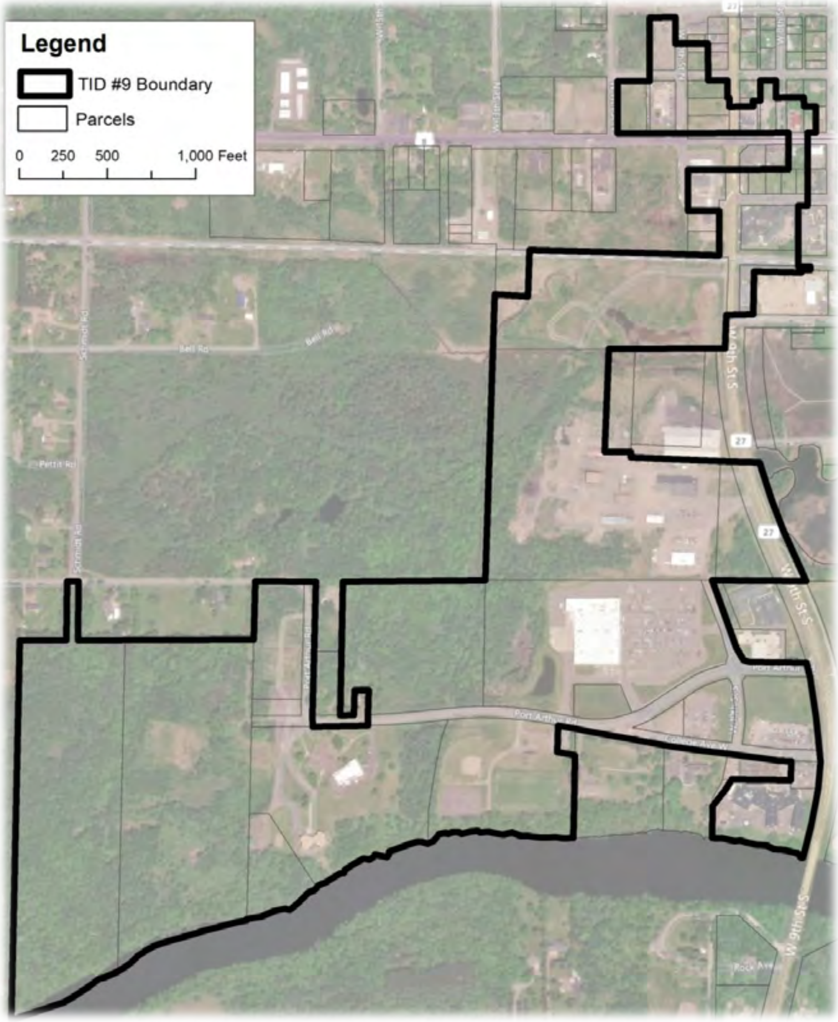


# TID #9 Project Plan Subtraction Amendment

## Tax Increment Financing District #9

City of Ladysmith, WI

152799 | October 15, 2020

City of Ladysmith

Building a Better World for All of Us®

Engineers | Architects | Planners | Scientists

# Plan Approvals

| | |
|---|---|
| Joint Review Board Meeting: | August 13, 2020 |
| Public Hearing at Plan Commission: | September 10, 2020 |
| Approval by Plan Commission: | September 10, 2020 |
| Adoption by City Council: | September 28, 2020 |
| Adoption by Joint Review Board: | October 1, 2020 |

# City of Ladysmith Officials

## Common Council

| | |
|---|---|
| Allen R. Hraban | Acting Mayor |
| Mark Platteter | District 1 Councilmember |
| William Morgan | District 2 Councilmember |
| Brian Groothousen | District 3 Councilmember |
| Jon Fields | District 4 Councilmember |
| Bonnie Stoneberg | District 5 Councilmember |
| Allen R. Hraban | District 6 Councilmember |
| Marty Reynolds | District 7 Councilmember |

## City Staff

| | |
|---|---|
| Alan Christianson | City Administrator |
| Al Christianson, Sr. | Former City Administrator |
| Shari Kavanag | City Clerk / Elections |
| Allen Kenyon | City Attorney |

## Plan Commission

Susan Moore
David Willingham
Rachel Rodriguez Cerra
Melissa Rudack
Bob Grotzinger
Chrysa Ostenso
Adam Kaiser

## Joint Review Board

| | |
|---|---|
| Steve Decker | Wisconsin Indianhead Technical College Representative |
| David Willingham | Rusk County Representative |
| Laura Stunkel | School District of Ladysmith Representative |
| Marty Reynolds | City of Ladysmith Representative |
| Al Christianson, Sr. | Public Representative |

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# TID #9 Project Plan Subtraction Amendment

## Tax Increment Financing District #9

Prepared for the City of Ladysmith, WI

# 1 Introduction

## 1.1 Description of the District

The City of Ladysmith, Wisconsin (the "City") created Tax Incremental District #9 (TID #9) in 2006 as a Mixed-Use District. This District encompasses much of the former Mount Senario College campus, the Wal-Mart development and areas around the State Highway 27 corridor from the Flambeau River north to just beyond the U.S. Highway 8 intersection. TID #9 was established to improve property within the District to promote commercial, industrial and residential development to provide a more diversified employment base and to promote orderly and stable growth of the community. The District's expenditure period ends in 2021.

## 1.2 Previous Amendments to TID #9

TID #9 was first amended in 2009 to utilize the opportunity created when the State legislature adopted Wisconsin Act 57, allowing cities to use tax increment revenues on project expenditures within a one-half mile radius of the TIF District's boundary

TID #9 was amended a second time in 2011 to become a donor district to TID #8, and to allow additionally listed project expenditures that serve the District within a one-half mile radius of the District's boundary.

TID #9 was amended again in 2012 to add project expenditures planned for construction that serve the District within a one-half mile radius of the District's boundary.

TID #9 was amended in 2013 to allow additionally listed project expenditures within a one-half mile radius of the District's boundary, and to become a donor district for TID #5, a Severely Distressed District. With this amendment TID #9 has provided positive tax increment to assist both TID #5 and TID #8.

And, TID #9 was last amended in 2014 to continue to allow positive tax increments to flow to TID #8 as a donor district, and to allow additionally listed project expenditures.

## 1.3 Purpose of this Amendment

The City of Ladysmith proposes to amend the Project Plan for Tax Incremental District (TID) #9 for the purposes of removing property from the District. This action will remove value from TID

#9, to bring the City under the 12 percent equalized valuation limit considering all properties within TIF Districts in the City of Ladysmith. This will also provide the City and overlying taxing jurisdictions the benefit of the incremental value from these parcels into the general tax base beginning in 2020 for taxes payable 2021.

This subtraction amendment will not result in a change to the year the District anticipates closing, 2026, nor the expenditure period which ends on 08/14/2021. This Project Plan Amendment does not modify the project kinds, number, costs, or location.

A map identifying the parcels to be subtracted from TID #9 is found in Section 3.

# 2 Summary of Findings

The TID #9 Project Plan Amendment has been established to comply with Wisconsin Statutory requirements for the amendment of Tax Incremental Financing Districts. The Joint Review Board has previously concluded that TID #9 meets the following requirements in Wisconsin Statutes Section 66.1105. The currently proposed Project Plan Amendment continues to satisfy these requirements for TID #9.

- Development projected to occur within TID #9 would not occur, or would not occur in the manner or within the timeframe desired by the City, “but for” the assistance from TID #9, as required by Wisconsin Statutes Section 66.1105(4m)(c)1.
- The tax increment collected are expected to be sufficient to pay for the cost of all improvements made through TID #9, as required by Wisconsin Statutes Section 66.1105(4m)(c)1.b.
- The economic benefits of amending TID #9, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements identified through the TID #9 Project Plan and subsequent amendments.
- The benefits of the TID #9 Project Plan, including subsequent amendments, outweighs the anticipated tax increments to be paid by property owners in the overlaying taxing districts, as required by Wisconsin Statutes Section 66.1105(4m)(c)1.c.
- Activities and improvements are and will be related to commercial, industrial and mixed-use land uses or related to public improvements that benefit and/or encourage private investment.
- As a Mixed-Use District, at least 50 percent, by area, of the real property in TID #9 is suitable for mixed-use development – at least two of the following types: residential, commercial, and industrial uses. And, less than 35 percent, by area, of the real property in TID #9 is currently and will in the future be used for retail business.
- TID #9, a mixed-use TID, is not anticipated to have new platted residential lots (as defined under Statutes Section 66.1105). For the life of the District, the total area of new platted residential lots will not exceed 35 percent of the total area of real property within TID #9.
- The City will only allow tax increment revenue to be spent on newly platted residential development in TID #9 if one of the following applies: (1) Density of the residential housing is at least three units per acre, or (2) Residential housing is located in a

conservation subdivision, as defined by Statutes Section 66.1027(1)(a), or (3) Residential housing is located in a traditional neighborhood development as defined by Statutes Section 66.1027(1)(c).

- The City will limit project costs to: (i) expenditures related directly to a commercial, industrial or residential project or; (ii) the promotion of mixed-use, commercial, industrial or residential development, and (iii) public improvements that benefit or encourage private investment.
- The Amended Project Plan is feasible and in conformity with the City of Ladysmith's Comprehensive Master Plan.

# 3 Description and Purpose of TID #9

TID #9 was created on August 14, 2006 by Resolution of the Ladysmith City Council, under the authority provided by Wisconsin Statutes Section 66.1105. The District was established with a valuation date, for purposes of establishing base value, of January 1, 2006. The purpose and benefits of TID #9 remains unchanged as a result of this Project Plan Amendment.

The District is a Mixed-Use District, created on a finding that more than 50 percent of the area contains a combination of industrial, commercial, or residential uses, in compliance with Wisconsin Statutes Section 66.1105(2)(cm). The District will remain in compliance with this finding after the territorial subtraction outlined in this Project Plan Amendment. The Project Plan Amendment will also not change the finding that less than 35 percent, by area, of the real property within the District is available or will be utilized for newly platted residential use. The City estimates that less than 35 percent, by area, within the District, as amended, will be devoted to retail business.

Wisconsin Statutes Section 66.1105(4)(h)2 allows a City to amend the boundaries of an existing Tax Increment District for the purposes of adding and/or subtracting territory up to a total of four times during the life of the District. The boundary of TID #9 has not been amended prior to this Project Plan Amendment.

This Project Plan Amendment supplements, and does not supersede or replace any component of the original Project Plan or any component of previously adopted Project Plan Amendments, unless specifically stated. All components of the original Project Plan and its previously adopted Project Plan Amendments remain in effect.

The purpose of the Amendment is to remove parcels from TID #9. This will provide the City and overlying taxing jurisdictions the benefit of the incremental value from these parcels, into the general tax base beginning in 2020 for taxes payable 2021.

A map identifying the original district boundary of TID #9 is found in Figure 1. A map identifying both the original district boundary and the territory amendment with the parcels to be subtracted is found in Figures 2 and 3.

The parcels identified for the territorial subtraction are listed in Appendix A. The September 10, 2020 appraised value of these real estate and personal properties parcels is $6,867,600. The new boundary of TID #9, following the subtraction amendment, is mapped in Figures 4 and 5.

## Figure 1 – TID #9 Original District Boundary

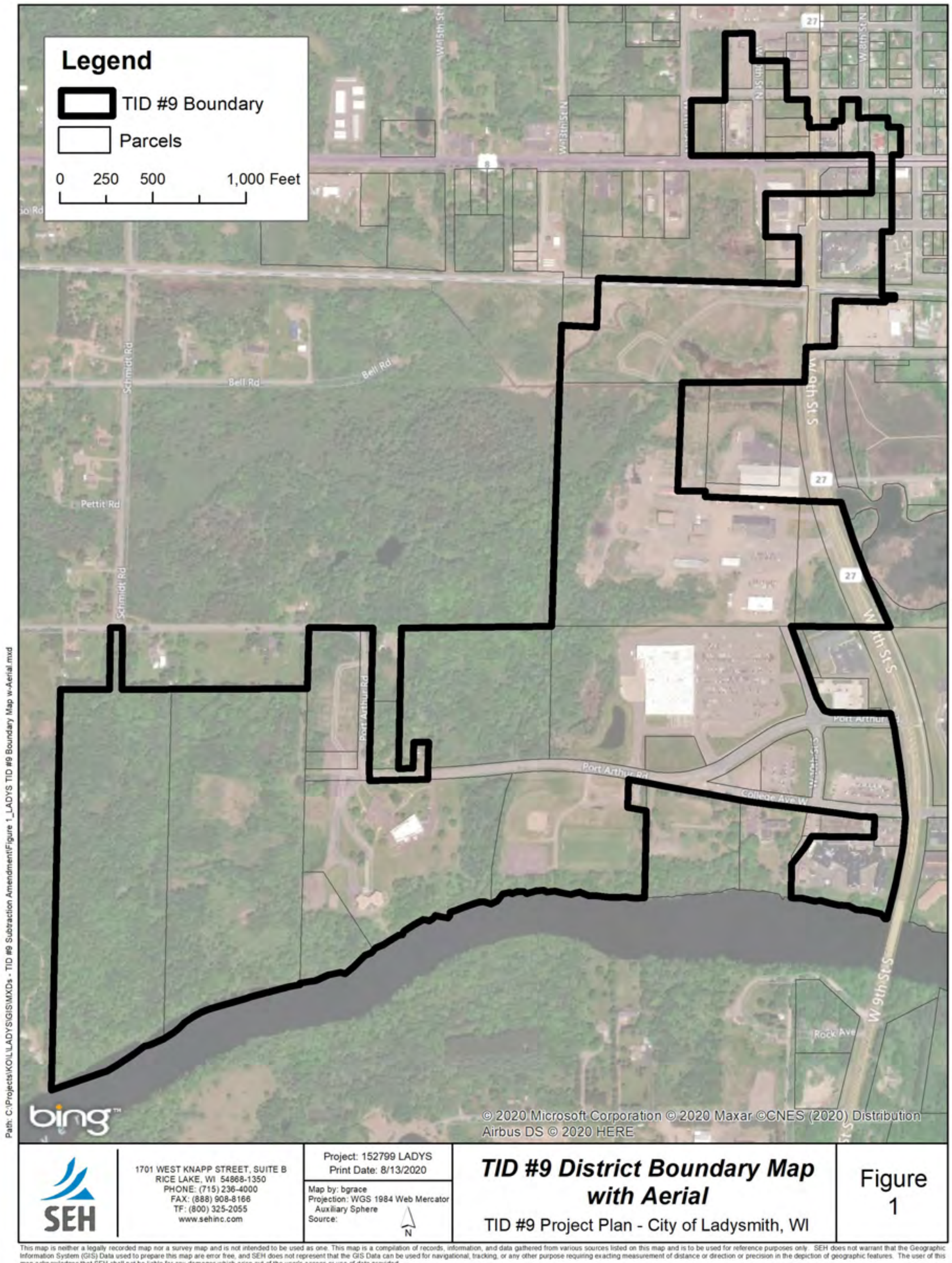


Figure 2 – TID #9 Parcels for Territorial Subtraction

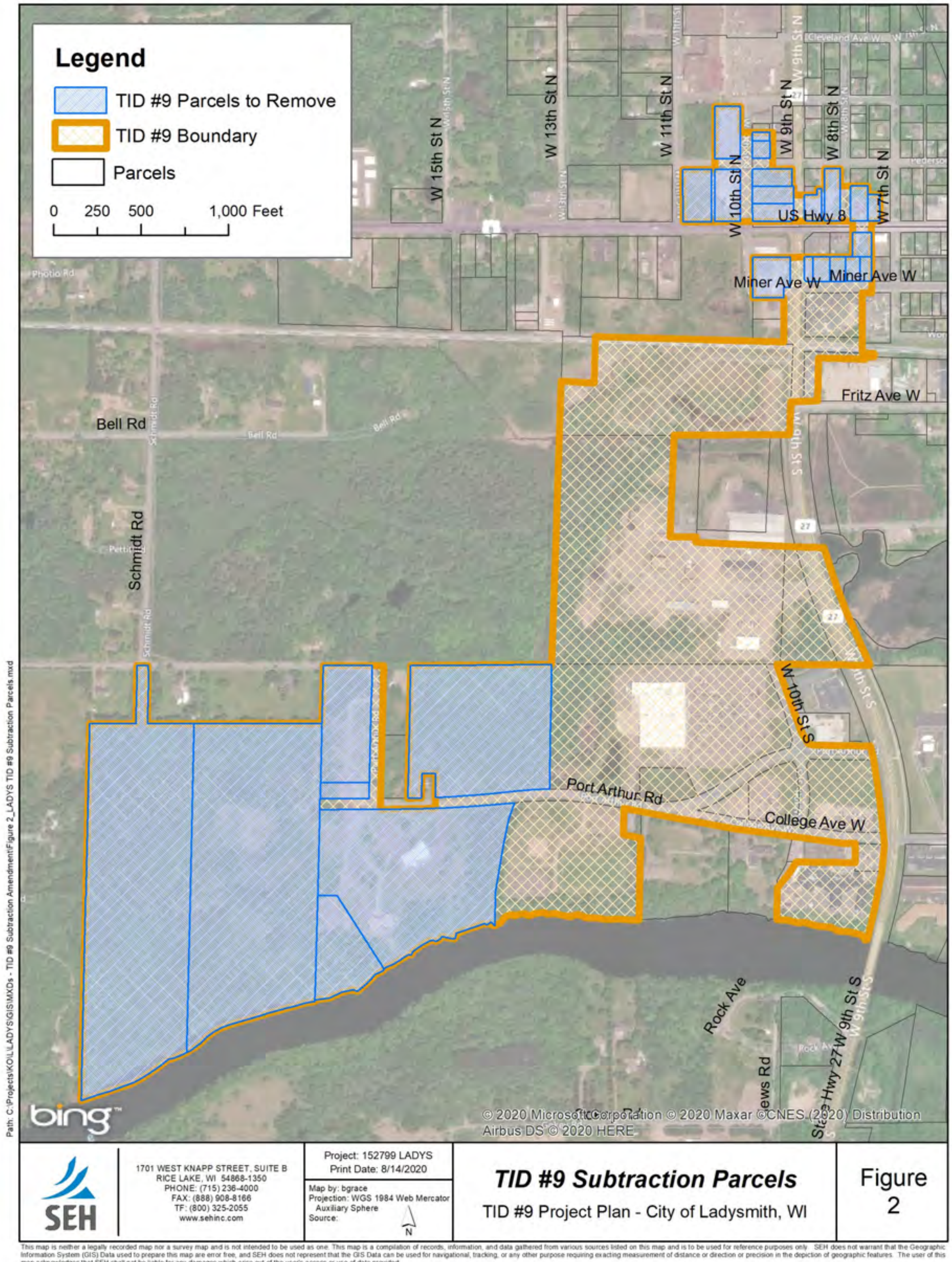


Figure 3 – Detailed Map with TID #9 Parcels for Territorial Subtraction

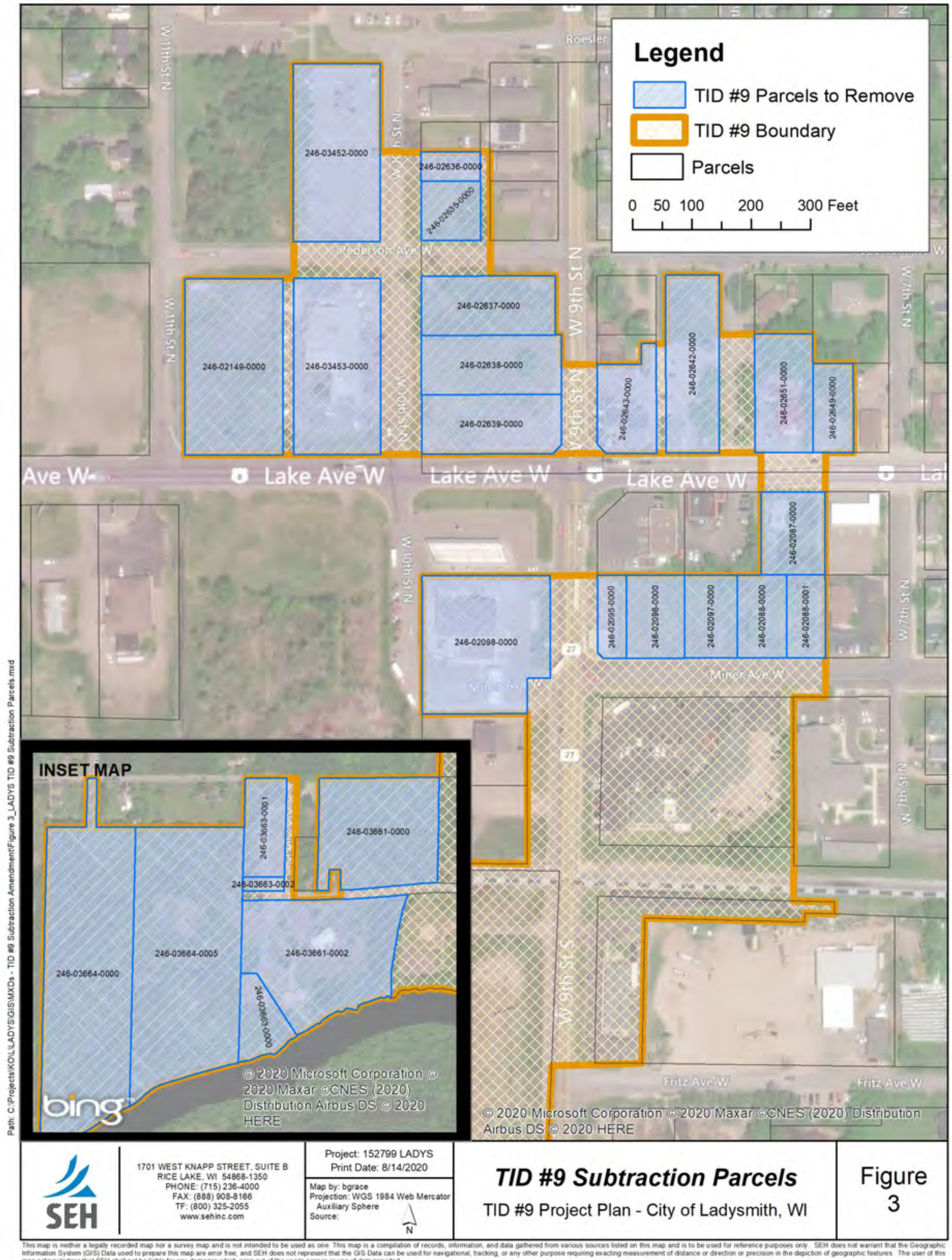


Figure 4 – TID #9 Subtraction Amendment, Modified District Boundary with Aerial

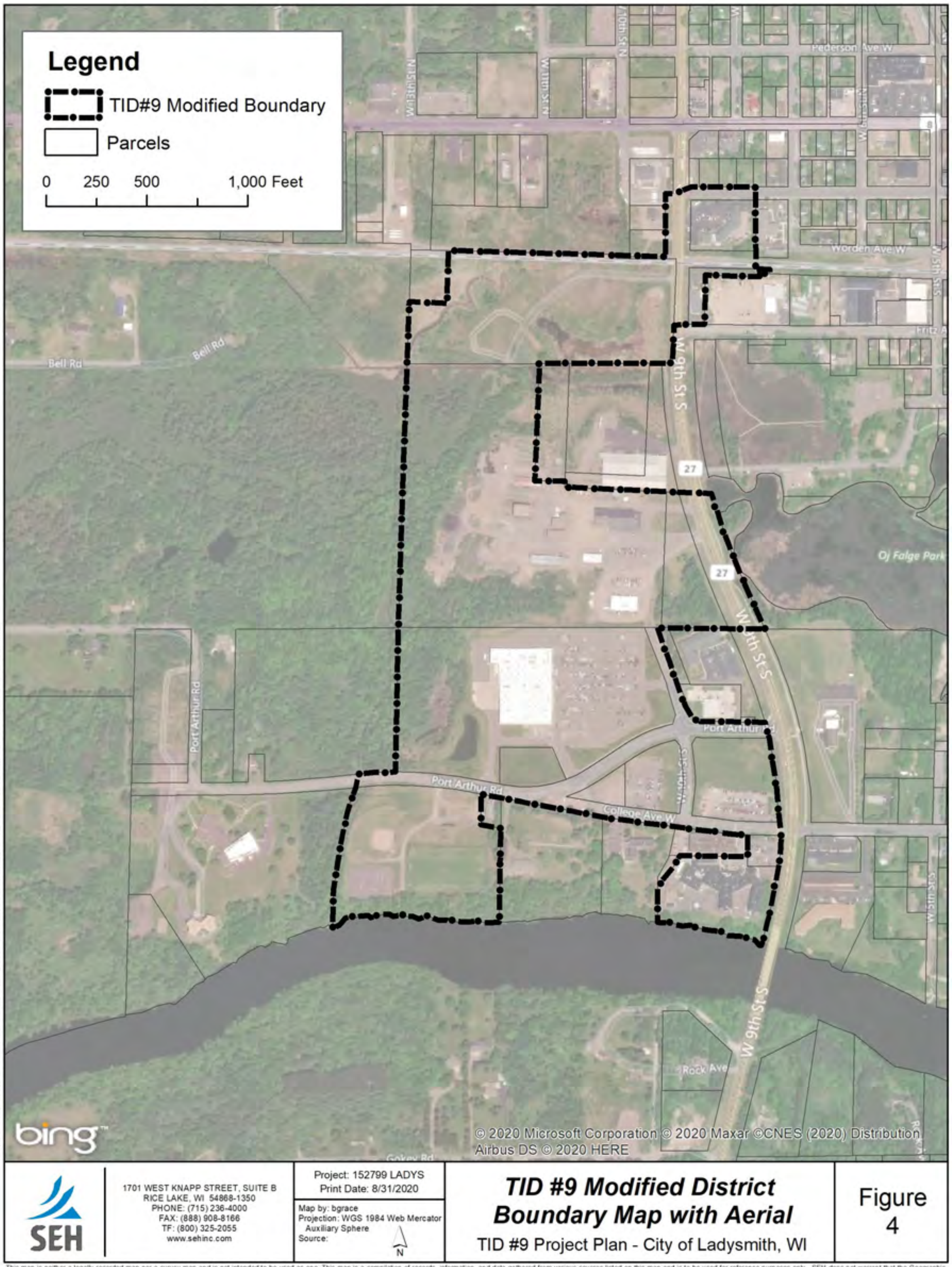
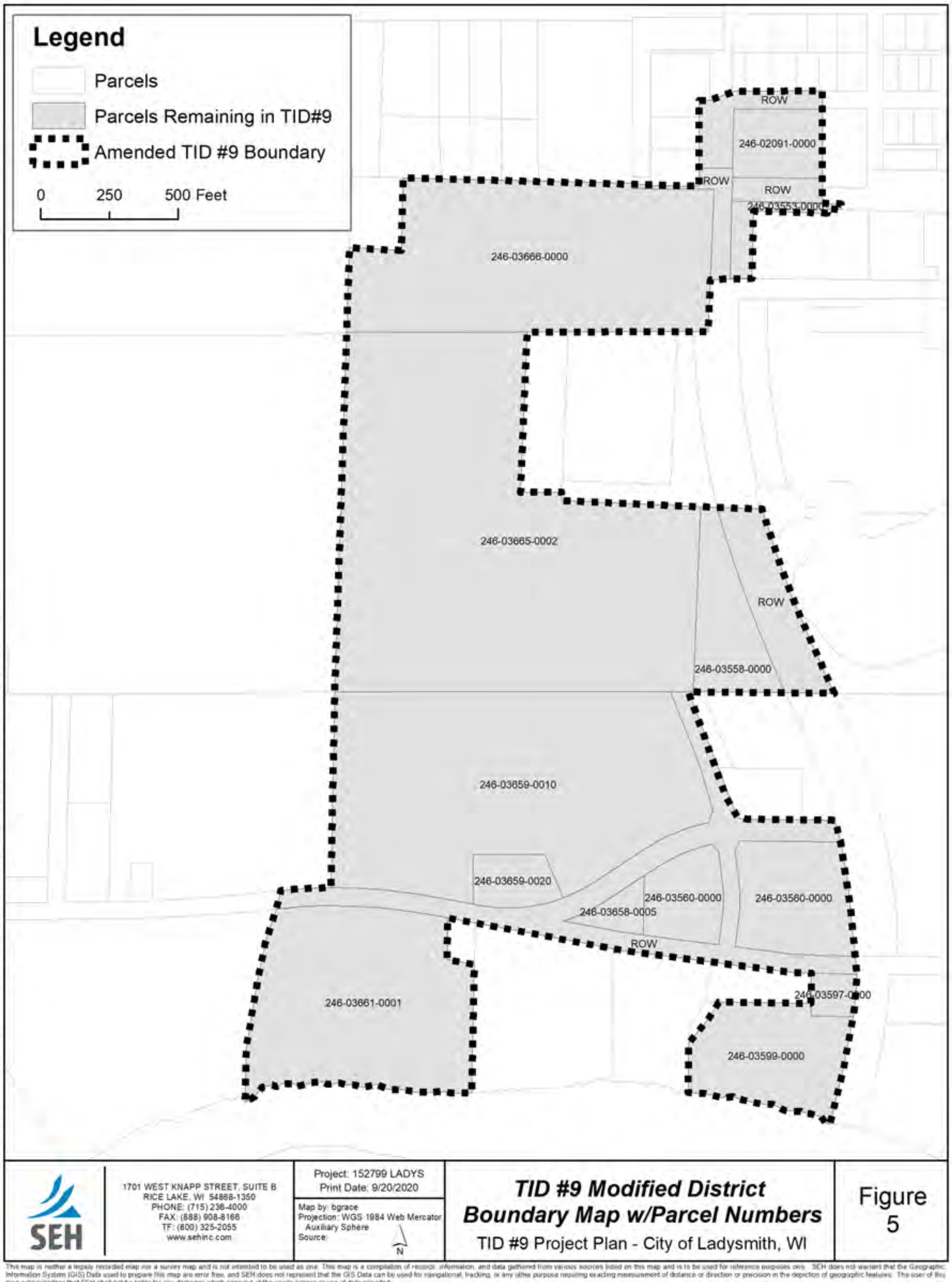


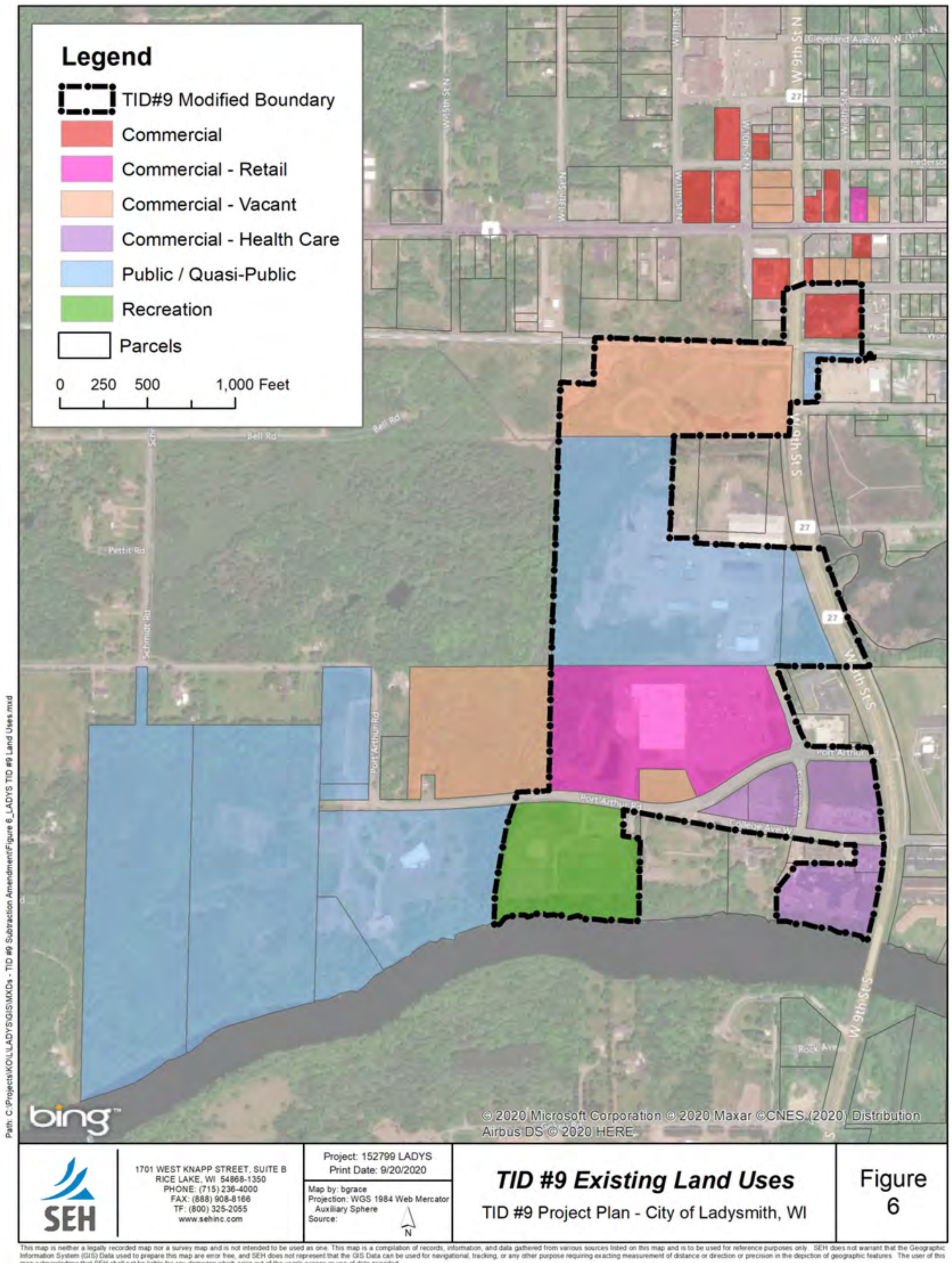
Figure 5 – TID #9 Subtraction Amendment, Modified District Boundary with Parcel Numbers



# 4 Existing and Proposed Land Use Plan

The existing and proposed land uses in TID #9 will not change as a result of this Project Plan Amendment and the subtraction of the identified parcels. A map of existing land uses is found in Figure 6.

Figure 6 – Existing Land Uses Map



# 5 Project Costs / Public Improvements

Project costs and the improvements planned for TID #9 will not change as a result of this Project Plan Amendment. The kind, number, location and costs of proposed public improvements and other projects is identified in the original Project Plan and subsequent Project Plan Amendments.

# 6 Economic Feasibility and Financing Methods

With the Subtraction Amendment for TID #9, the District will remain economically feasible. Table 1 below identifies the projection of tax increment for the District after the parcels identified in this Amended Project Plan are subtracted, while Table 2 identifies District cash flow with a projection of borrowing costs and increment revenue.

Table 1 – Projection of Tax Increment

| | Year of TID | Construction Year | Valuation Year | Revenue Year | Value Added / Change in Increment | Total Increment (3% Inflation) | TID Mill Rate | Increment Revenue |
|---|---|---|---|---|---|---|---|---|
| Projection | 13 | 2018 | 2019 | 2020 | | $ 7,118,200 | 29.11 | $ 207,242 |
| | 14 | 2019 | 2020 | 2021 | $ (2,818,800) | 4,512,946 | 29.11 | 131,392 |
| | 15 | 2020 | 2021 | 2022 | | 4,648,334 | 29.11 | 135,333 |
| | 16 | 2021 | 2022 | 2023 | | 4,787,784 | 29.11 | 139,393 |
| | 17 | 2022 | 2023 | 2024 | | 4,931,418 | 29.11 | 143,575 |
| | 18 | 2023 | 2024 | 2025 | | 5,079,360 | 29.11 | 147,882 |
| | 19 | 2024 | 2025 | 2026 | | 5,231,741 | 29.11 | 152,319 |
| | 20 | 2025 | 2026 | 2027 | | 5,388,694 | 29.11 | 156,888 |
| Exten. | 1 | 2026 | 2027 | 2028 | | 5,550,354 | 29.11 | 161,595 |
| | 2 | 2027 | 2028 | 2029 | | 5,716,865 | 29.11 | 166,443 |
| | 3 | 2028 | 2029 | 2030 | | 5,888,371 | 29.11 | 171,436 |
| | **TOTALS** | | | | | | | **1,713,500** |

Note: The 2020 value change in increment reflects the subtraction of the 2006 value of the parcels being subtracted from TID #9.

## Table 2 – Cash Flow Pro Forma

| | Year of TID | Revenue Year | Beginning Fund Balance | Revenues: Projected Increment Revenue | Revenues: Utility Reimburse-ments | Revenues: Projected Total TID #9 Revenues | Expenditures: 2008 GO Debt $12,285.71 | Expenditures: 2007 County GO Refunding Bond $585,000 | Expenditures: New Debt | Expenditures: Other TID No. 9 Expenses | Expenditures: Total TID No. 9 Expenses | Ending Fund Balance |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Projection | 13 | 2020 | $ 417,839 | $ 207,242 | $ 104,743 | $ 311,985 | $ 16,721 | $ 64,800 | | | $ 81,521 | $ 648,303 |
| | 14 | 2021 | 648,303 | 131,392 | 104,743 | 236,135 | 16,279 | 62,400 | | | 78,679 | 805,759 |
| | 15 | 2022 | 805,759 | 135,333 | 104,743 | 240,076 | 15,836 | - | | | 15,836 | 1,029,999 |
| | 16 | 2023 | 1,029,999 | 139,393 | 104,743 | 244,136 | 15,382 | - | | | 15,382 | 1,258,754 |
| | 17 | 2024 | 1,258,754 | 143,575 | 104,743 | 248,318 | 14,927 | - | | | 14,927 | 1,492,145 |
| | 18 | 2025 | 1,492,145 | 147,882 | 104,743 | 252,625 | 20,603 | - | | | 20,603 | 1,724,167 |
| | 19 | 2026 | 1,724,167 | 152,319 | 104,743 | 257,062 | 19,903 | - | | | 19,903 | 1,961,326 |
| | 20 | 2027 | 1,961,326 | 156,888 | 104,743 | 261,631 | 19,166 | - | | | 19,166 | 2,203,792 |
| Exten. | 21 | 2028 | 2,203,792 | 161,595 | | 161,595 | | | | | - | 2,365,387 |
| | 22 | 2029 | 2,365,387 | 166,443 | | 166,443 | | | | | - | 2,531,830 |
| | 23 | 2030 | 2,531,830 | 171,436 | | 171,436 | | | | | - | 2,703,266 |
| | | | | | | | | | | | | |
| TOTALS | | | | $ 1,713,500 | $ 837,944 | $ 2,551,444 | $ 138,816 | $ 127,200 | $ - | | $ 266,016 | |

# 7 Non-Project Costs

The City does not expect to incur any non-project costs in the course of implementing this Project Plan Amendment. Wetlands located on parcels within the boundary of TID #9 will continue to be excluded from any Project Plan activities.

# 8 Master Plan, Building Codes and City Ordinances

No changes are anticipated to the City's Comprehensive Master Plan, building codes or other City ordinances as a result of this Subtraction Amendment. It is also anticipated that this Project Plan Amendment will not necessitate a change to the City's zoning ordinances following this Subtraction Amendment.

# 9 Relocation

No relocation is anticipated as a results of this Project Plan Amendment. In the event relocation becomes necessary during the implementation of the TID #9 Project Plan, the relocation of residential or business occupants by the City of Ladysmith will be in accordance with Wisconsin Relocation Law and in conformance with federally required standards when federal funds are uses.

# 10 Orderly Development and Redevelopment

The original 2006 Project Plan identifies how TID #9 encourages orderly development and redevelopment in the City of Ladysmith. This Project Plan Amendment does not negatively impact the City's plans for orderly growth and development.

# 11 Attorney's Opinion

The City Attorney's opinion that proper procedures were followed in developing and creating this Project Plan Amendment is attached as Appendix B.

# 12 Boundary Description

<u>METES AND BOUNDS DESCRIPTION OF THE DISTRICT</u>

Beginning at the intersection of the centerline of Miner Avenue West and the centerline of W. 9th St. S. (St. Hwy. 27); thence south to the south right of way line of the Wisconsin Central Railroad; thence westerly 1120' following said right of way; thence south 200'; thence west 200'; thence south 2580' more or less to the northerly right of way of Port Arthur Road; thence westerly along the northerly right of way of Port Arthur Road to Bruno Lake Ditch; Thence southerly along Bruno Lake Ditch to the north shore line of the Flambeau River; thence easterly following said shore line to a point 781.33' west of the section line separating Sections 4 and 3, Township 34 North, Range 6 West; thence north to a point 175' south of the south right of way line of College Ave. W.; thence west 175'; thence north to the south right of way line of College Ave. W.; thence easterly along said right of way line to a point 165' west of the west right of way line of State Hwy. 27; thence south 0 degrees, 35 minutes, 13 seconds east 110.46'; thence south 89 degrees, 24 minutes, 47 seconds west 390.84'; thence southerly 98.05' to the section line separating Sections 4 and 3, Township 34 North, Range 6 West at a point 206' north of the north shore line of the Flambeau River; thence south 206' following said section line to the north shore line of the Flambeau River; thence easterly following said shore line to its intersection with the west right of way line of State Hwy. 27; thence northerly following said right of way line to a point 461.53' south of the east-west quarter section line of Section 3, Township 34 North, Range 6 West; thence west 294'; thence northerly 461.53' to the east-west quarter section line of Section 3, Township 34 North, Range 6 West at a point 277.59' west of the west right of way line of State Hwy. 27; thence east 277.59' along said quarter section line to the west right of way line of State Hwy. 27; thence northerly following said right of way line to a point 644' north of the east-west quarter section line of Section 3, Township 34 North, Range 6 West; thence west to a point 51 0'west of the section line separating Sections 3 and 4, Township 34 North, Range 6 West; thence north 31'; thence west 150'; thence north 585', thence east 622' more or less to the west right of way line of State Hwy. 27; thence northerly 334' along said right of way line; thence east to a point 623.12' west of the southwest corner of Block 4, Corbett's 1st Addition; thence north 245 .41' to a point 15' south of the Wisconsin Central Railroad's south right of way line; thence east 270'; thence north 15' to said railroad right of way line; thence east 50' along said right of way line; thence north 20'; thence westerly 161.91' parallel to said right of way line; thence north 352.37' along the east lines of Lots 5 and 4, Block 9, Ladysmith Townsite Co's. 1st Addition to the south right of way line of Miner Ave. W.; thence northerly to the centerline of Miner Avenue West; thence westerly along the centerline of Miner Avenue West to the point of beginning.

If wetlands exist within the TID #9 boundary, they are excluded from any Project Plan activities.

# Appendix A

## TID #9 Territorial Subtraction – Real and Personal Property List

## APPENDIX A: Parcels to be Subtracted from TID #9

### REAL ESTATE VALUES

| Owner | Property Address | Parcel ID | 2020 Total Value | 2006 Total Value | Assessed Acreage | 2020 Land Value | 2020 Improvement Value |
|---|---|---|---|---|---|---|---|
| J&B Two LLC | 712 Lake Ave W | 246-02087-0000 | $395,400 | $80,400 | 0.347 | $47,700 | $347,700 |
| Steven J Clark | 721 Miner Ave W | 246-02088-0000 | $11,600 | $22,800 | 0.267 | $11,600 | $0 |
| Heritage Credit Union | Miner Ave W | 246-02088-0001 | $9,100 | $19,600 | 0.209 | $9,100 | $0 |
| Steven J Clark | 817 Miner Ave W | 246-02095-0000 | $58,300 | $76,800 | 0.157 | $27,200 | $31,100 |
| Steven J Clark | 815 Miner Ave W | 246-02096-0000 | $13,700 | $24,200 | 0.31 | $13,700 | $0 |
| Steven J Clark | 813 Miner Ave W | 246-02097-0000 | $12,500 | $23,500 | 0.29 | $12,500 | $0 |
| KT REAL ESTATE HOLDINGS LLC | 100 W 9TH ST N | 246-02098-0000 | $1,086,800 | $287,900 | 1.102 | $117,700 | $969,100 |
| Courtesy Corporation | Ladysmith Townsite Co's 3rd Add. Block 9 | 246-02149-0000 | $84,300 | $80,200 | 1.81 | $84,300 | $0 |
| Reinhart Real Estate Group | 911 Pederson Ave W | 246-02635-0000 | $5,000 | $5,500 | 0.23 | $5,000 | $0 |
| Thomas Hutnik | New Flambeau Add. Lot 9 block 9 | 246-02636-0000 | $5,000 | $19,200 | 0.11 | $5,000 | $0 |
| McDonalds Corporation | New Flambeau Add. Lots 1,11,12 Block 10 | 246-02637-0000 | $52,500 | $50,000 | 0.51 | $52,500 | $0 |
| Ladysmith Properties LLC | New Flambeau Add. Lots 3-4,9-10 Block 10 | 246-02638-0000 | $59,000 | $87,200 | 0.505 | $59,000 | $0 |
| Ladysmith Properties LLC | New Flambeau Add. Lots 5-8 Block 10 | 246-02639-0000 | $59,000 | $88,000 | 0.505 | $59,000 | $0 |
| Weisenberger Realty LLC * | 807 Lake Ave W | 246-02642-0000 | $131,200 | $135,000 | 0.62 | $61,800 | $69,400 |
| Vicki Richardson | 811 Lake Ave W | 246-02643-0000 | $94,300 | $97,400 | 0.362 | $61,200 | $33,100 |
| Anton Ziesler | 705 Lake Ave W | 246-02649-0000 | $7,300 | $38,900 | 0.21 | $7,300 | $0 |
| Anton Ziesler | 711 Lake Ave W | 246-02651-0000 | $128,000 | $69,500 | 0.41 | $54,400 | $73,600 |
| Reinhart Real Estate Group | SE,SE 33-35-6 Volume 262 page 310 | 246-03452-0000 | $22,000 | $24,100 | 1.006 | $22,000 | $0 |
| Golden Arch LTD PARTNER | 1001 Lake Ave W | 246-03453-0000 | $766,000 | $463,000 | 1.136 | $145,300 | $620,700 |
| EDUINVEST LLC C/O North Cedar Academy | 1500 College Ave W | 246-03661-0000 | $19,900 | $37,600 | 11.88 | $19,900 | $0 |
| EDUINVEST LLC C/O North Cedar Academy | 1500 College Ave W | 246-03661-0002 | $1,214,300 | $645,600 | 16.71 | $133,600 | $1,080,700 |
| EDUINVEST LLC C/O North Cedar Academy | - | 246-03663-0000 | $61,400 | $86,800 | 0 | $61,400 | $0 |
| EDUINVEST LLC C/O North Cedar Academy | - | 246-03663-0001 | $15,600 | $27,100 | 5.136 | $15,600 | $0 |
| EDUINVEST LLC C/O North Cedar Academy | - | 246-03663-0002 | $5,500 | $6,700 | 0 | $5,500 | $0 |
| EDUINVEST LLC C/O North Cedar Academy | Port Arthur Rd | 246-03664-0000 | $187,500 | $239,300 | 28.1 | $187,500 | $0 |
| EDUINVEST LLC C/O North Cedar Academy | Port Arthur Rd | 246-03664-0005 | $224,500 | ** | 23.29 | $224,500 | $0 |
| **TOTAL** | | | **$4,729,700** | **$2,736,300** | **95.212** | | |

** 2006 Valuation was with parcel 246-02641-0000.*
*** 2006 Valuation was with parcel 246-03664-0005*

### PERSONAL PROPERTY VALUES

| Owner | Property Address | Parcel ID | 2020 PP Value | 2006 Total Value | 2019 Code |
|---|---|---|---|---|---|
| Flambeau Auto Expo | 811 Lake Ave W | 246-05125 | $800 | $8,000 | 4A |
| Kwik Trip Inc #455 | 100 W 9TH ST N | 246-05155 | $66,600 | $0 | 3 and 4A |
| Golden Arch LTD PARTNER | 1001 Lake Ave W | 246-05156 | $66,400 | $71,100 | 3 and 4A |
| Weisenberger Realty LLC | 807 Lake Ave W | 246-05241 | $1,200 | $3,400 | 3 |
| Anton Ziesler | 711 Lake Ave W | 246-05534 | $1,600 | $0 | 3 and 4A |
| **TOTAL** | | | **$136,600** | **$82,500** | |

### TOTAL VALUATION OF PROPERTY TO BE REMOVED FROM TID #9

| | 2020 Assessed Values | 2020 Equalized Values | 2006 Assessed Values | 11/11/2019 - DOR 2019 Aggregate Ratio | 0.954464 |
|---|---|---|---|---|---|
| Real Estate | $4,729,700 | $4,955,300 | $2,736,300 | | |
| Personal Property | $136,600 | $143,100 | $82,500 | | |
| **TOTAL** | **$4,866,300** | **$5,098,400** | **$2,818,800** | | |

# Appendix B
## Legal Opinion

**ALLEN F. KENYON**
**ATTORNEY AT LAW**

**109 MINER AVENUE WEST**
**P. O. BOX 391**
**LADYSMITH, WISCONSIN 54848**
**(715) 532-3359 (800) 539-3359**
**FAX (715) 532-3350**

October 1, 2020

Alan B. Christianson
City Administrator
Ladysmith City Hall
P. O. Box 431
Ladysmith, Wisconsin 54848

RE: Tax Increment District #9 Project Plan Amendment

Dear Mr. Christianson:

As City Attorney for the City of Ladysmith, Wisconsin, I have been asked to review the above referenced project plan amendment for compliance with the applicable statutory requirements. I have reviewed the Amended Project Plan and based on this review, it is my opinion that it is complete and complies with the provision of section 66.1105(4) of the Wisconsin Statutes.

I have relied on the statements of fact set forth in the Amended Project Plan, and the documents attached as exhibits thereto, without independent verification. I have not been engaged or undertaken to verify the reasonableness or accuracy of the assumptions, estimates or financial projections contained in the Amended Project Plan and express no opinion relating thereto. Similarly, I have been informed the requisite notices have been given, but have not independently confirmed that fact.

In accordance with section 66.1105(4)(f), Stats., a copy of this opinion letter shall be included in the project plan

Very truly yours,

ALLEN F. KENYON

AFK:jb

# Appendix C
## Municipal Resolutions

RESOLUTION #2020-11
CITY OF LADYSMITH PLANNING COMMISSION
TERRITORIAL AMENDMENT OF TAX INCREMENTAL DISTRICT #9
AND APPROVAL OF THE PROJECT PLAN AND BOUNDARY,
CITY OF LADYSMITH, RUSK COUNTY, WISCONSIN

WHEREAS, the Planning Commission has held a public hearing on the proposed Territorial Amendment of Tax Incremental District #9, the proposed simultaneous creation of Tax Incremental District #12, and Project Plans and Boundaries;

WHEREAS, the Chief Executive Officers of the School District of Ladysmith, Wisconsin Indianhead Technical College, and Rusk County Board, entities having power to levy taxes on property located within the proposed Tax Incremental District have been notified pursuant to Section 66.1105(4m) Wisconsin Statutes, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Ladysmith hereby approves the Territorial Amendment of TID #9 in the City of Ladysmith, Rusk County, as described in the Project Plan and on the attached map for TID #9 and;

BE IT FURTHER RESOLVED, the Planning Commission does recommend the amended Project Plan and Boundary for the City of Ladysmith, Rusk County, Wisconsin, Tax Incremental District #9 to the Ladysmith City Council for adoption.

BE IT FURTHER RESOLVED, the Planning Commission finds that the amended Project Plan and Boundary of Tax Incremental District #9 promotes the orderly development of the City of Ladysmith.

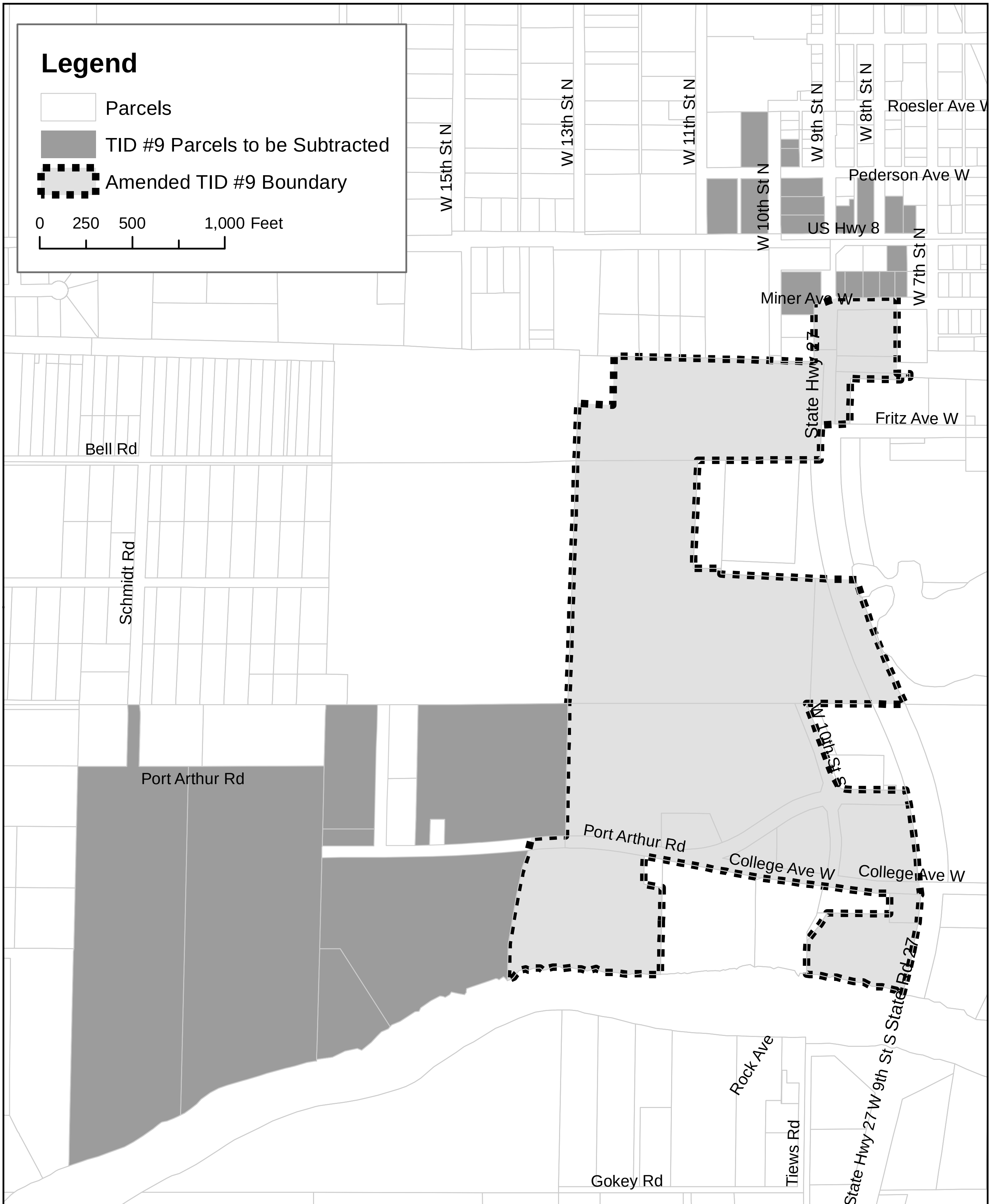
Dated this 10th day of September, 2020.

City of Ladysmith

David Willingham, Chair, Planning Commission

ATTEST:

Alan Christianson, Secretary

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www.sehinc.com

Project: 152799 LADYS
Print Date: 8/31/2020

Map by: bgrace
Projection: WGS 1984 Web Mercator Auxiliary Sphere
Source:

N

## *Amended TID #9 Boundary*

TID #9 Project Plan - City of Ladysmith, WI

Figure 2A



Path: C:\Projects\KOL\LADYS\GIS\MXDs - TID #9 Subtraction Amendment\Figure 2A_LADYS TID #9 Subtraction Parcels_B&W for Newspaper.mxd

RESOLUTION #2020-11

CITY OF LADYSMITH CITY COUNCIL

RESOLUTION APPROVING THE TERRITORIAL AMENDMENT OF TAX INCREMENTAL DISTRICT #9 AND APPROVAL OF THE PROJECT PLAN AND BOUNDARY MODIFICATION

City of Ladysmith, Rusk County, Wisconsin

**WHEREAS**, the City of Ladysmith (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

**WHEREAS**, the City has established Tax Incremental District #9 (the "District"), a mixed-use district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"), for the purpose of improving property within the District to promote commercial, industrial and residential development to provide a more diversified employment base and to promote orderly growth of the community; and

**WHEREAS**, Wisconsin statutes 66.1105 authorize municipalities that have established tax increment financing districts to amend those districts from time to time to adjust to changing circumstances; and

**WHEREAS**, the City of Ladysmith's Plan Commission has identified circumstances within the District that have changed to an extent to justify amending the District, and has met and held a public hearing for the Tax Increment District #9 Project Plan Territorial Amendment; and

**WHEREAS**, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Rusk County, the School District of Ladysmith, the Wisconsin Indianhead Technical College, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

**WHEREAS**, in accordance with the procedures specified in the Tax Increment Law, the City of Ladysmith Plan Commission, on September 10, 2020 held a public hearing concerning the Project Plan, boundary and proposed amendment of the District, providing interested parties a reasonable opportunity to express their views thereon; and

**WHEREAS**, after said public hearing, the Plan Commission approved the modified boundary and amended Project Plan for the District, and thereby recommending to the City of Ladysmith City Council that it approves the Project Plan and modified boundary for the Tax Increment District #9 Territorial Amendment; and

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with Wis. Stats. Section 66.1105(4)(h),

1. The City Council of the City of Ladysmith hereby finds and determines that the Tax Increment District #9 Territorial Amendment and associated Project Plan are feasible and in conformity with the master plan of the City of Ladysmith.

2. The City Council finds and declares that:
   - This Territorial Amendment is a Subtraction Amendment and those parcels being subtracted from Tax Incremental District #9 through this Amendment are identified in Exhibit "A".
   - As this Territorial Amendment is a Subtraction Amendment, the 12 percent value limit does not apply, as this Amendment will remove equalized value from the existing District.
   - This District has been established as a Mixed-Use District, and will remain a Mixed-Use District with this Territorial Amendment.
   - As a Mixed-Use District, at least 50 percent, by area, of the real property in the District is suitable for mixed-use development – at least two of the following types: residential, commercial, and industrial uses.
   - At the end of the expenditure period, the percentage of real property by area within the District devoted to retail business will be under the 35 percent maximum.
   - The District is not anticipated to have new platted residential lots (as defined under Statutes Section 66.1105). For the life of the District, the total area of new platted residential lots will not exceed 35 percent of the total area of real property within the District.
   - No parcels within the District have been annexed within the past three years.
   - Activities and improvements are and will continue to be related to commercial, industrial and mixed-use land uses.
   - Activities and improvements are likely to encourage private investment.
   - Activities and improvements are likely to significantly enhance the value of property in Tax Incremental District #9 and in the City overall.
   - Project costs will be limited to: (i) expenditures related directly to a commercial, industrial or residential project or; (ii) the promotion of mixed-use, commercial, industrial or residential development, and (iii) public improvements that benefit or encourage private investment.

3. The City Council hereby approves, accepts, and adopts Tax Increment

Finance District #9 Territorial Amendment District boundary as depicted in Exhibit "B" and Project Plan in the form attached hereto as Exhibit "C".

4. The City of Ladysmith City Council hereby amends Tax Incremental District #9 effective January 1, 2020.

**BE IT FURTHER RESOLVED THAT** the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Territory Subtraction Amendment" for Tax Incremental District #9, pursuant to the provisions of Wisconsin Statutes Section 66. 1105(5).

**BE IT FURTHER RESOLVED THAT** pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to update the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property being subtracted from Tax Incremental District #9, and the City Clerk is hereby authorized and directed to make similar modifications to the tax roll made under Section 70.65 of the Wisconsin Statutes.

This Resolution shall take effect upon approval by the Joint Review Board pursuant to Wis. Stats. Section 66.1105(5).

Dated this 28th day of September, 2020.

City of Ladysmith

Allen Hraban

Allen Hraban, Acting Mayor

ATTEST:

Shari Kavanagh

Shari Kavanagh, City Clerk

EXHIBIT A

Tax Incremental District #9 Territorial Amendment, Parcels Being Subtracted
City of Ladysmith

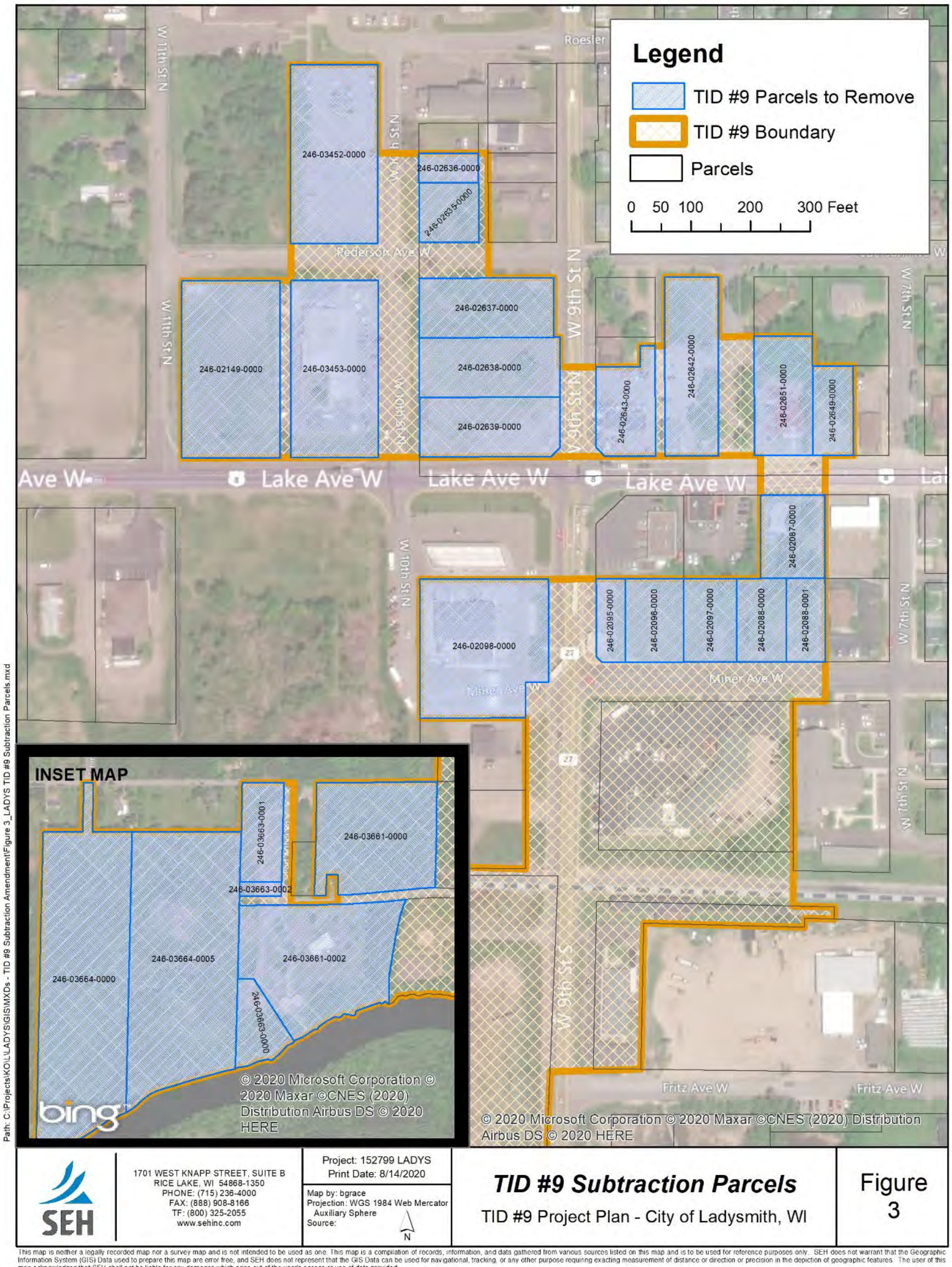
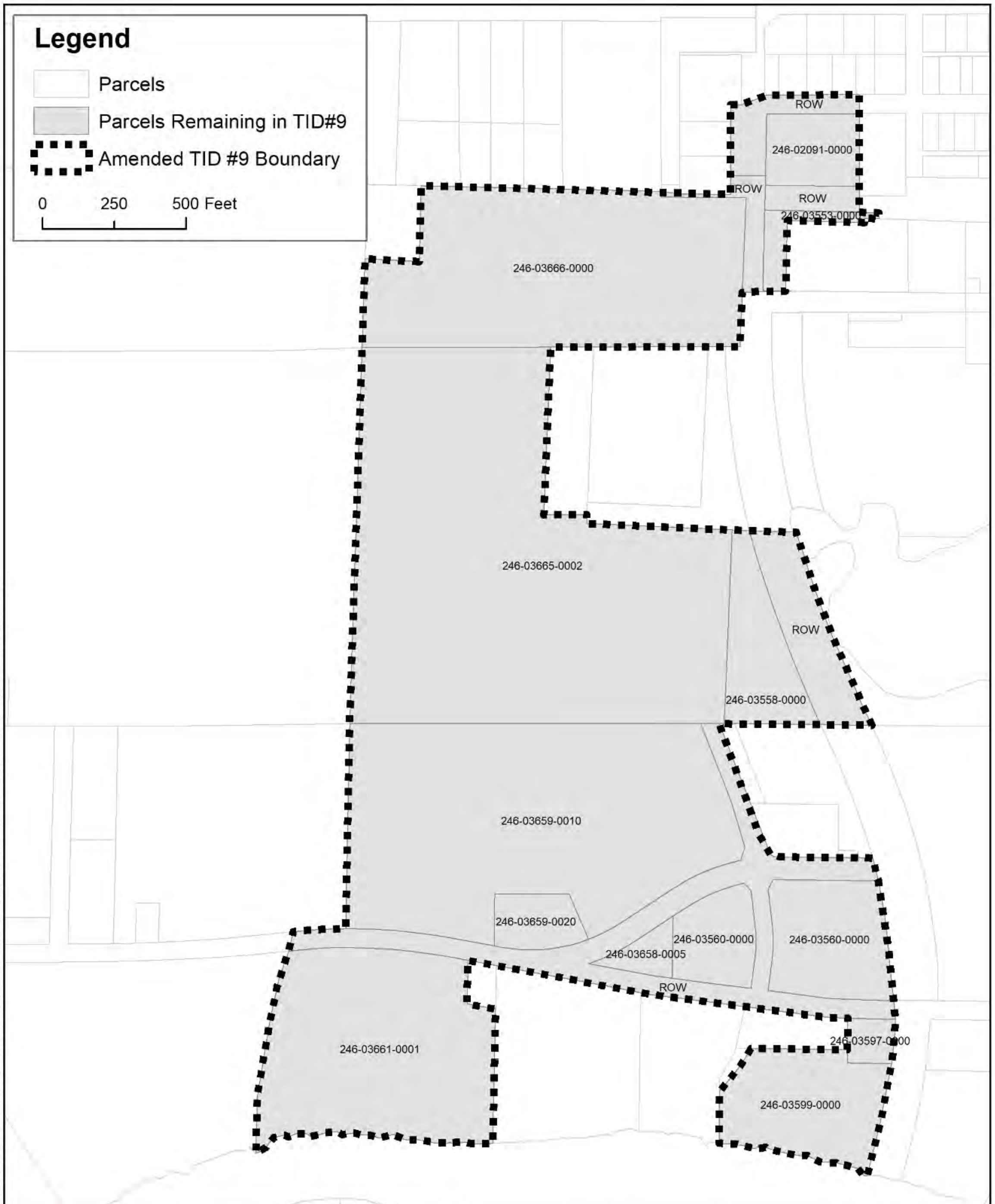


EXHIBIT B

District Boundary for Tax Incremental District #9 Territorial Amendment, City of Ladysmith




Path: C:\Projects\KO\L\LADYS\GIS\MXDs - TID #9 Subtraction Amendment\Figure 5_LADYS TID #9 Modified Boundary Map B&W w-Parcel Numbers.mxd

| | | | | |
|---|---|---|---|---|
| SEH | 1701 WEST KNAPP STREET, SUITE B<br>RICE LAKE, WI 54868-1350<br>PHONE: (715) 236-4000<br>FAX: (888) 908-8166<br>TF: (800) 325-2055<br>www.sehinc.com | Project: 152799 LADYS<br>Print Date: 9/20/2020<br>Map by: bgrace<br>Projection: WGS 1984 Web Mercator Auxiliary Sphere<br>Source:<br>N | ***TID #9 Modified District Boundary Map w/Parcel Numbers***<br>TID #9 Project Plan - City of Ladysmith, WI | Figure 5 |

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

EXHIBIT C

Project Plan for Tax Incremental District #9 Territorial Amendment, City of Ladysmith

RESOLUTION #2020-13

Tax Increment Financing District (TID) #9
Joint Review Board
City of Ladysmith, Rusk County, Wisconsin

RESOLUTION APPROVING THE TERRITORIAL AMENDMENT OF TAX INCREMENTAL DISTRICT #9 AND APPROVAL OF THE PROJECT PLAN AND BOUNDARY MODIFICATION

**WHEREAS**, the City of Ladysmith (the "City") desires to amend the Project Plan and boundary for Tax Increment District #9 (the "District"); and

**WHEREAS**, Wisconsin Statutes Section 66.1105 requires that a Joint Review Board (the "JRB") shall convene to review the proposal; and

**WHEREAS**, the JRB consists of one representative chosen by the School District; one representative chosen by the Technical College District; and one representative chosen by Rusk County, all of which have the power to levy taxes on property within the Tax Increment District; and one representative chosen by the City and one public member; and

**WHEREAS**, the public member and JRB's chairperson were selected by a majority vote of the other JRB members before the public hearing was held by the City of Ladysmith's Plan Commission, under Wisconsin Statutes Sections 66.1105 (4)(a) and (e); and

**WHEREAS**, all JRB members were appointed and the first JRB meeting was held in accordance with notification requirements under Wisconsin Statutes Sections 66.1105 (4)(a) and (e); and

**WHEREAS**, the JRB has reviewed the public record, planning documents, the resolution passed by the City of Ladysmith's Plan Commission approving the Tax Increment District #9 Territorial Amendment and adopting the Project Plan amendment and modified boundary, and the resolution adopted by the City Council approving the Territorial Amendment of the District under Wisconsin Statutes Section 66.1105 (4)(gm); and

**WHEREAS**, the JRB has considered whether, and concluded that, the District meets the following criteria:

1. The development expected in the District would not occur without the use of Tax Increment Financing.

2. The economic benefits of the District, as measured by increased employment, business and personal income and property value, are sufficient to compensate for the cost of the improvements.

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing districts.

**NOW, THEREFORE, BE IT RESOLVED** that the JRB approves the Territorial Amendment, Project Plan and the modified boundary of Tax Increment District #9.

**BE IT FURTHER RESOLVED** that in the judgment of the JRB, the development described in the Project Plan, based on the information provided by the City, the public record and planning documents relating to the District, would not occur without the amendment of the Tax Increment District #9.

Passed and adopted this 1st day of October, 2020

**Joint Review Board Representing**

| | |
|---|---|
| David Willingham | Rusk County |
| Laura Stunkel | School District of Ladysmith |
| Steve Decker | Wisconsin Indianhead Technical College |
| Marty Reynolds | City of Ladysmith |
| Al Christianson<br>Al Christianson, Sr. | Citizen Member |

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