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Resolution Number: Legistar #01262

Expenditure Deadline: July 5, 2025

TID Expiration Date: July 5, 2032

Project Plan Amendment #1: July 23, 2014
Legistar #: #33741

Project Plan Amendment #2:
Legistar #: #

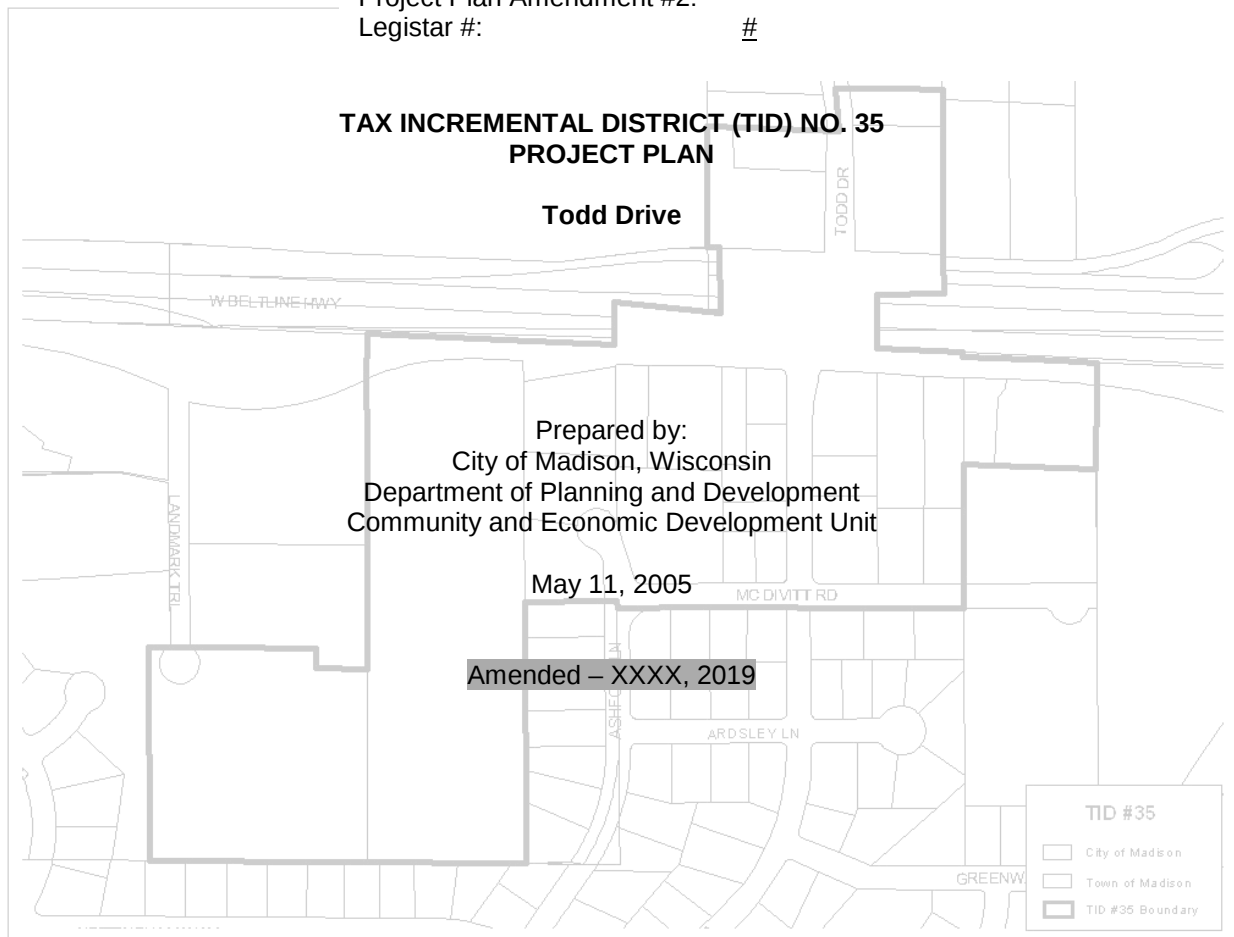


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TAX INCREMENTAL FINANCE DISTRICT NO. 35 (TODD DRIVE)

PROJECT PLAN (As Amended XXX 2019)

NOTE: All added language from the 2019 Project Plan Amendment is highlighted in grey.

INTENT AND PURPOSE

The City of Madison ("City") has established that the economic and physical revitalization of the West Beltline – Todd Drive area is a priority. As a first step, the Community Development Authority (CDA) of the City of Madison established a redevelopment district in 2004. The City further intends to eliminate current blighting conditions, attract and retain businesses and employment in the West Beltline Frontage Road – Todd Drive area through the creation of this tax incremental district.

To that end, the City may utilize its various implementation tools, such as the CDA development revenue bonds, tax exempt rental housing bonds, tax incremental financing (TIF), rehabilitation loans and grants, and other State or federal tools that may be available. In particular, the City is proposing to create Tax Incremental District (TID) #35 – Todd Drive ("District"), shown in Exhibit A, for the purpose of financing public works and improvements and where appropriate, stimulating planned commercial and mixed-use development that eliminates blight and stimulates business attraction and retention.

PROPOSED CHANGES IN ORDINANCES, CODES OR PLANS

Attachment Ordinance for Town of Madison Parcels

TIF Law requires that the District boundary shall only include whole tax parcels that are within the City's corporate limits at the time of the creation. Creation of this District required the attachment of certain tax parcels that were within the Town of Madison ("Town") limits. In 2002, the City and Town signed an agreement that enabled the City of Madison to attach certain Town territory in the South Madison area, provided the City demonstrated such territory would be redeveloped through the creation of either a TIF or redevelopment district. The City presented evidence of such intent to redevelop, in the form of this Project Plan, to the Town on March 12, 2004. On March 30, 2004, the Common Council of the City adopted an attachment ordinance of the parcels indicated in Exhibits A-F that changed the City's Official Map.

Code and Plan Changes

~~The project elements proposed in this Project Plan conform to the objectives and conceptual recommendations contained in the Objectives and Policies, A Part of The Master Plan For The City of Madison ("Master Plan").~~ No changes in the City Building Codes or other City Ordinances appear to be necessary to implement the Project Plan.

This Project Plan conforms to the objects and recommendations in the City of Madison Comprehensive Plan, as adopted on August 7, 2018.

Zoning Changes

~~The District is located within a retail commercial corridor area that is zoned commercial (C2, C3L, and C3) and residential (R4 and R5), as shown in Exhibit C. It is anticipated that no zoning changes will be required to achieve the projects that are currently being proposed in the District, as shown in Exhibit D.~~

TID #35 is currently zoned SE, SR-V2, SR-V1, CC-T, CC, and SR-C3.

PROPOSED PUBLIC WORKS IMPROVEMENTS

The following public improvements are anticipated:

Design Todd Drive, Frontage, Ramps, etc.	\$0
Perry St. Bike / Pedestrian Bridge	\$0
Enhance frontage road Retaining Walls	\$32,000
Todd Drive / S. Todd Drive / N. Todd Drive Frontage Rd and Meter Ramps	\$1,500,000
Land Mark Place	\$72,000
South frontage road by Seminole on ramp / Aux lane from Seminole / Todd off Ramp	\$0
Design	\$0
Resurface USH 12	\$0
Todd Drive Bridge	\$0
Street Lighting	\$350,000
Total Public Improvements	\$1,604,000 \$350,000

Revitalization Activities

Payments may be made, at the discretion of the local legislative body, which are found to be necessary or convenient to the creation of tax incremental districts or the implementation of project plans as provided in 66.1105 (2)(f). The following anticipated costs may apply:

Affordable Housing Set-Aside

According to City TIF Policy 3 (c), 10% of the estimated present value of District-wide tax increments (\$7,403,000) shall be reserved to assist in the development of affordable housing within the District.

The estimated cost of this activity is ~~\$740,000~~ **\$0.**

Revitalization Loans to Private Development

Where necessary or convenient to the creation of tax incremental districts or the implementation of project plans, TIF assistance in the form of loans may be provided to private development projects that demonstrate that "but for" such TIF assistance, the project would not occur. Such TIF funds are to be used to reduce the cost of site acquisition or site improvements. Site improvements could include the construction or razing of buildings, the preparation of sites for construction, environmental remediation, the landscaping of sites and similar types of related activities.

The estimated cost of this activity is ~~\$4,059,000~~ **\$3,763,000.**

Organizational, Administrative and Professional Costs

This category of project costs includes estimates for administrative, professional, organizational and legal costs. Project costs may include salaries, including benefits, of employees engaged in the planning, engineering, implementing and administering activities in connection with the District, supplies and materials, contract and consultant services, and those costs of City departments such as the Comptroller's Office, City Attorney, City Engineer, Parks Division, Planning & Development and the Office of the Mayor.

The estimated cost of this activity is **\$500,000.**

Finance Cost

Finance costs, including but not limited to, all interest paid toward bonds issued to pay for project costs are eligible TIF expenditures.

The ~~estimated~~ cost to finance ~~\$7,403,000~~ the TIF projects outlined below is TIF borrowing is ~~\$712,159~~ **2,036,000.**

COMMUNITY DEVELOPMENT AUTHORITY REVITALIZATION ACTIVITIES

In addition to the traditional public improvements such as streets and utilities, the District includes a variety of other improvements aimed at improving the total area. In accordance with Section 66.1333 of the State Statutes (Redevelopment Law), the CDA may undertake a variety of revitalization activities, such as land acquisition and bond issuance, as the City's designated development agent within the District. However, the adoption of a TIF Project Plan and boundary for this District does not initiate the creation of a Redevelopment District or otherwise authorize or commit the CDA's use of its eminent domain or bonding powers.

In order to engage in these activities, the CDA must create a Redevelopment District plan and boundary including those properties within that would be assisted by the CDA, conduct a public hearing where persons having a property interest within the proposed Redevelopment District boundary may express their views, and adopt a resolution creating such plan and boundary. The following CDA activities are permitted under Redevelopment Law:

Land Acquisition

In order to construct the public improvements and for the revitalization and development of private property, the acquisition of property and relocation of occupants may be necessary in the District. The acquisitions could vary from rights-of-way and air space to entire parcels. Lands acquired by the CDA may be leased or sold at market rate or reduced costs to assist in creating financially feasible, eligible projects. Such acquisitions shall follow requirements set forth in Section 66.1333 (Redevelopment Law) and Chapter 32 (Eminent Domain Law) of the Wisconsin Statutes. At this time, it is uncertain if land will be acquired by the CDA for revitalization purposes.

This project plan allocates ~~\$500,000~~ \$0 toward acquisition as a budgetary placeholder. This amount does not represent an estimated value or imply any plan or intent to acquire property. At such time when the City finds such action to be necessary and appropriate to stimulate redevelopment of the District, an accurate estimate of the actual acquisition cost, if any, will be made, funds budgeted and an authorizing resolution adopted by the Common Council to provide said funds to the CDA.

~~The estimated cost of this activity (placeholder only) is \$500,000.~~

Bond Issuance

The CDA may use its powers under Redevelopment Law to issue financing in the form of housing-revenue or lease-revenue bonds in order to facilitate development projects.

Donations to Other TIDs

In 2014, the City of Madison adopted Legistar #33741 (RES-14-00388), providing for a donation of \$2,500,000 of tax increments from TID #35 to TID #38. This donation provided for five (5) equal donations of \$500,000 in each year, starting in 2016.

As provided for under TIF Law, the City of Madison is amending the TID #35 donor plan in the fourth year of its donation period. In 2019, the City of Madison is proposing to donate an additional \$2,210,000 of tax increments to TID #38. The timing and amount of the proposed donations from both TID #35 and TID #41 is shown in the table below.

The estimated cost of this activity is **\$4,710,000.**

Donor District	2016	2017	2018	2019	2020	2021	2022	2023	Total
TID #35 (1st Donation)	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$-	\$-	\$-	\$2,500,000
TID #35 (2nd Donation)	\$-	\$-	\$-	\$1,300,000	\$910,000	\$-	\$-	\$-	\$2,210,000
TID #41	\$-	\$-	\$-	\$-	\$895,000	\$-	\$-	\$-	\$895,000
Total	\$500,000	\$500,000	\$500,000	\$1,800,000	\$2,305,000	\$-	\$-	\$-	\$5,605,000
Recipient District									
TID #38	\$500,000	\$500,000	\$500,000	\$1,800,000	\$2,305,000	\$-	\$-	\$-	\$5,605,000

DETAILED ESTIMATE OF TIMING AND PROJECT COSTS

The following are eligible project costs as provided for under 66.1105 (2)(f), Wisconsin Statutes and the timing in which certain project costs will be incurred. Certain project costs will be subject to the anticipated long-term development expectations as described elsewhere in this Plan. The actual TIF-eligible project costs may vary or may be adjusted or substituted for other TIF-eligible costs without a project plan amendment, so long as the total amount of TIF-eligible costs does not exceed the total TIF-eligible project cost adopted in the Project Plan.

<u>Public Improvements</u>	<u>TIF Cost</u>	<u>Assessable Cost</u>	<u>Other (Fed / State)</u>	<u>Total Project Cost</u>	<u>Year</u>
Todd Drive Ramps/Frontage Rd etc.	\$0	\$0	\$400,000	\$400,000	2005-27
Perry St. Bike/Ped bridge	\$0	\$0	\$950,000	\$950,000	2005-27
Frontage Road Retaining Walls (Todd Drive)	\$32,000	\$0	\$128,000	\$160,000	2005-27
Todd Drive/S. Todd Drive/ N. Todd Drive Frontage Road & Meter Ramp	\$1,500,000	\$0	\$50,000	\$1,550,000	2005-27
Land Mark Place	\$72,000	\$0	\$0	\$72,000	2005-27
South Frontage Rd. by Seminole on-ramp/ Aux lane from Seminole/ Todd Off-Ramp	\$0	\$0	\$885,000	\$885,000	2005-27
Design	\$0	\$0	\$200,000	\$200,000	2005-27
Resurface USH 12	\$0	\$0	\$3,725,000	\$3,725,000	2005-27
Todd Drive Bridge	\$0	\$0	\$1,050,000	\$1,050,000	2005-27
Subtotal	\$1,604,000	\$0	\$7,388,000	\$8,992,000	2005-27
<u>Other Revitalization:</u>	<u>TIF Cost</u>	<u>Assessable Cost</u>	<u>Other Cost</u>	<u>Total Project Costs</u>	<u>Year</u>
Aff. Housing Set-Aside	\$740,000	\$0	\$0	\$740,000	2005-27
CDA Land Acquisition	\$500,000	\$0	\$0	\$500,000	2005-27
Revitalization Loans	\$4,059,000	\$0	\$0	\$4,059,000	2005-27

Subtotal	\$5,299,000	\$0	\$0	\$5,299,000	2005-27
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<u>Administrative Cost</u>	<u>TIF Cost</u>	<u>Assessable Cost</u>	<u>Other Cost</u>	<u>Total Project Costs</u>	<u>Year</u>
Admin. & Professional	\$500,000	\$0	\$0	\$500,000	2005-27
Subtotal All Categories	\$7,403,000	\$0	\$7,388,000	\$14,791,000	2005-27
TOTAL TIF COSTS	\$7,403,000	\$0	\$0	\$0	\$0
Financing Costs	\$2,036,000	\$0	\$0	\$2,036,000	2005-27
Total Eligible Cost	\$9,439,000	\$0	\$7,388,000	\$16,827,000	2005-27

Amended TID #35 Budget

<u>Expenditures To Date</u>					
<u>Public Improvements</u>	<u>TIF Cost</u>	<u>Assessable Cost</u>	<u>Other (Fed / State)</u>	<u>Total Project Cost</u>	<u>Year</u>
Street / Sidewalk Reconstruction	\$18,831	\$0	\$0	\$18,831	2005-27
Other Revitalization	\$44,756	\$0	\$0	\$44,756	2005-27
Revitalization Loans	\$3,763,000	\$0	\$0	\$3,763,000	2005-27
Donation to TID #38	\$2,500,000	\$0	\$0	\$2,500,000	2005-27
Admin and Professional Services	\$131,638	\$0	\$0	\$131,638	2005-27
Proposed 2019 Amendment					
Street Lighting	\$350,000	\$0	\$0	\$350,000	2019-27
Admin and Professional Services	\$368,362	\$0	\$0	\$368,362	2019-27
Donation to TID #38 (2019-2020)	\$2,210,000	\$0	\$0	\$4,710,000	2019-27
Total	\$9,386,587	\$0	\$0	\$9,386,587	2005-27
Total Financing Cost	\$712,159	\$0	\$0	\$712,159	2005-27

SUMMARY OF TOTAL PROJECT COSTS AND ECONOMIC FEASIBILITY

Total Project Costs

Eligible project costs include the estimated costs of planning, engineering, construction or reconstruction of public works and improvements, financing costs and the cost of CDA revitalization activities. Non-eligible or assessable costs are expected to be paid from revenue sources other than tax increments.

The City's decision to authorize expenditures to pay for eligible TIF project costs will be contingent upon development actually occurring or committed to occur. Per TIF Law, the City shall make all expenditures within the initial 22 years of the District's creation. Therefore, all expenditures must be made before the anniversary of the District's creation date in 2027. The maximum life by which the District may collect tax increments to pay for project expenditures is 27 years or until **2032**. Since the majority of the project cost is financed with long-term debt, borrowing would be undertaken only when sufficient development actually occurs to support each borrowing segment and the expenditure of such funds.

Each individual cost element of the Project Plan will require subsequent approval by the Common Council and/or the CDA. The method of financing and the individual debt issues will also require Common Council approval. It is the City's intent to closely monitor all planned and actual development within the District. The actual City investment in the District may vary from the amounts shown in the Project Plan.

The total cost of public improvements including TIF and non-TIF expenditures is estimated at approximately \$16,827,000. Of this total, approximately ~~\$9,386,587~~ **7,403,000** of eligible project costs may be supported by TIF. In addition to this amount, the District may support an additional ~~\$712,159~~ **2,036,000** of finance cost on borrowing.

TIF Law requires that the City identify those costs that are either assessable to property owners who benefit by those improvements, or are funded through other fees or other funding sources. At this time, the City does not anticipate any of the project costs for this District to be assessable to property owners. As a source of other funds, the State of Wisconsin Department of Transportation (WISDOT) is projected to authorize funding for public improvements to the West Beltline – Todd Drive area that are initially estimated to be approximately \$7,388,000.

In the event that certain assessable project costs are hereafter identified within the expenditure period, the assessments will be determined in accordance with the City's Board of Public Works standard special assessment policies. The balance of the project costs will require financial support by incremental taxes from the District and other financing sources as demonstrated below:

<u>TIF Costs</u>	<u>Finance Costs</u>	<u>Special Assessments</u>	<u>Other Costs</u>	<u>Total Project Costs</u>
\$9,386,587 7,403,000	\$712,159 2,036,000	\$0	\$0 7,388,000	\$9,386,587 16,827,000

Economic Feasibility

The District's economic feasibility is best demonstrated by its potential to generate TIF funds from economic growth to pay for eligible project costs. Although the District's economic growth is based upon unpredictable variables, the City may forecast anticipated growth, using conservative appreciation and mill rates and anticipated near-term development projects or "**TIF generators**". Upon analysis of these and other factors, the City and other overlying tax jurisdictions (Dane County, Madison Metropolitan School District and Madison Area Technical College) agree to allocate their portion of the tax levy on new economic growth in the District over its 27-year life to pay for eligible project costs incurred in the District. These tax revenues or "**tax increments**" flow directly to the City until these costs are paid and the District is closed, and the value growth returned to overlying tax jurisdictions. The present value (i.e. their value in today's dollars) of the estimated tax increments indicates the amount of TIF funds that may be available in the near-term, which as stated earlier, demonstrates the District's economic feasibility.

TIF Generators

The City anticipates that the District's primary TIF generator will be 180,000 square feet of retail and commercial development that could be developed in 2006 in the southwest quadrant of the Todd Drive / West Beltline intersection area between Sergenian's and the Bridge Club, estimated at \$18,000,000 of value. In addition, the Landmark Oaks office development on Landmark Trail is slated for development by Mortensen Investment Group, at approximately \$12,000,000 of estimated value. The project is forecasted for completion and full assessment by January of 2007. Therefore, the total anticipated development growth is approximately \$30,000,000.

Estimate of Tax Increments

The **base value** of the District, as of January 1, 2005 is \$24,804,800. The estimated **economic growth** over the life of the District, including generators and value appreciation until 2032, is estimated at \$91,204,000. The **value increment**, or the difference between economic growth and base value, is estimated at approximately \$66,399,200. The total of **tax increments** collected on the value increment until **2027** is estimated at approximately \$19,153,000.

~~The estimated amount of TIF funding, which is demonstrated as the present value of estimated tax increments levied over the life of this District is **\$7,403,000**.~~

The estimated amount of TIF funding, which is demonstrated as the present value of estimated tax increments levied over the life of this District is \$9,386,587.

The estimated value increment in 2019 was \$39,039,900. Upon completion of the proposed donations in 2020, the City may keeping it open for one additional year as allowed under TIF Law for the purposes of funding affordable housing. Assuming this additional year is in 2021, the TID would close in 2022. TID #35 does not forecast any additional incremental revenue growth, but instead will rely upon a stable stream of existing incremental revenue to pay for the cost increases

Forecasted Assessed Value Growth (2005-32)	\$91,204,000
Less: Estimated Base Value (2005)	<u>\$24,804,800</u>
Estimated Value Increment (2005-32)	\$66,399,200
 Total Tax Increments Levied on Value Increment (2005-32)	 \$19,153,000
 Present Value of Tax Increment Revenues (TIF Available)	 \$9,386,587 \$7,403,000
 2019 Incremental Value	 \$39,039,900
Estimated Incremental Revenues - 2019	\$1,091,620
(Outstanding Debt) / Positive Increment	\$392,302

PROMOTION OF ORDERLY LAND DEVELOPMENT

The District boundary is generally located at the intersection of Todd Drive and the West Beltline Highway (USH 12/18) extending from Landmark Trail along the West Beltline frontage road to approximately two blocks east of the intersection at Todd Drive. The existing uses within the district are predominantly retail commercial, with multi-family uses providing a buffer to single-family housing to the south in the adjacent Arbor Hills neighborhood.

Survey of Conditions (Blight Study)

The City commissioned a Survey of Conditions ("Blight Study") for the district finding **77.3%** of the area to be in blighted condition, shown on Exhibit B. Copies of the Blight Study are on file with the Office of the City Clerk, which outline the effect of transition and decline.

Conformance to Plans

A primary intent and purpose of the Project Plan and District is to revitalize and maintain the Todd Drive area as a healthy, vibrant neighborhood commercial district. This is consistent with goals **strategies** set forth in the **Master Plan, Comprehensive Plan**, as summarized in the following:

~~"Maintain economically viable neighborhood commercial districts as a source of local employment, a focus of neighborhood activity, and a centralized convenience shopping and service center for residents of the surrounding area."~~

- Strategy 1 – Retain existing employers and attract new employers to ensure residents have access to jobs.

The Project Plan is also consistent with **TIF Policy**, conforming to the following TIF **goals objectives**:

- Growing the property tax base*
- Fostering the creation and retention of family supporting jobs.*
- Encouraging the adaptive reuse of obsolete or deteriorating property.*
- Encouraging urban infill projects that increase (or decreases where appropriate) density consistent with the City's Comprehensive Plan.*

~~"Support Neighborhood Revitalization"~~

~~"Support Economic Development"~~

EXPECTATIONS FOR DEVELOPMENT

Potential Areas of Development

Areas for potential commercial and residential development include planned construction of approximately 180,000 SF of office and commercial uses in the commercial parcels located between Sergenian's and the Open Pantry (2703 West Beltline Highway) west of Todd Drive and the West Beltline Frontage Road and 125,000 SF of Landmark Oaks offices on vacant land on Landmark Trail.

The City anticipates that making intersection improvements at Todd Drive and the West Beltline Highway in conjunction with the State of Wisconsin Department of Transportation (WISDOT) plans to address access, safety and infrastructure concerns would fully integrate the planned commercial development with the West Beltline Highway and the adjoining residential neighborhood. The re-zoning of any existing commercial uses or the integration of other uses into the District would be subject to future Plan Commission review and Common Council approval.

Timeframe for Development

The Todd Drive-West Beltline Frontage Road development is anticipated to be under construction in 2006 and the Landmark Oaks office development is forecasted for completion and full assessment by January of 2008.

The implementation of TIF-funded infrastructure improvements is anticipated to occur during the first seven years of the District (2005-12). The timing of WISDOT expenditures is less certain, but anticipated to occur in the latter part of the first seven years of the District's creation.

METHODS FOR THE RELOCATION OF DISPLACED PERSONS

Where the relocation of individuals and business operations would take place as a result of the City and / or CDA's acquisition activities occurring within the District, relocation will be carried out in accordance with the relocation requirements set forth in Chapter 32 of the Wisconsin Statutes or the Federal Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (P.L. 91-646) as applicable.

LEGAL DESCRIPTION – TID # 35 (TODD DRIVE)

A parcel of land located in the Southwest Quarter of Section Thirty-four (34), and the Southeast Quarter of Section Thirty-three (33), Township Seven North (T7N), Range Nine East (R9E) of the Fourth Principal Meridian (4PM), located in the City of Madison Dane County, Wisconsin, more fully described to wit:

Commencing at the Northeast corner of Section Four (4), Township Six North (T6N), Range Nine East (R9E) of the Fourth Principal Meridian (4PM) (said corner being on the South line of the Southeast Quarter (SE ¼) of said Section Thirty-three (33); thence along said South line, westerly to the southwesterly corner of Lot Forty-seven (47) of First Addition to Arbor Heights¹ (said point also being the **Point of Beginning**); thence continuing along said South line, westerly to a southeasterly corner of Lot Seven (7) of Arbordale Professional Center²; thence along the easterly line of said Lot Seven (7), northerly to an interior corner of said Lot Seven (7); thence along a southerly line of said Lot Seven (7), easterly to a southeasterly corner of said Lot Seven (7) (said point also being on the westerly right of way of Landmark Place); thence across said Landmark Place, easterly to a southwesterly corner of Lot Two (2) of Certified Survey Map No. 4653³; thence along a southerly line of said Lot Two (2), easterly to an interior corner of said Lot Two (2); thence along a westerly line of said Lot Two (2), southerly to a southwesterly corner of said Lot Two (2); thence along a southerly line of said Lot Two (2), easterly to the southeasterly corner of said Lot Two (2); thence along the easterly line of said Lot Two (2), and along the easterly line of Lot One (1) of said Certified Survey Map No. 4653, northerly to the northeasterly corner of said Lot One (1) (said point also being on the southerly right of way of South Frontage Road of United States Highway 12, 14, 18, and 151 (A.K.A. West Beltline Highway)); thence across said South Frontage Road and across part of said West Beltline Highway, in a perpendicular direction to the northerly right of way of said West Beltline Highway, northerly to the municipal boundary common to the City of Madison and the Town of Madison; thence along said municipal boundary, easterly to a southeasterly corner of said municipal boundary; thence along said municipal boundary, northerly to a northwesterly corner of said municipal boundary; thence along said municipal boundary, easterly to a southeasterly corner of said municipal boundary; thence along said municipal boundary, northerly to the southerly line of Lot One (1) of Certified Survey Map No. 1918⁴; thence along said southerly line of Lot One (1), westerly to the southwesterly corner of said Lot One (1) (said point also being on the West line of the Southwest Quarter (SW ¼) of said Section Thirty-four (34)); thence along the westerly line of said Lot One (1) (being coterminous with said West line), northerly to the northwesterly corner of said Lot One (1); thence along the northerly line of said Lot One (1), along the northerly line of Lot One (1) of Certified Survey Map No. 608⁵, and along the northerly line of said Lot One (1) of Certified Survey Map No. 608, extended to the centerline of Todd Drive; thence along said centerline, northerly to the westerly elongation of the northerly line of Lot Two (2) of Certified Survey Map No. 1553⁶; thence along said westerly elongation, and along said northerly line of Lot Two (2),

¹ First Addition to Arbor Heights, recorded in Volume 37 of Plats on Page 32 as Document No. 1296113.

² Arbordale Professional Center, recorded in Volume 37 of Plats on Page 5 as Document No. 1296113.

³ Certified Survey Map No. 4653, recorded in Volume 20 of Certified Survey Maps on Pages 227-230 as Document No. 1879864.

⁴ Certified Survey Map No. 1918, recorded in Volume 8 of Certified Survey Maps on Pages 33-34 as Document No. 1457139.

⁵ Certified Survey Map No. 608, recorded in Volume 3 of Certified Survey Maps on Page 120 as Document No. 1299381.

⁶ Certified Survey Map No. 1553, recorded in Volume 6 of Certified Survey Maps on Pages 283-284 as Document

easterly to the northeasterly corner of said Lot Two (2); thence along the easterly line of said Lot Two (2), along the easterly line of Lot Three (3) of said Certified Survey Map No. 1553, and along the southerly prolongation of said easterly line of Lot Three (3), southerly to a southeasterly corner of the municipal boundary common to the City of Madison and the Town of Madison; thence along said municipal boundary, westerly to a northwesterly corner of said municipal boundary; thence along said municipal boundary, southerly to a southwesterly corner of said municipal boundary; thence along said municipal boundary, easterly to the northerly elongation of the easterly line of Lot Three (3) of Certified Survey Map No. 6018⁷; thence along said northerly elongation, and along said easterly line, southerly to the southeasterly corner of said Lot Three (3); thence along the southerly line of said Lot Three (3), and along the southerly line of Lot Two (2) of said Certified Survey Map No. 6018, westerly to the southwesterly corner of said Lot Two (2) (said point also being on the easterly line of said Lot One (1) of Certified Survey Map No. 6018); thence along said easterly line of said Lot One (1), and along the easterly line of Lot Five (5) of Arbor Heights Commercial Plat⁸, southerly to the southeasterly corner of said Lot Five (5) (said point also being on the northerly right of way of McDivitt Road); thence across said McDivitt Road, southerly in a perpendicular direction to the southerly right of way of said McDivitt Road to said southerly right of way; thence along said southerly right of way, and across part of Ashford Lane, westerly to the centerline of said Ashford Lane; thence along said centerline, northerly to the easterly elongation of the northerly line of the southerly 14.00 feet of Lot Forty (40) of First Addition to Arbor Heights; thence along said easterly elongation, and along said northerly line, westerly to the northwesterly corner of said southerly 14.00 feet of Lot Forty (40); thence along the westerly line of said Lot Forty-one (41), and along the westerly lines of Lots Forty-two (42) through Forty-seven (47), inclusive, southerly to the **Point of Beginning**.

No. 1413218.

⁷ Certified Survey Map No. 6018, recorded in Volume 28 of Certified Survey Maps on Pages 315-317 as Document No. 2181675.

⁸ Arbor Heights Commercial Park, recorded in Volume 21 of Plats, on Page 11, as Document No. 954703.

Exhibit A – District Boundary

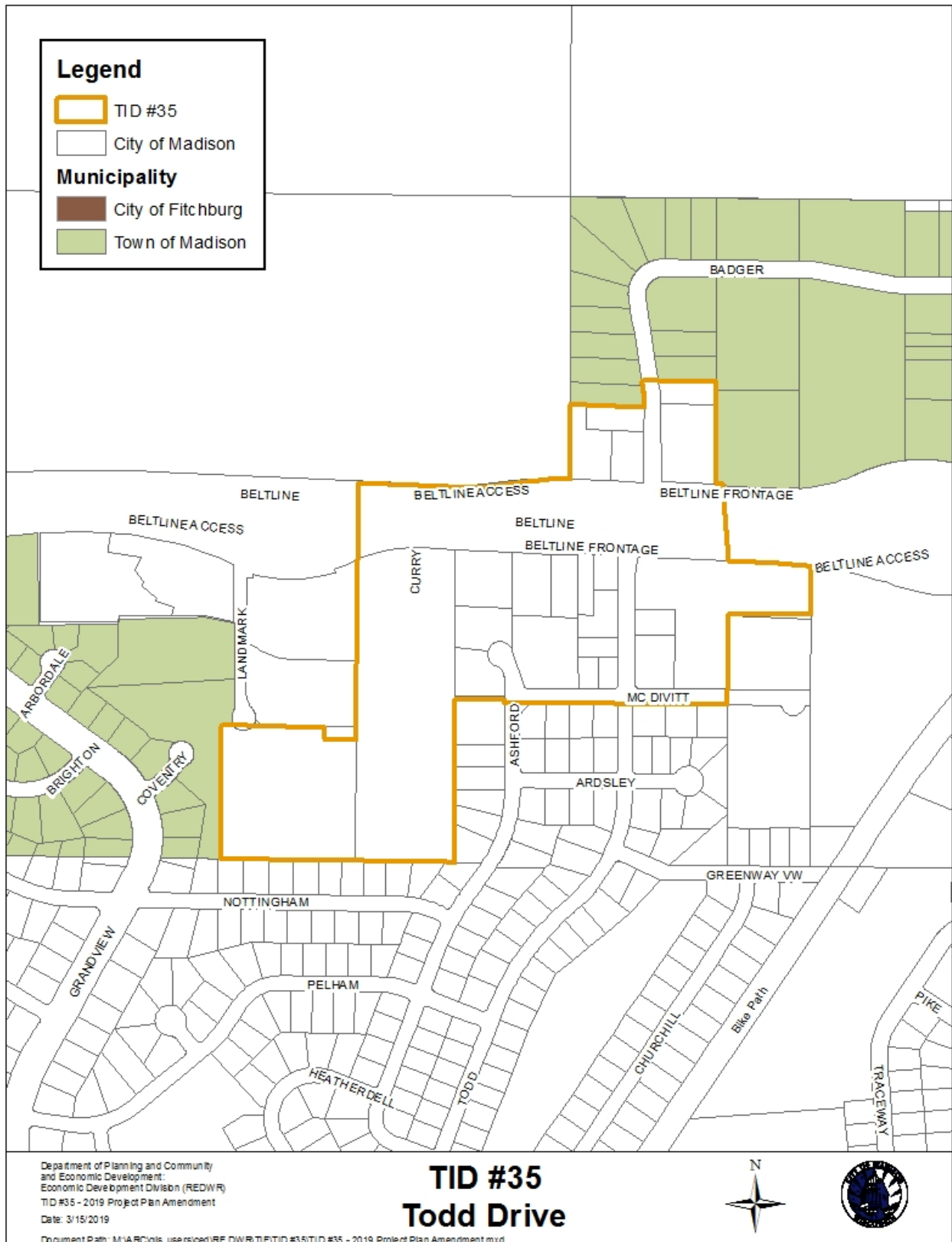


Exhibit B – Property Conditions

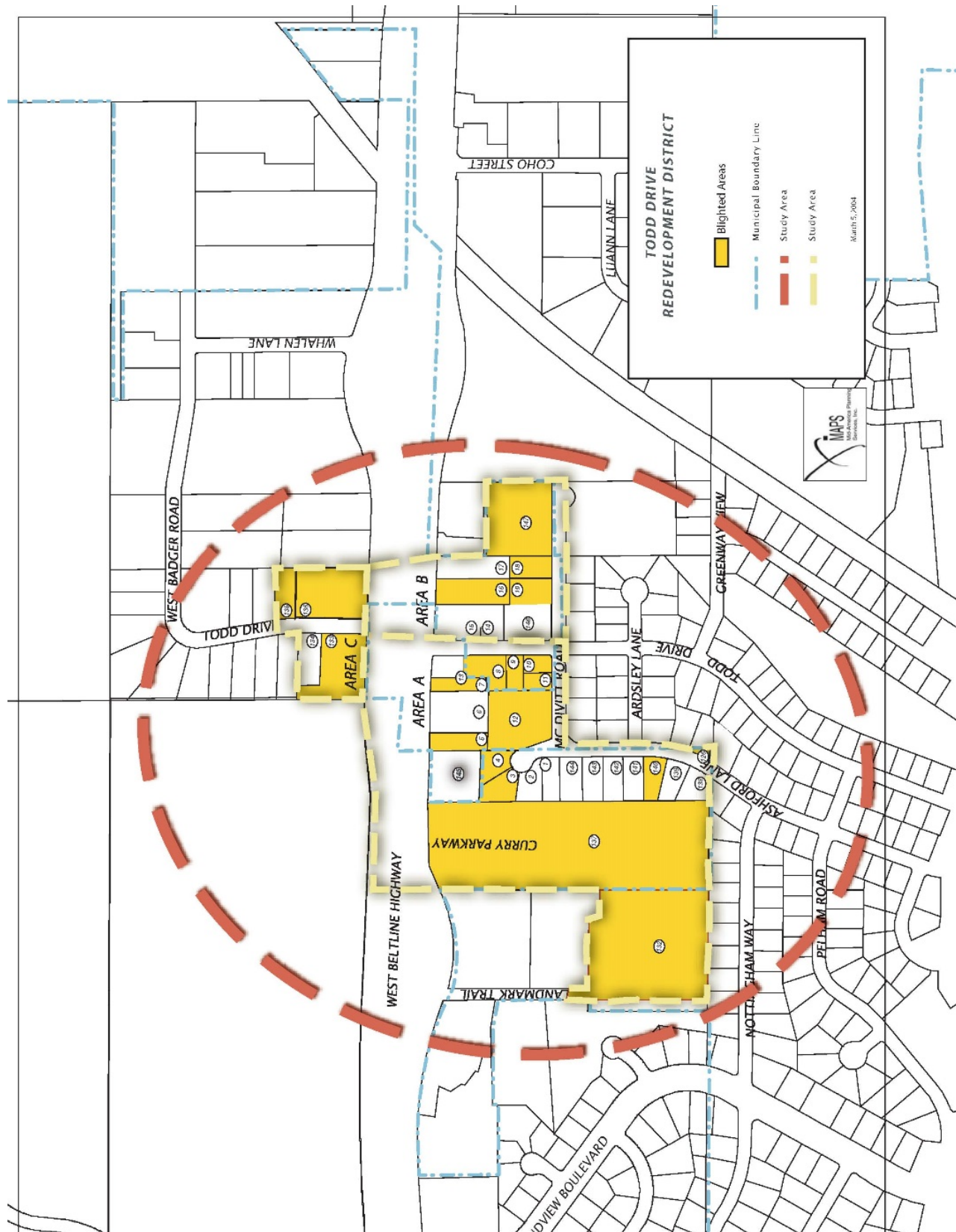


Exhibit C – Existing Zoning

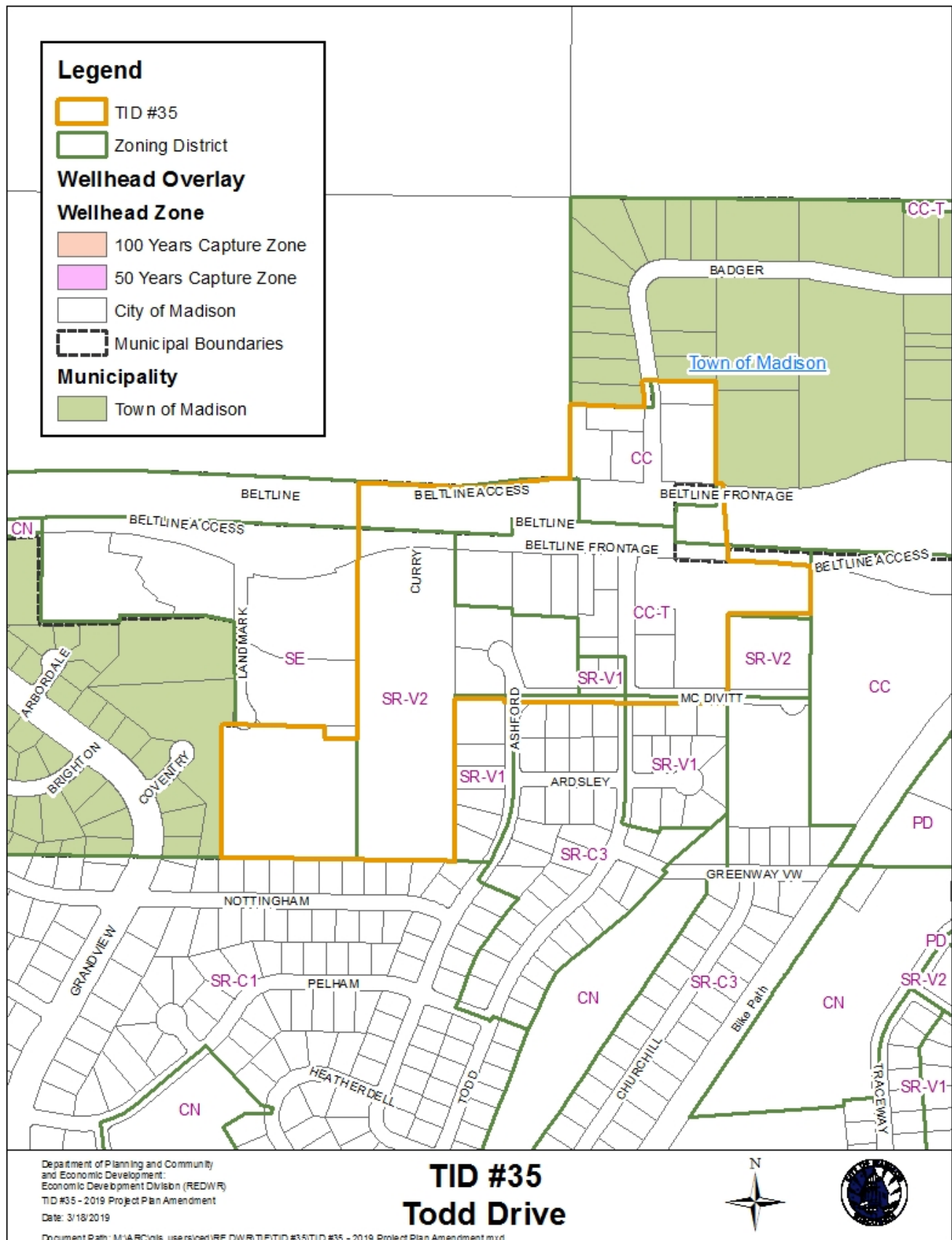


Exhibit D – Proposed Zoning

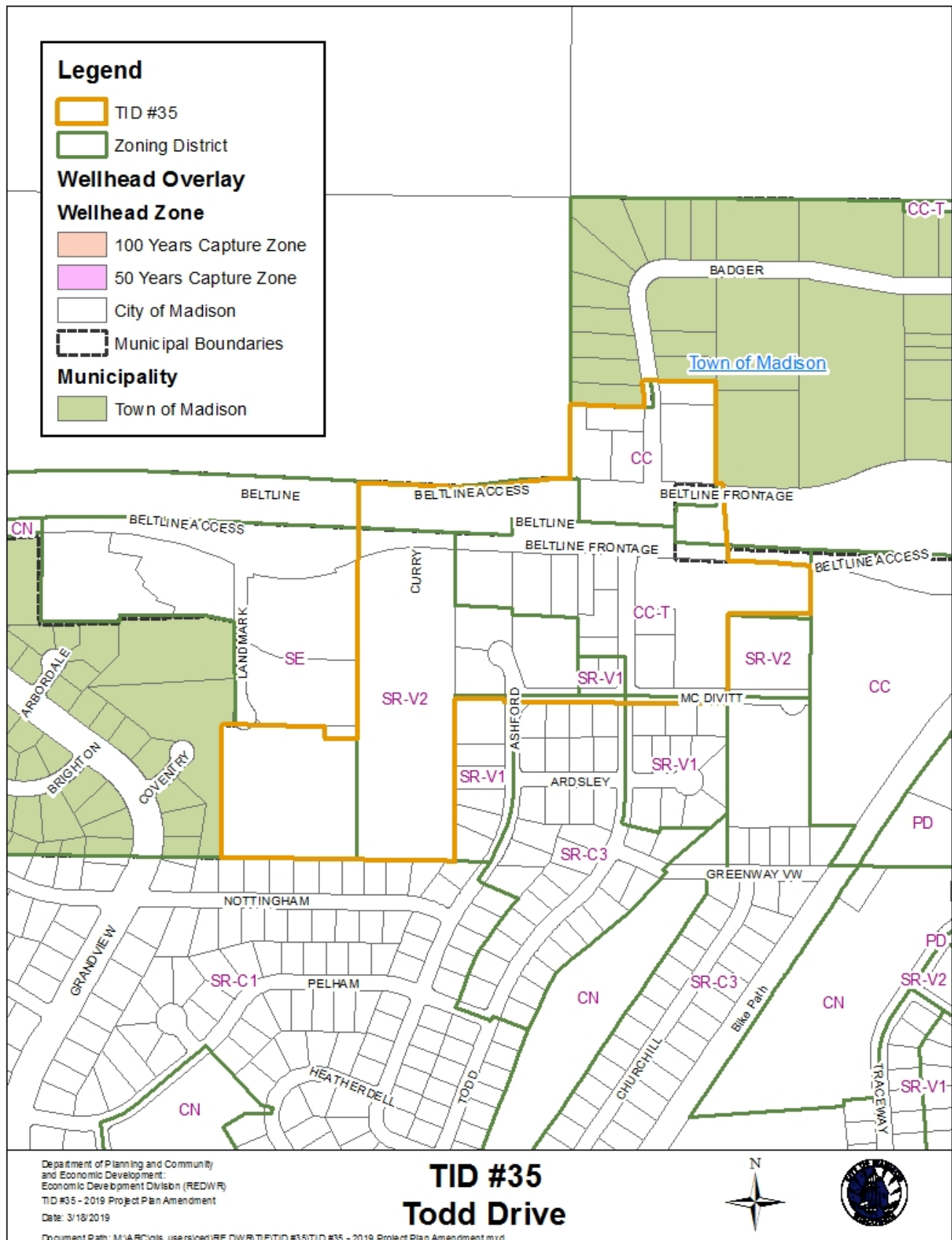


Exhibit E – Existing Land Use

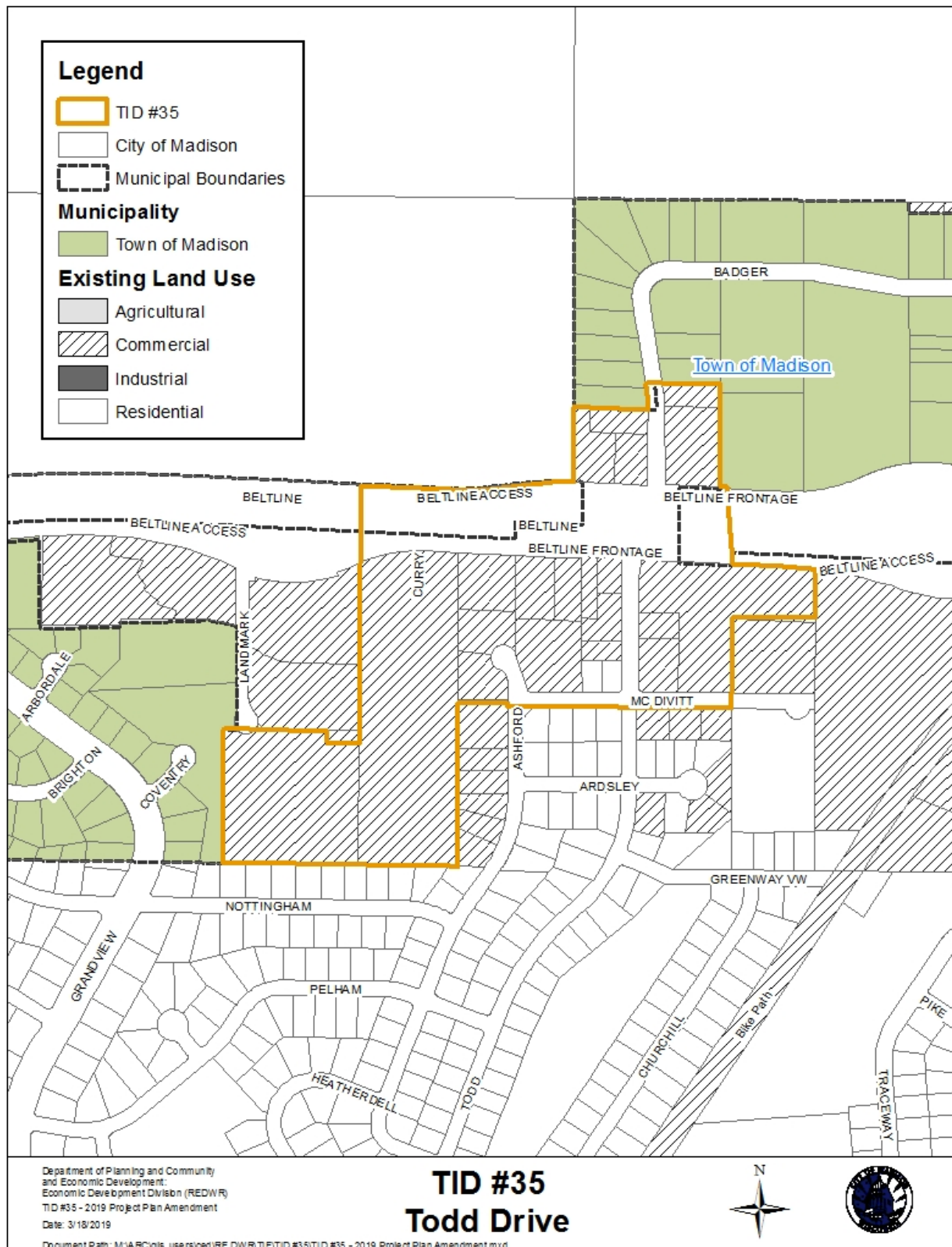


Exhibit F – Proposed Land Use

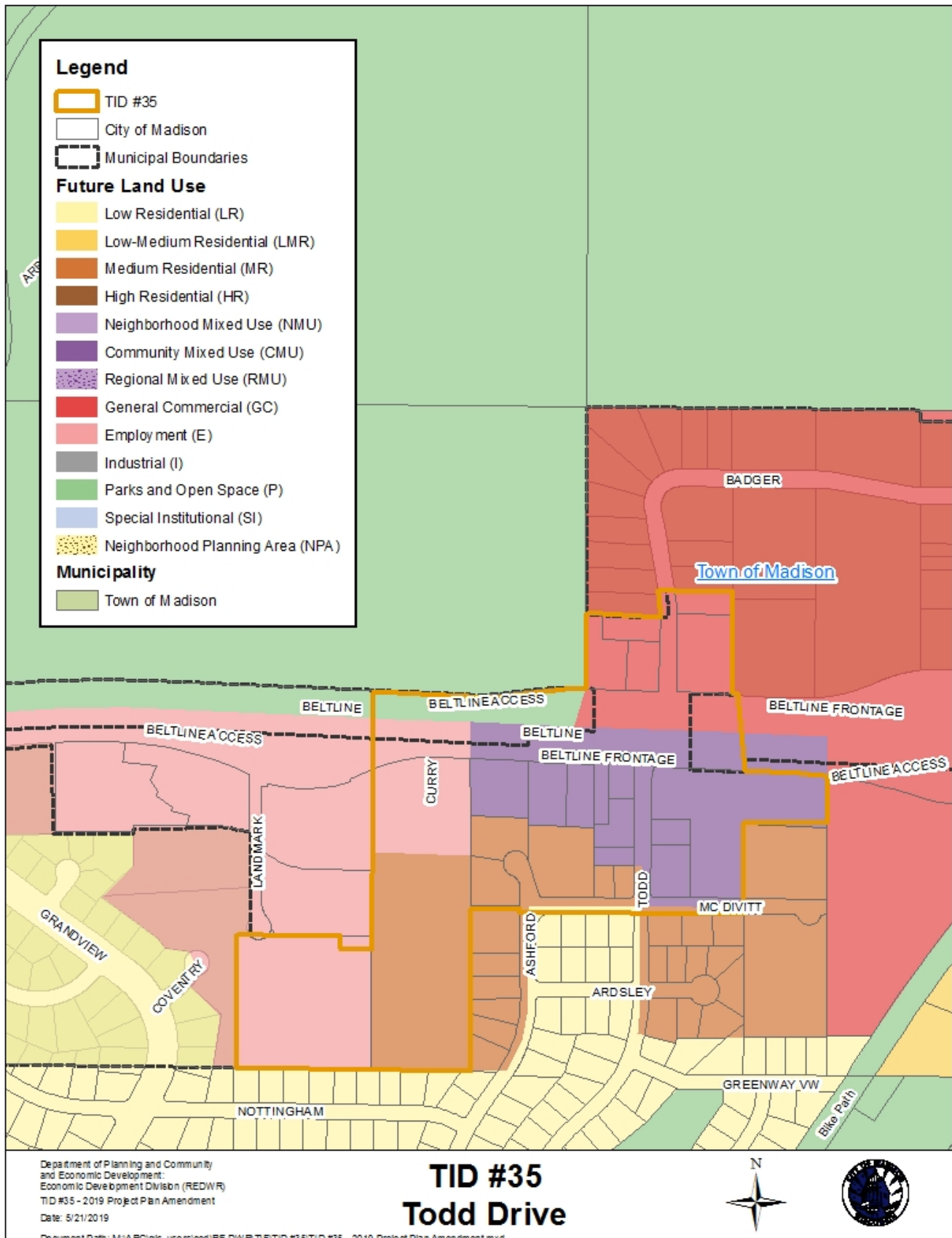


Exhibit G – Opinion Letter

**CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511**

June 19, 2019

MEMORANDUM

TO: Joseph E. Gromacki, TIF Coordinator

FROM: Kevin Ramakrishna, Assistant City Attorney

SUBJECT: **PROJECT PLAN AMENDMENT FOR TIF DISTRICT NO. 35 -- CITY OF MADISON (Todd Drive)**

In my capacity as Assistant City Attorney for the City of Madison, Wisconsin, I have examined the amended Project Plan for Tax Incremental Finance District No. 35, City of Madison, Wisconsin, dated July 8, 2019. Based on this examination, I am of the opinion that the amended Project Plan is complete and complies with the provisions of Secs. 66.1105(4)(f) and (h), Wis. Stats.

I render no opinion with respect to the accuracy or validity of any statement and/or finding contained in the Project Plan, but direct City officials to review the reports of City staff as regards the Plan.

Respectfully submitted,



Kevin Ramakrishna
Assistant City Attorney

Exhibit H – 2019 Donor Plan Appendix

Background

The TIF Law allows funds to be transferred between certain TIF districts if the allocation is approved by the Joint Review Board and if the TIDs have the same overlying taxing jurisdictions. TIF Law refers to this relationship as “donor-recipient.” According to TIF Law, positive increments may be transferred from a “donor” TID to a recipient district.

TIF Law requires that the project plans be amended for donor TIF districts and recipient districts in the event that new project expenditures are incurred that were not outlined in the original project plan.

The Common Council is considering adoption of a resolution approving an amendment to the Project Plan for TID #35 (Todd Dr). The resolution would establish TID #35 as a donor TID. The resolution and five-year donor-recipient allocation plan anticipate a transfer of positive increments to TID #38 (Badger Ann Park). No plan or boundary amendments are required for the recipient TID.

Current Status

TID #35 (Todd Drive)

TID #35 was created on July 5, 2005. The City has provided loans to assist in the development of the Arbor Gate project. Based upon unaudited expenditures through March 2019, the City has spent \$4,104,393 in capital expenditures in TID #35. As provided for in TIF Law, the City previously authorized a five-year donor plan to donate \$2.5 million of tax increments from TID #35 to TID #38 (Legistar #33609, RES-14-00388). 2019 is the fourth year of this donor plan, and the City is seeking to make an additional donation of incremental revenue from TID #35 to TID #38. State of Wisconsin TIF Law provides that a TID may make additional allocation / donations of positive increment to another district, provided that a Project Plan is amended in the fourth year of the original donation plan to allow for a future five year donor plan.

As of January 1, 2019, the value increment in TID #35 was estimated to be in excess of \$39 million. The total capital costs identified in the Project Plan is \$7,403,000. The City estimates it will receive in excess of \$900,000 in incremental revenue in 2019. The TID #35 expenditure deadline is July 5, 2027. As of December 31, 2018, there was an estimated positive cash balance in TID #35 of \$1.7 million. Given the amount of annual incremental revenue currently flowing into TID #35 and the capacity under the adopted previously amended project plan, TID #35 is a potential donor TID to TID #38.

TID #38 (Badger Ann Park)

TID #38 was created on June 17, 2008. The City has expended funds to assist with the redevelopment of the Villager Mall / Atrium Building and the acquisition and demolition of 36 rental units at the intersection of Cypress Way and West Badger Road. As of Dec 31, 2018, TID #38 had \$4.9 million of net costs to be recovered. The total capital costs identified in the Project Plan are \$11,033,000. As of January 1, 2019, the estimated value increment in TID #38 was (-\$6,713,400). TID #38 has never experienced a positive incremental value, and therefore has never had any incremental revenue.

TID #38 was created as the Great Recession was beginning to take hold of the economy. One of the results of the Great Recession was a large loss in assessed property values that was felt globally and locally. As a consequence, TID #38 has never had a positive incremental value and thus, no incremental revenue. By the end of 2022, the Town of Madison will dissolve, leaving large swaths of land currently adjacent to TID #38 potentially available for redevelopment and in need of massive infrastructure investment. To recover the remaining outstanding debts of TID #38, the City is proposing to utilize donated incremental revenue from both TID #35 and TID #41 (see Legistar #XXXXX). This will allow TID #38 to close at the end of 2020.

Recommendation

It is the City's general practice to retire TIF districts within 10-12 years rather than extend their life to the full 23- or 27-year period (depending on their creation date) so that overlying taxing jurisdictions may receive the tax benefits of new growth sooner, rather than later. This practice also secures the City's flexibility to create future TIDs while complying with the 12% equalized value test required in TIF Law.

TID #38 is not generating enough increment to pay for project costs in a timely manner. The financial health of this TID would benefit from the continued transfer of positive increments from a donor district. It is anticipated that a continued donor-recipient allocation will enable the City to close TID #38 in a timely manner and thus allow the benefits of growth to return to the overlying tax jurisdictions.

In accordance with this general practice, Staff recommends that the TID #35 Project Plan be amended to provide for a five-year donor allocation period. The total amount of increment from TID #35 to be allocated is estimated to be approximately \$4,710,000. The allocation over the next five years is shown in the schedule below.

<u>Donor District</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Total</u>
TID #35 (1st Donation)	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$-	\$-	\$-	\$2,500,000
TID #35 (2nd Donation)	\$-	\$-	\$-	\$1,300,000	\$910,000	\$-	\$-	\$-	\$2,210,000
TID #41	\$-	\$-	\$-	\$-	\$895,000	\$-	\$-	\$-	\$895,000
Total	\$500,000	\$500,000	\$500,000	\$1,800,000	\$2,305,000	\$-	\$-	\$-	\$5,605,000
<u>Recipient District</u>									
TID #38	\$500,000	\$500,000	\$500,000	\$1,800,000	\$2,305,000	\$-	\$-	\$-	\$5,605,000

This Second Amendment to the Project Plan for TID #35 does not alter any of the terms of the original Project Plan, other than by donating a total of \$5,605,000 of incremental revenue to TID #38, as described herein.

NOTE: The combined donations from TID #41 and TID #35 will be used to pay off the remaining indebtedness of TID #38. Up to \$910,000 of 2020 incremental revenues from TID #35 will be committed to pay down debt in TID #38. Up to \$895,000 of incremental revenues from TID #41 will be committed to pay down debt in TID #38. If TID #35 does not have \$910,000 of incremental revenues in 2020, TID #41 will commit up to \$895,000 of incremental revenues to pay off the remaining indebtedness of TID #38.