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TAX INCREMENT DISTRICT #13

Amendment No. 2

PROJECT PLAN

CITY OF OSHKOSH

ADOPTED BY THE PLAN COMMISSION  
April 15, 2003

ADOPTED BY THE COMMON COUNCIL  
April 22, 2003

ADOPTED BY THE JOINT REVIEW BOARD  
May 27, 2003

PREPARED BY:  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
April 2003

## **Plan Summary**

### **City of Oshkosh Tax Increment District # 13 Project Plan**

- District Name:** City of Oshkosh Tax Increment District # 13 Marion Road/Pearl Avenue Redevelopment
- Location:** Central City of Oshkosh; North of the Fox River, south of Pearl Avenue, west of Jackson Street, and east of Wisconsin Street.
- Size:** Approximately 35 acres
- Purpose:** Redevelopment of a blighted industrial area. The amendment will allow the provision of grants to the Oshkosh Redevelopment Authority to carry out project activities.
- Proposed Costs:** Approximately \$4.3 million for costs related to infrastructure improvements including: sanitary sewer, water, utility relocation, streets and sidepaths, storm sewer and drainage. Costs also include financing and administrative/organizational costs.
- Project Financing:** Project costs will be financed using a combination of General Obligation notes or loans from the State Land Trust Fund Program.
- Economic Feasibility:** Economic feasibility is based on redevelopment of a number of blighted and underutilized properties within the district with a change of use from industrially oriented to commercial and residential uses.

## **Introduction**

Wisconsin's Tax Increment Finance (TIF) law allows municipalities to amend a Tax Increment District (TID) in three ways:

- 1) Addition of projects not included in the original project plan.
- 2) Allocation of positive tax increments from one TID to another TID.
- 3) Addition of territory to the TID.

The process for amending a TID is very similar to that of creating a TID with the notable exception that there is not a waiting period required between when the public hearing is held and when the city council or village board may adopt its approval resolution. In order to amend a TID, a municipality must hold a public hearing and obtain approvals from their local legislative bodies as well as a Joint Review Board. With this amendment, the City is proposing to add a project to the TID # 13 Project Plan.

The incorporation of additional territory to a TID can only be done once during the district's first seven years. Expenditures can only be made in the new territory for three years and the implementation period for the original portion does not change. TID # 13 was previously amended in June 2000 to add additional territory and projects to the original project plan.

The intent of the TID is to defray costs incurred within the district by using tax revenues or value increments generated from new development occurring in the district. The value increment is the difference between the certified base value of the TID at the time of creation and the increased value of the property in subsequent years until the TID is dissolved. It is the value increment generated from new development that is used to retire the debt incurred by the city in implementation of project activities. TIDs provide benefits to all taxing entities by promoting development of new taxable value that may not otherwise occur.

## **Purpose**

The purpose of this amendment is to add a project not originally included in the approved Project Plan that involves the provision of a grant by the City of Oshkosh to the Oshkosh Redevelopment Authority (RDA) to carry out plan activities and continue redevelopment of the district. The RDA and the City would enter into an agreement wherein funds granted to the RDA could only be used for identified project activities. The activities proposed are related to provision of and reconstruction of various infrastructure items such as sewer, water, sidewalks, streets, undergrounding of utilities, installation of decorative lighting, streetscaping, etc. Preparing acquired sites for redevelopment would also be an activity which could include, but not be limited to, environmental remediation, removal of old foundations, grading, filling, etc.

### Boundaries/Legal Description

The boundaries of the district will not be changed as a result of this amendment. Total area within the TID is estimated at 34.88 acres. The boundaries of the district are illustrated on page 7.

### Name of District

The district will continue to be identified as City of Oshkosh Tax Increment District # 13 (TID # 13) – Marion Road/Pearl Avenue Redevelopment Project.

### Creation Date

The date of creation for the district remains as September 22, 1998, which is the date the Common Council approved the creation resolution for TID # 13.

### Project Costs and Improvements

The original and amended Project Plans identified various costs associated with redeveloping the district. These costs included street construction, sanitary sewers, water mains, storm sewers, land acquisition, environmental remediation, etc. These approved projects are still all eligible project costs. With this amendment, the City will grant to the RDA funds to carry out these projects. As conditions have changed within the district, relative to provision of infrastructure to various areas within the district, cost estimates based on the most recent data available have been developed. Table 1 provides a list of estimated project costs and the year to be implemented. The table indicates the RDA could be granted an estimated \$2.75 million to implement project costs. Financing, while a project cost, would not be assumed by the RDA, but these would be paid through tax increment.

**Table 1**

<b>Detailed Cost Estimate and Timing of Project Costs</b>		
<b>Description</b>	<b>Gross Cost Estimate</b>	<b>Year</b>
Public Utility Construction – Water, Sanitary, Storm	\$261,018	2003-05
Street and Pedestrian Path Construction	\$673,596	2003-05
Environmental Remediation	\$449,650	2003-05
Undergrounding of Utilities	\$770,000	2003-05
Stormwater Management	\$250,000	2003-05
Streetscaping	\$100,000	2003-05
Organizational, Planning, Legal, Engineering, and Real Estate Services	\$150,000	2003-05
<b>Project Costs</b>	<b>\$2,654,264</b>	
Financing Cost	\$1,605,436	
<b>Total Project Costs</b>	<b>\$4,259,700</b>	2003-21

Organizational costs include estimates for administrative, planning, professional organizational and legal costs. Components of these costs include, in general, cost of salaries and employee benefits for City employees engaged in the planning, engineering, implementing and administering activities in connection with the Tax Increment District, the cost of supplies and materials contract and outside consultant services, and those costs of City departments such as the City Attorney, Public Works, Finance, Community Development, Parks, and Transportation. It is anticipated that the positive tax increments remaining after annual debt service has been addressed will be used to repay the City for incurring these costs.

### **Method of Financing**

The method of financing project costs will be through the issuance of general obligation notes, loans from the State Land Trust, or any other method of financing approved by the Oshkosh Common Council. Total project expenditures will be recovered through tax increment.

### **Master Plan, Zoning, Building, and Other Code Considerations**

The project elements proposed in the Project Plan conform to the objectives and conceptual recommendations contained in the City's 1993 Comprehensive Plan, as approved by the Plan Commission and Common Council. Additionally, project elements conform to the goals and objectives identified in Redevelopment Project Plans as amended for this area. The existing and proposed zoning are shown on the maps on pages 9 and 10 in Appendix A. It will be necessary to change the zoning from M-2 Central Industrial to C-3PD Central Commercial with a Planned Development Overlay to implement redevelopment plans for this area where residential uses may be proposed.

### **Economic Feasibility/Expectations for Development**

The original determination of economic feasibility of this district remains on the predication that redevelopment will continue to occur as blighted properties are eliminated and sites are made ready for redevelopment. Through January 1, 2002, the District has realized a tax increment of approximately \$2.2 million and has seen the development of two commercial strip centers, a new restaurant, and five new apartment buildings with 44 living units with an additional 50 + unit \$3 million apartment building under construction. The 2002 increment does not include the value of Radford Square and Tumbleweed Restaurant, the value of the land associated with the three eight unit structures in Radford Village, and the new Concord Development which is expected to exceed \$3 million. Once fully realized, these properties should add approximately \$6 million in new increment to the district.

### **Promotion of Orderly Development**

The elimination of blighted and underutilized properties within a planned development district promotes orderly development by ensuring that land is developed to its highest and

best use in a manner consistent with appropriate local plans. All activities within TID #13 must be reviewed by the City's Plan Commission, Redevelopment Authority, and the Common Council to ensure compliance with the goals and objectives of various plans as they relate to this district, which will promote orderly development of the area.

### **Proposed Uses**

The proposed uses in the district remain the same as approved in the Project Plan as previously amended. This will be a mixed-use area with a combination of commercial, retail, and residential uses for which the zoning of the district will be changed to C-3PD Central Commercial District with a Planned Development Overlay to accommodate this.

### **Non-Project Costs**

It is anticipated there will be no non-project costs related to implementing this Project Plan.

### **Relocation**

No displacement and resulting relocation of persons or businesses is needed or will need to be undertaken in this project as all businesses or individuals have been relocated. If additional relocation of individuals or businesses were required, it would be carried out in accordance with applicable relocation requirements set forth by the State of Wisconsin and/or federal regulations.



## **Findings and Report to the Joint Review Board**

The original findings the Council based its decision on in order to create this district remain as stated. These being:

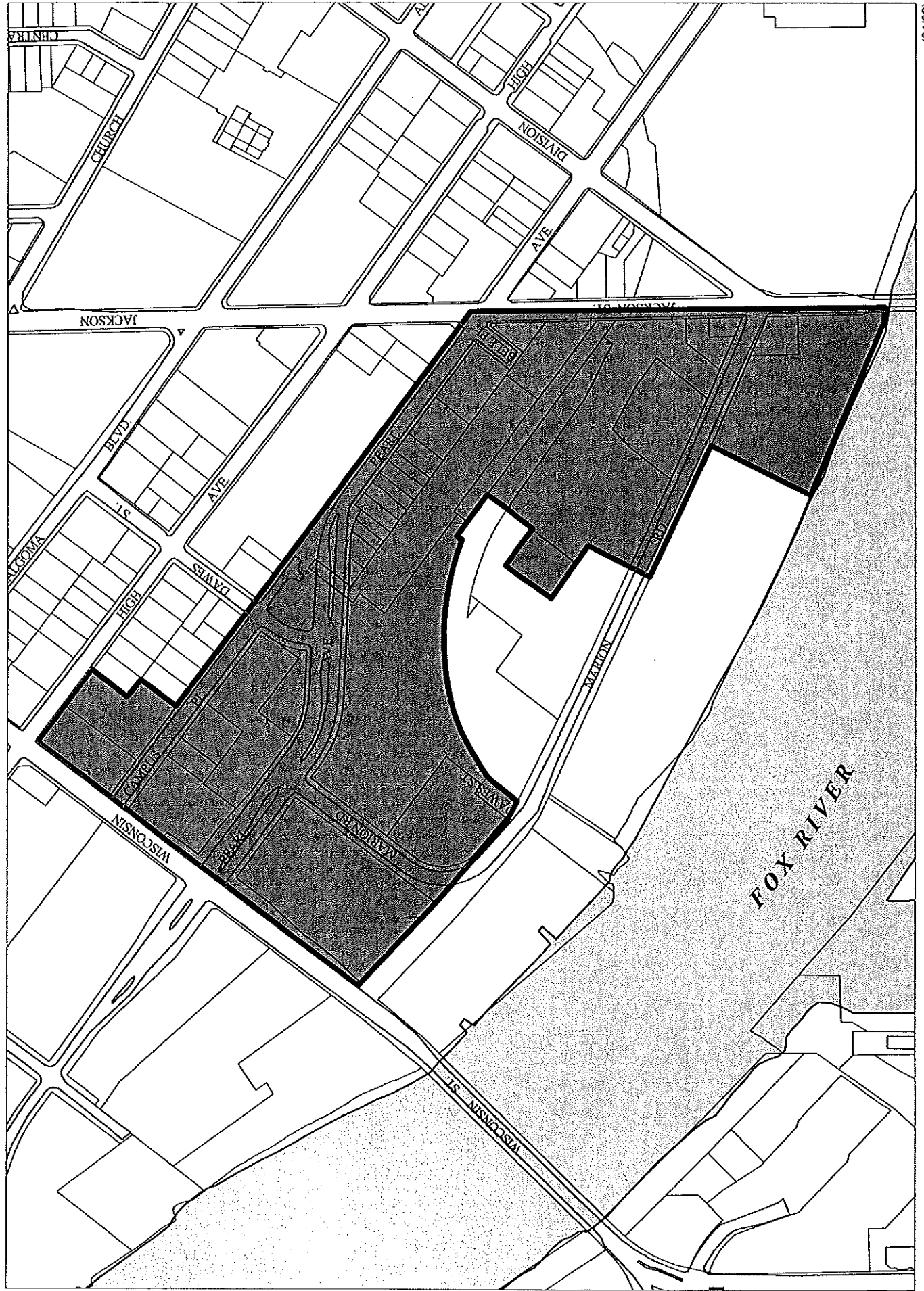
- More than 50 percent of the real property within the TID is blighted within the meaning of Section 66.1105(2), Wisconsin Statutes;
- Not less than 50% of the structures within the TID are in need of rehabilitation within the meaning of Section 66.1331, Wisconsin Statutes;
- Based on present and historical land uses in the general area, environmental contamination exists, or is perceived to exist, to an extent the Project Plan will not be able to proceed without tax increment financing and the donation of positive tax increments between Tax Increment Districts;
- The redevelopment of the area calling for the construction of new multiple family housing and commercial developments together with the elimination of brownfield properties will have a significant positive impact on the value of all real property in the District and is in keeping with the goals and objectives of the Comprehensive Plan;
- Were it not for the financing mechanisms provided through Tax Increment Law, planned redevelopment of this district would in all likelihood not occur.

A new finding relevant to this Amendment to the TID # 13 Project Plan would be:

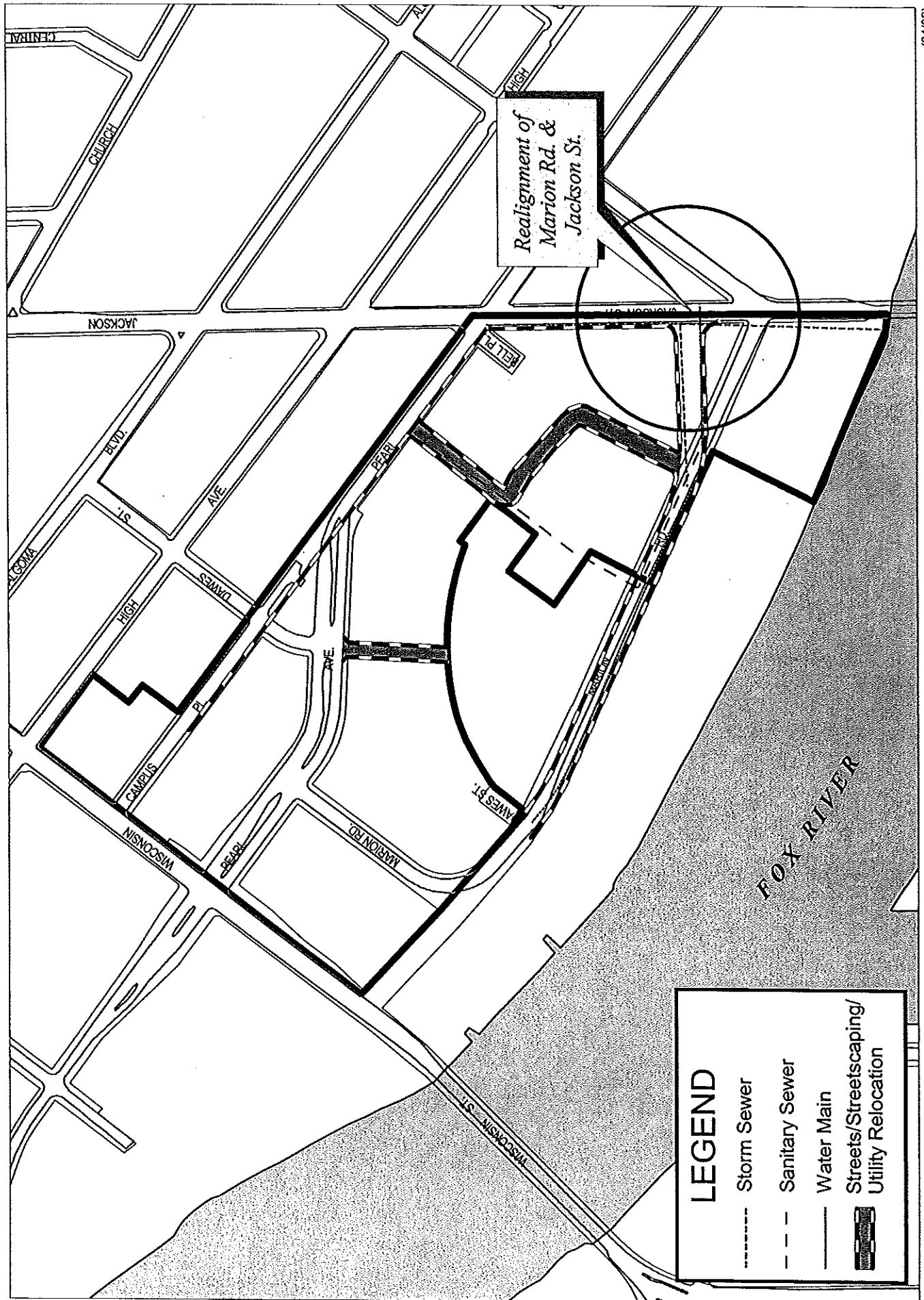
- The primary objective for Amendment No. 2 to the TID # 13 Project Plan is to continue with blight elimination in the district and the preparation of land within the district for redevelopment;
- The amended plan is feasible and is in conformity with the City's Comprehensive Plan;
- The provision of grants to the Oshkosh RDA from the City of Oshkosh will ensure continued redevelopment of the district.

Appendix A  
Project Maps

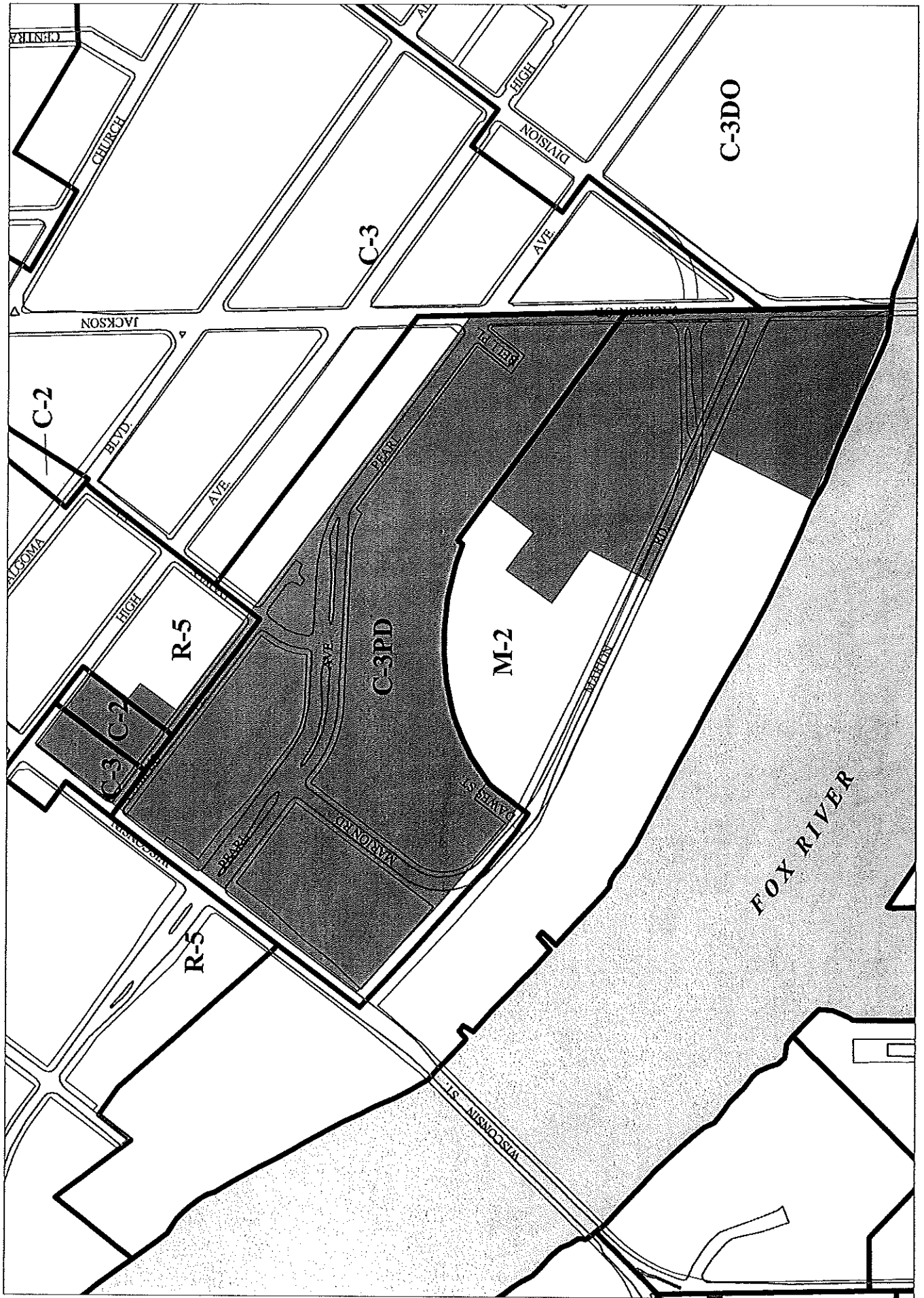
# TID #13 Amendment - Boundaries



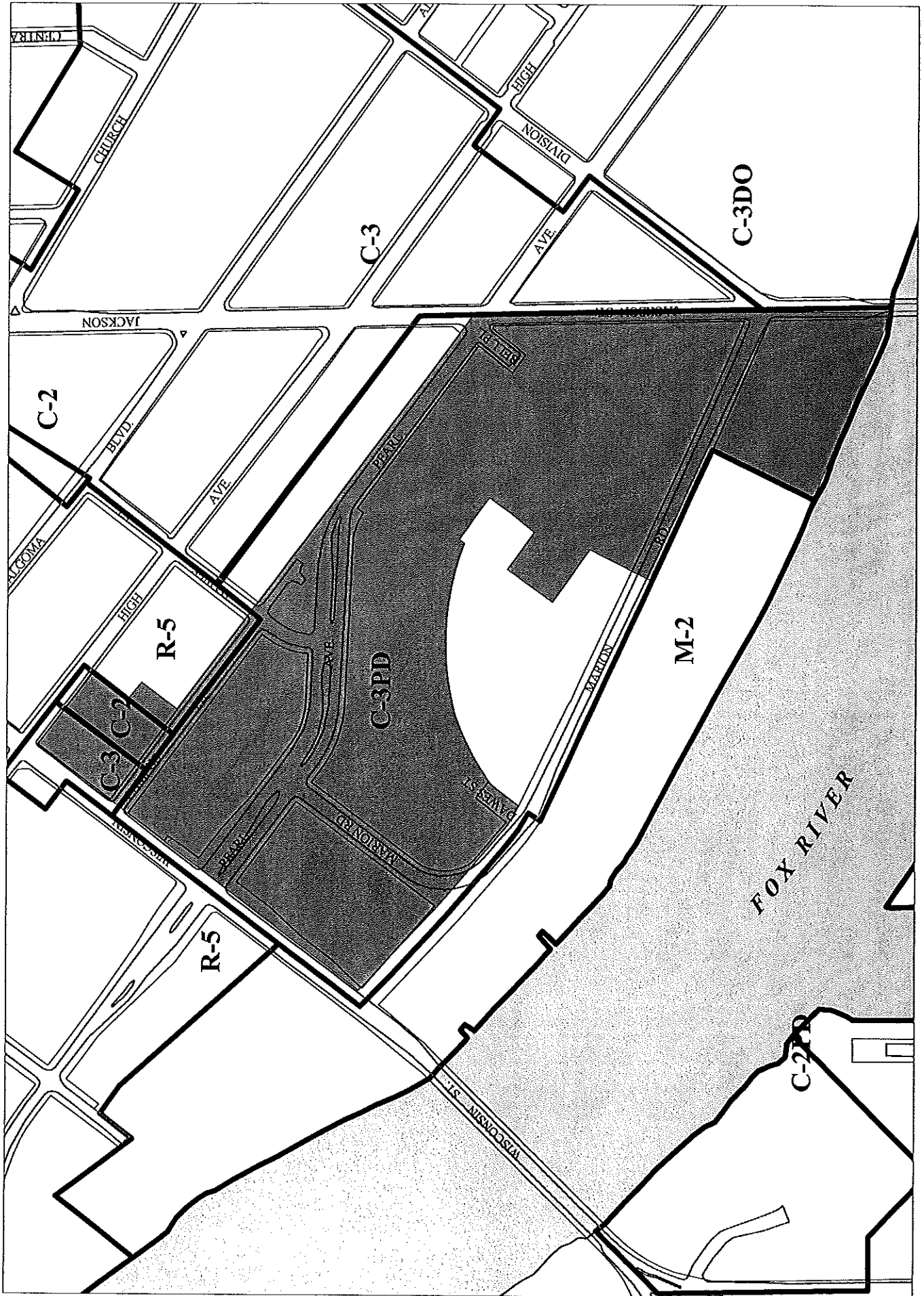
# TID #13 Amendment - Proposed Improvements



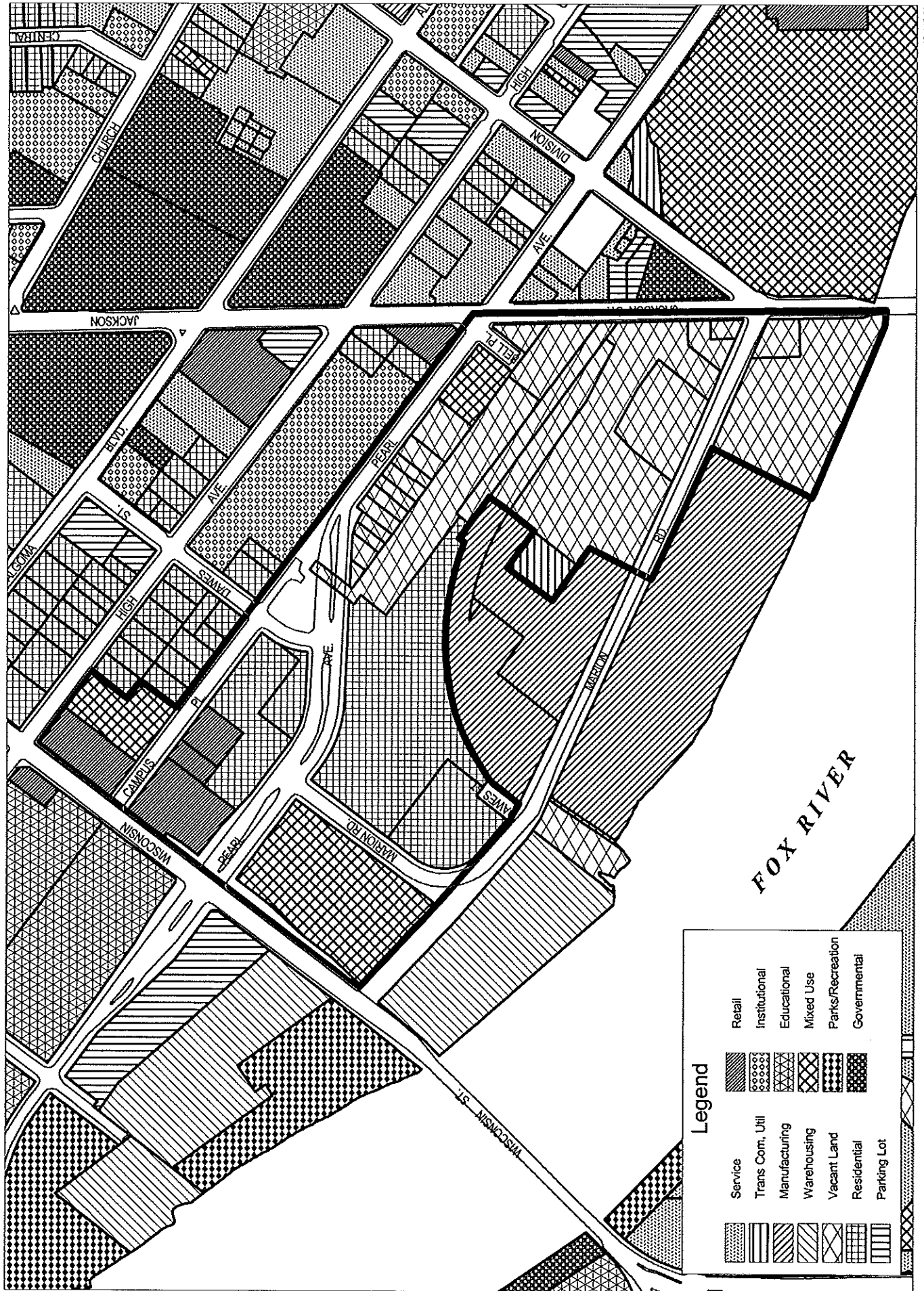
# TID #13 Amendment - Current Zoning



# TID #13 Amendment - Proposed Zoning

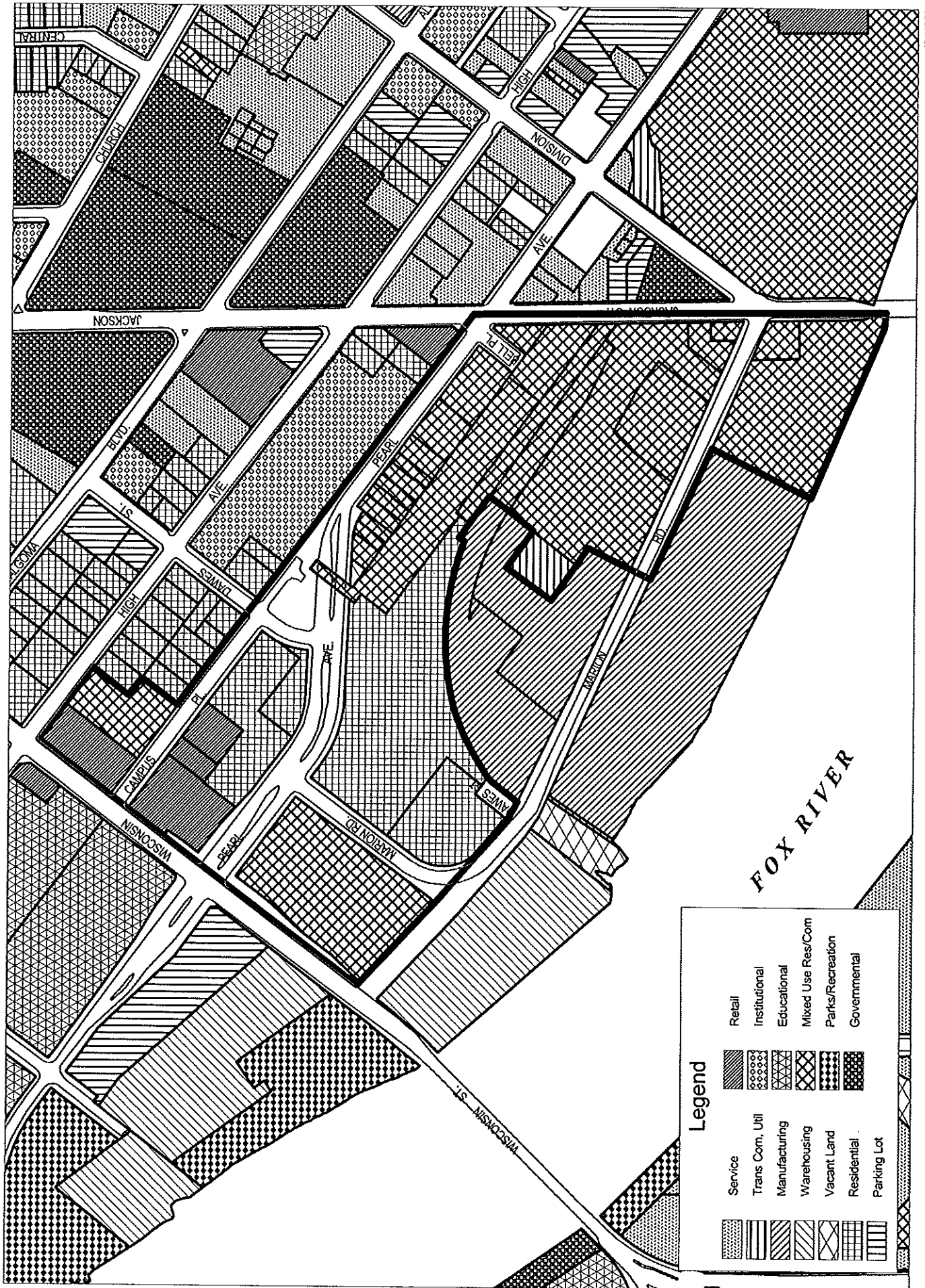


# TID #13 Amendment - Existing Land Use



(04/03)

# TID #13 Amendment - Proposed Land Use



(04/03)



## Appendix B

### NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OSHKOSH PLAN COMMISSION

TUESDAY, APRIL 15, 2003  
4:00 PM, Room 404  
City Hall, Oshkosh, WI

The Plan Commission will hear public comments on Amendment No. 2 to Tax Increment District # 13 Marion Road/Pearl Avenue Redevelopment Project and Amendment No. 1 to Tax Increment District # 17 City Center Redevelopment Project. The purpose of the amendments is to add projects not included in their original Project Plans. Interested persons are encouraged to attend.

Amendment No. 2 to Tax Increment District # 13 Marion Road/Pearl Avenue Redevelopment

The purpose of this amendment is to transfer approximately \$2.6 million in project costs to the Oshkosh Redevelopment Authority to complete implementation of the plan for redevelopment of this district.

Amendment No. 1 to Tax Increment District # 17 City Center Redevelopment

The purpose of this amendment is to add a project to the previously adopted project plan. The project involves realignment of the Jackson/Marion/Division Street intersection. The anticipated cost of realignment which includes activities such as acquisition, environmental remediation, street construction, utility work, etc. is \$1.3 million.

The draft amended project plans will be available for review on or about April 10, 2003. For information, call the City of Oshkosh Planning Services Division at 920-236-5055 between 8 am – 4:30 pm, Monday thru Friday.

PUBLISHED: April 4 & 8, 2003

## Appendix C

Plan Commission Minutes

April 15 2003

V: **PUBLIC HEARING ON AMENDMENT NO. 2 TO TAX INCREMENT DISTRICT #13 MARION ROAD/PEARL AVENUE REDEVELOPMENT PROJECT**

City Administration requests the Plan Commission to review and approve Amendment No. 2 to Tax Increment District #13 Marion Road/Pearl Avenue Redevelopment. The TID was originally created in 1998 for the purpose of redeveloping the 30+ acre Marion Road area that contained a number of blighted and underutilized properties. The TID was subsequently amended in 2000 to add territory to the district that expanded it to Jackson Street and the Fox River.

Vice Chairman Bettles opened the Public Hearing portion of the meeting for Amendment No. 2 to Tax Increment District #13 Marion Road/Pearl Avenue Redevelopment Project.

Mr. Burich handed out an amended map of the proposed improvements in the area.

Mr. Burich proceeded to show slides of improvements already made to the Marion Road/Pearl Avenue Redevelopment area. Mr. Kinney stated Amendment No. 2 to Tax Increment District #13 was basically to add street construction projects for Phase 2 of the district. He used the map as displayed to show the broader area which showed Phase 1 and the improvements proposed for Phase 2 of the redevelopment area. He stated the staff would hopefully be issuing a request for proposals to developers in June for parcels G,H, I & J. Mr. Kinney stated the costs included in the proposed area basically related to construction of the streets.

Mr. Kinney stated this amendment will also create a new project wherein funds will be provided to the recently created City of Oshkosh Redevelopment Authority for the completion of the street related projects such as environmental remediation, public utility construction, streetscaping, undergrounding of utilities, and stormwater management.

Ken Bender, 806 Oak Street, pointed out the property just outside the center of the TID District. Mr. Burich stated that was the Lamico property, and they couldn't put a street through their property.

Mr. Bender questioned the impact the tax dollars would have on the area. Mr. Kinney stated the taxes from that area would be used to pay off the improvements in the area and in all likelihood would be less than identified in the Project Plan.

Mr. Bender questioned if the City could afford to use the taxes in this way given the current budget concerns. Mr. Kinney stated the City must make improvements to the infrastructure to lure new development. He explained approximately \$7 million had been added to the district with Phase 1 developments and an additional \$20-\$30 million in development value is estimated for the Phase 2 area. Mr. Kinney stated the actual costs of investment would probably be less than the estimated \$2.7 million with additional costs for decorative lighting, undergrounding of utilities, etc.

## Appendix C

### Plan Commission Minutes

April 15 2003

Vice Chairman Bettles Closed the Public Hearing portion of the meeting for Amendment No. 2 to Tax Increment District #13 Marion Road/Pearl Avenue Redevelopment Project.

Mr. Gehling questioned if the realignment of Marion Road with Jackson Street and Division Street had been reviewed by the Traffic Advisory Committee. Mr. Kinney stated that would be covered in the next item pertaining to TID #17.

Mr. Gehling questioned if the City had a plan for the placement of uses within the development, or if development would occur on a first come first serve basis. He stated he was concerned with the balance of uses in the area.

Mr. Kinney stated the staff is preparing development guidelines. He explained research the University of Wisconsin Oshkosh has done for the development of this area, and how the City's consultant's have taken their recommendations to develop a mix of commercial and residential uses for the area along with some possible educational links from Mercury Marine. He stated other studies will be taken into account to include a river promenade, and pedestrian and bike path. He explained the zoning throughout the area will also be looked at to have the right zoning classification for the uses in the area. He stated the Plan Commission will be actively involved in continuing redevelopment efforts in this area.

Mr. Borsuk noted a lot of surface parking throughout the area and stated he would like to see it be a more useable area. Mr. Kinney stated that was one of the points that would be addressed in the development guidelines.

Mr. Gehling questioned if there would be underground parking in the area. Mr. Kinney stated that was another area to be explored.

Mr. Reschenberg was excused at this time.

Mr. Borsuk questioned if the costs for Marion Road were included in the \$2.7 million estimated for the area. Mr. Kinney stated the cost of Marion Road had already been contracted for.

Mr. Borsuk also questioned if the previous property owners would be required to help with the remediation costs. Mr. Kinney stated there weren't any remediation costs that would apply to the former property owners.

Mr. Borsuk questioned how the funds would flow to the Redevelopment Authority (RDA). Mr. Kinney explained the Common Council will allocate funds for the RDA to manage. He stated the Department of Community Development staff will support the RDA which will review what can be done on a yearly basis.

Mr. Pressley questioned if the Redevelopment Authority would initiate projects. Mr. Kinney stated the RDA can initiate projects.

## Appendix C

**Plan Commission Minutes**

**April 15 2003**

Mr. Bettes stated the City has had a good vision and it is exciting to see it all fall in place.

**Motion by Gehling for approval and recommendation of Amendment No. 2 to Tax Increment District #13 to the Common Council for approval. Seconded by Propp. Motion carried 6-0.**

**Appendix D**  
**Common Council Creation Resolution**

APRIL 22, 2003

03-111

RESOLUTION

(CARRIED 5-0 LOST \_\_\_\_\_ LAID OVER \_\_\_\_\_ WITHDRAWN \_\_\_\_\_)

PURPOSE: APPROVE PROJECT PLAN AMENDMENT NO. 2 TAX  
INCREMENT DISTRICT NO. 13 MARION ROAD/PEARL AVENUE  
REDEVELOPMENT

INITIATED BY: CITY ADMINISTRATION

PLAN COMMISSION RECOMMENDATION: Approved

WHEREAS, additional projects are proposed to be undertaken to improve Tax Increment District No. 13; and

WHEREAS, these projects were not originally included in the adopted Project Plan for Tax Increment District No. 13; and

WHEREAS, pursuant to §66.1105, Wis. Stats., the City of Oshkosh proposes Amendment No. 2 to the Project Plan of Tax Increment District No. 13 Marion Road/Pearl Avenue Redevelopment; and

WHEREAS, the City of Oshkosh Plan Commission has prepared and adopted a Project Plan for Tax Increment District No. 13 Marion Road/Pearl Avenue Redevelopment which:

- 1) Includes a statement listing the kind, number and location of all proposed public works or improvements within such district.
- 2) Contains an economic feasibility study.
- 3) Contains a detailed list of estimated project costs.
- 4) Contains 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.
- 5) Includes a map showing existing uses and conditions of real property in such district.
- 6) Includes a map showing proposed improvements and uses therein.
- 7) Contains a list of estimated non-project costs.
- 8) Contains a statement of a proposed method for the relocation of any person to be displaced.
- 9) Indicates how the creation of TID No. 13 promotes the orderly development of the City.

**Appendix D**

**Common Council Creation Resolution**

APRIL 22, 2003    03-111    RESOLUTION

CONT'D

and

WHEREAS, the Plan Commission has held a public hearing on Amendment No. 2 to TID No. 13 and has notified the Chief Executive Officers of all local government entities having the power to levy taxes on property within the district, including the School Board of any school district that includes property within the district pursuant to §66.1105, Wis. Stats.; and

WHEREAS, the City of Oshkosh Plan Commission has found that said Project Plan is in conformity with the Master Plan of the City of Oshkosh.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Oshkosh hereby approves of said Amendment No. 2 to the Project Plan for Tax Increment District No. 13 Marion Road/Pearl Avenue Redevelopment, pursuant to the provisions of §66.1105, Wis. Stats.

BE IT FURTHER RESOLVED that the improvements contemplated in amended TID No. 13 are likely to significantly enhance the value of substantially all real property within amended TID No. 13.

BE IT FURTHER RESOLVED that the value of equalized taxable property in amended TID No. 13, together with all other established Tax Increment Districts, does not exceed 7% of the total equalized value of taxable property within the City of Oshkosh.

BE IT FURTHER RESOLVED that more than 50% of the real property within amended TID No. 13 is blighted or in need of rehabilitation or conservation within the meaning of § 66.1337, Wis. Stats..

BE IT FURTHER RESOLVED that the project costs are consistent with the purposes for which the district is being created with the primary objective being rehabilitation of this area and blight elimination.

BE IT FURTHER RESOLVED that if the property owner was required to fully pay for the improvements associated with the proposed rehabilitation and redevelopment of the area, the redevelopment would in all likelihood not occur.

BE IT FURTHER RESOLVED by the Common Council of the City of Oshkosh that this resolution be forwarded to the Joint Review Board for their consideration of amended Project Plan of TID No. 13 – Marion Road/Pearl Avenue Redevelopment.

**Appendix E**  
**JOINT REVIEW BOARD**  
**Amendment No. 2 TID # 13 Marion Road/Pearl Avenue Redevelopment**  
**TID # 19 Northwest Industrial Park Expansion**  
**MEETING MINUTES**  
**May 27, 2003**  
**8:00 AM, Department of Community Development Conference Room**

Present: Teresa Thiel, Board of Education; Lori Becker, Fox Valley Technical College; Steve Hintz, Mayor, City of Oshkosh; Mike Hert, Winnebago County.

Staff: Jackson Kinney, Director of Community Development, Darryn Burich, Principal Planner.

The meeting was called to order at 8:00 am.

Mr. Burich and Mr. Kinney provided a brief overview of the proposed amendment No. 2 to TID # 13. Mr. Kinney explained the purpose of the amendment was to amend the project plan to allow for a project expenditure to occur that was not originally identified. Motion by Mike Hert and second by Lori Becker to approve Amendment No. 2 to TID # 13. Motion carried unanimously.

Mr. Burich and Mr. Kinney provided a brief overview of proposed TID # 19, the Northwest Industrial Park Expansion No. 1. Mr. Burich explained that the City was beginning to exhaust its supply of industrial sites and the TID would help to add developable sites. Mr. Kinney discussed a consultant's report regarding the potential for additional industrial development opportunities in the area.

Motion by Mike Hert and second by Lori Becker to approve the boundaries and Project Plan for TID # 19. Motion carried unanimously.

Motion by Steve Hintz and second by Teresa Thiel to adjourn the meeting. Motion carried.

Respectfully Submitted,



Darryn Burich  
Principal Planner  
Recording Secretary

