town, thence westerly along the north boundary line of Lot 1, Block 44 to the NW corner of Lot 1, Block 44, Tulsa-Original Town. Thence southerly along the western boundary line of Lots 1, 2 and 3, Block 44 to the NW corner of Lot 1, Block 56, Tulsa-Original Town. Thence westerly along the northern boundary line of Block 56, Tulsa-Original Town to the NW corner of Lot 6, Block 56. Thence southerly along the western boundary line of Lots 6 through 4, Block 56 to the SW corner of Lot 4, Block 56, Tulsa-Original Town. Thence easterly along the southern boundary line of Blocks 56 and Block 55, Tulsa-Original Town to the SE corner of Block 55, Tulsa-Original Town. Thence northerly along the eastern boundary line of Block 55 to the NE corner of Block 55, Tulsa-Original Town. Thence westerly along the northern boundary line of Block 55 to the NE corner of Lot 1, Block 56, Tulsa-Original Town. Thence northerly along the western boundary line of Block 44, Tulsa-Original Town to the NE Corner of Lot 1, Block 44, Tulsa-Original Town, and the point of beginning;

SECTION 11. The City hereby finds, determines and reaffirms:

- (a) that the Project Area, including Increment District No. 11, is an enterprise 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 Increment District No. 11 are 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) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 25% of the total net assessed value of the taxable property within the City;

(f) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 25% of the total net assessed value of any affected school districts located within the City;

(g) that the land within all increment districts within the City does not exceed 25% of the total land area of the City; and

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

SECTION 12. The following Project and Increment Districts authorizations are hereby ratified:

(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 and including the power to authorize Tulsa Industrial Authority to carry out, from time to time, the approval procedure described in Section VII (E) of the Project Plan;

(b) The Tulsa Industrial Authority, a public trust, shall have the authority to carry out certain provisions of the Project Plan, including the authority to: (i) to assist in carrying out the Project Plan and to exercise all powers necessary or appropriate thereto, other than those specifically reserved to the City by the Act; (ii) issue tax apportionment bonds or notes, or both; (iii) pledge revenues from current and future fiscal years to repayment; (iv) incur project costs pursuant to Section IX of the Project Plan; (v) incur the cost of issuance of bonds for payment of such costs and to accumulate appropriate reserves, if any, in connection with them; (vi) receive the recommendation of the Downtown TIF Oversight Committee regarding a development proposal, consider the development proposal and budgetary allocation, and approve, deny or modify such proposal; and (vii) provide assistance in development financing to the extent it considers appropriate and desirable.

(c) The Chief of Economic Development, Kathy Taylor, her successor in office, or another designee of the Mayor of Tulsa 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 13. The increment of ad valorem taxes from Increment District No. 11 in excess of ad valorem taxes generated by the base assessed value of that respective Increment District shall be apportioned and paid into an apportionment fund and may be pledged in accordance with Article X, § 6C(B) of the Oklahoma Constitution, for a period not to exceed twenty-five (25) fiscal years from the date of creation of Increment District No. 11, as provided by law, or the period required for payment of the project costs authorized by Section IX of the Project Plan, whichever is less.

SECTION 14. The increment of sales taxes from Increment District No. 11 shall be apportioned and paid into an apportionment fund and may be pledged in accordance with Article X, § 6C(B) of the Oklahoma Constitution, for a period not to exceed twenty-five (25) fiscal years from April 4, 2018, as provided by law, or the period required for payment of the project costs authorized by Section IX of the Project Plan, whichever is less. The sales tax increment for Increment District No. 11 shall consist of: (a) all annual undedicated sales and use tax revenue attributable to investment and development within Increment District No. 11 (specifically, sales and use tax revenue attributable to construction activity within Increment District No. 11); and (b) all undedicated sales tax revenue generated within Increment District No. 11 and received by the City which are in excess of the base sales tax amount. For purposes of determining part (b) of the sales tax increment from Increment District No. 11, the City's Finance Director shall certify as the "base sales tax amount" the annual undedicated sales taxes received by the City that were generated within the area comprising Increment District No. 11 between July 1, 2016 and June 30, 2017. If necessary for such certification, said base amount may be determined using reasonable estimates prepared by the Finance Department of the City. The Finance Director is hereby authorized to adjust and recertify said base amounts from time to time, as needed, to reflect any change in sales tax rates. The sales tax increment for Increment District No. 11 shall be apportioned pursuant to this section.

SECTION 15. The increment of sales taxes from Increment District No. 11 shall be apportioned and paid into an apportionment fund and may be pledged in accordance with Article X, § 6C(B) of the Oklahoma Constitution, for a period not to exceed twenty-five (25) fiscal years from the dates of creation of Increment District No. 11, as provided by law, or the period required for payment of the project costs authorized by Section IX of the Project Plan, whichever is less.

SECTION 16. During each respective period of apportionment, the tax apportionment fund (a) shall be available to pay project costs under Section IX of the Project Plan, (b) shall constitute special funds of the Tulsa Industrial Authority, and (c) shall not be subject to annual appropriation as a part of the general fund of the City of Tulsa.

SECTION 17. Pursuant to Section 6C of Article X of the Constitution of the State of Oklahoma and the Act, the direction of apportionment shall continue beyond the current fiscal year for the duration of Increment District No. 11 or the period required for the payment of project costs authorized by the Project Plan, whichever is less.

SECTION 18. 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.*

SECTION 19. EMERGENCY CLAUSE. *It being immediately necessary for the preservation of the peace, health, safety, and public good of the City of Tulsa, and the citizens thereof, that the provisions of this Ordinance take effect and be put into full force and effect, an emergency is declared to exist by reason whereof this Ordinance shall take effect and be put in full force and effect from and after April 4, 2018.*

7-E

ADOPTED by the Council: MAR 14 2018
Date


Chairman of the Council

ADOPTED as an emergency measure: MAR 14 2018
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: MAR 19 2018
at _____, Date
Time




Mayor

(Seal)

ATTEST:


City Clerk

APPROVED:


City Attorney ADB