

TOWN OF GRAND CHUTE
RESOLUTION, SERIES OF TBR-34-2018

A RESOLUTION OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, AMENDING TAX INCREMENT DISTRICT NO. 2 – TOWN OF GRAND CHUTE BY MODIFYING THE DISTRICT BOUNDARIES AND ADDING TERRITORY TO SAID DISTRICT, AND APPROVING AN AMENDMENT TO THE PROJECT PLAN FOR SAID DISTRICT.

WHEREAS, promoting the economic well-being of the entire Grand Chute community is recognized as an important purpose of local government; and

WHEREAS, the Town of Grand Chute desires to amend Tax Increment District No. 2 in conformance with Wis. Stats. §60.23(32) and §66.1105 (collectively the “Tax Increment Law”), in order to provide a viable method for financing public works and improvement projects within said district, as amended, in order to promote mixed-use development that will grow the tax base, promote business expansion, provide medium density housing options, and strengthen the economic well-being of the entire community; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Grand Chute Plan Commission after completing planning work did schedule, give proper notice to the public and to those government entities having the power to levy taxes on property located in Tax Increment District No. 2, as amended, and on August 21, 2018 did hold a public hearing, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed amendment to the project plan and proposed expanded district boundaries for said district; and

WHEREAS, after due consideration of the findings of the amended Project Plan and testimony provided at the public hearing, the Plan Commission unanimously adopted Town of Grand Chute Plan Commission Resolution 01-2018, approving an amendment to the Project Plan and designating expanded district boundaries for Tax Increment District No. 2 – Town of Grand Chute, said expanded boundaries as specified in the boundary description attached to this Resolution as Figure 1 and Exhibit A; and

WHEREAS, the Plan Commission adopted a Project Plan Amendment for Tax Increment District No. 2 – Town of Grand Chute that includes: the intent and purpose of the district, as amended; a statement listing the kind, number, location and costs of proposed public works and improvement projects within the district, as amended and within one-half mile of the district, as amended; a list of estimated project costs; a list of non-project costs, if any; an economic feasibility study; a description of the methods of financing all project costs and the time when the related costs and monetary obligations are to be incurred; changes in zoning ordinances, master plan, building codes, maps, and ordinances; a statement indicating how the tax incremental district, as amended, promotes the orderly development of the Town; a statement of the proposed method for the relocation of any persons to be displaced; a statement that this Project Plan Amendment is the first of four territory amendment to the district allowed under the law; a statement that this Project Plan Amendment adds territory that is contiguous to the district and that is served by public works or improvements that were created as part of the district’s project plan; a map and legal description showing the expanded boundaries of the district; a map showing existing uses and conditions of real property in the district, as amended; a map showing proposed public works and improvement projects and uses in the district, as amended; and, an opinion of the Town

Attorney advising whether the Project Plan Amendment is complete and in compliance with the Tax Increment Law; and

WHEREAS, the Plan Commission has submitted such Project Plan Amendment to the Town Board and recommends approval thereof; and

WHEREAS, the Town Board hereby approves such Project Plan Amendment for Tax Increment District No. 2 – Town of Grand Chute, and finds that the Plan, as amended, is feasible and in conformity with the master plan of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, as follows:

1. Pursuant to Wis. Stats. §60.23(32) and §66.1105, Tax Increment District No. 2 – Town of Grand Chute is hereby amended by modifying the district boundaries and adding territory to said district, which expanded boundaries shall be those recommended to the Town Board by the Plan Commission, as specified in the attached Figure 1 and Exhibit A.
2. The Town Board hereby finds and declares that:
 - a. In accordance with Wis. Stats. §60.23(32): The Town's total equalized value for 2018 exceeded \$500 million; the Town's 2018 population exceeded 3,500 persons; the district boundaries, as amended, are within the WDNR certified Grand Chute-Menasha West Sewer Service Area, that sewer service is extended to and available for property in the district, as amended, and sewage treatment is provided by the Grand Chute-Menasha West Wastewater Treatment Plant, which complies with Ch. 283 WDNR; and, the Town expects all project costs to be paid within 90% of the district's maximum remaining life.
 - b. In accordance with Wis. Stats. §66.1105: Not less than 50%, by area, of the real property within the district, as amended, is suitable for mixed-use development within the meaning of §66.1105(2)(cm), the district, as amended, will contain a combination of commercial and residential uses of which newly platted residential use will not exceed 35%, by area, of the real property within the district, as amended, newly platted residential use will develop at a density of at least 3 units per acre, and therefore the district, as amended, is a mixed-use district based on the identification and classification of the property included within the district, as amended; the percentage of territory within the district, as amended, that is devoted to retail business at the end of the maximum expenditure period will not be over 35%, by area, of the real property within the district; the public works and improvements detailed in the Project Plan Amendment will enhance the value of substantially all of the other real property in the district, as amended; the project costs directly serve to promote mixed-use development consistent with the purpose for which the district was created; the equalized value of property in the territory being added by this amendment, plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the Town; the Project Plan, as amended, is feasible and in conformity with the master plan of the Town; and, sufficient evidence is provided for a finding that but for the use of tax incremental financing to overcome excessive infrastructure costs and due to the competitive economic development climate that exists, the mixed-

use development proposed for the district, as amended, would not occur as proposed, with the same level of value, or within the same timeframe.

3. Tax Increment District No. 2 – Town of Grand Chute is hereby amended as of January 1, 2018. The Town Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a redetermination of tax incremental base of the district, as amended, as of January 1, 2018, pursuant to the provisions of Wis. Stats. §66.1105(5)(b).
4. The Town Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wis. Stats. §70.45, those parcels of property that are within the expanded boundaries of Tax District No. 2 – Town of Grand Chute, specifying thereon the name of said district, and the Town Clerk is hereby authorized and directed to make similar notations on the tax roll under Wis. Stats. §70.65, pursuant to Wis. Stats. §66.1105(5)(f).

Approved and adopted this 18 day of September, 2018.

Number Voted For 5
Number Voted Against 0

Town of Grand Chute




David A. Schowalter
Town Chairman



Angie Cain
Town Clerk

Approved as to form:

for 

Charles Koehler, Attorney
Herring Clark Law Offices
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