AN ORDINANCE APPROVING AND ADOPTING THE TAX INCREMENT DISTRICT NUMBER ONE, CITY OF TULSA, OKLAHOMA PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS, FINDINGS AND CONCLUSIONS OF THE LOCAL DEVELOPMENT ACT REVIEW COMMITTEE AND THE METROPOLITAN AREA PLANNING COMMISSION; DESIGNATING AND ADOPTING TAX INCREMENT DISTRICT BOUNDARIES; ESTABLISHING A DATE FOR THE CREATION OF TAX INCREMENT DISTRICT NUMBER ONE, CITY OF TULSA; MEMORIALIZING FINDINGS OF THE COUNCIL THAT: THE TAX INCREMENT DISTRICT IS ELIGIBLE FOR DESIGNATION AS SUCH, PROPERTY VALUES WILL BE ENHANCED, GUIDELINES IN THE LOCAL DEVELOPMENT ACT, 62 O.S.SUPP.1992, §§852 HAVE AND SHALL BE FOLLOWED, THE AGGREGATE ASSESSED VALUE OF TAXABLE PROPERTY DOES AND SHALL NOT EXCEED TWENTY-FIVE PERCENT (25%), THE LAND AREA DOES AND SHALL NOT EXCEED TWENTY-FIVE PERCENT (25%) OF THE LAND AREA OF THE CITY OF TULSA, AND THE TAX INCREMENT DISTRICT IS FEASIBLE AND CONFORMS TO THE MASTER OR COMPREHENSIVE PLAN OF THE CITY OF TULSA; PROVIDING FOR APPORTIONMENT OF AD VALOREM AND SALES TAXES GENERATED WITHIN THE DISTRICT FOR A MAXIMUM OF FIFTEEN (15) YEARS; PROVIDING FOR ESTABLISHMENT OF AN APPORTIONMENT TRUST FUND AND THE ALLOCATION OF REVENUES TO THAT FUND; DESIGNATING THE TULSA DEVELOPMENT AUTHORITY AND ITS EXECUTIVE DIRECTOR TO IMPLEMENT, CARRY OUT AND ADMINISTER THE TAX INCREMENT DISTRICT NUMBER ONE, CITY OF TULSA, OKLAHOMA PROJECT PLAN; AUTHORIZING THE TULSA DEVELOPMENT AUTHORITY TO ISSUE TAX APPORTIONMENT BONDS OR NOTES AND TO INCUR PROJECT COSTS AS SET FORTH IN THE TAX INCREMENT DISTRICT ONE, CITY OF TULSA PROJECT PLAN; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Article 10, Section 6C of the Oklahoma Constitution and its enabling legislation known as the Local Development Act, 62 O.S.Supp.1992, §§851 et seq. provides that the governing body may specifically use local taxes and local fees, in whole or in part, for specific public investments, assistance in development financing, or as a specific revenue source for other public entities in the for which the improvements take place and may direct the apportionment of the taxes and fees for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline; and
WHEREAS, pursuant to the provisions of the Local Development Act the City Council of the City of Tulsa, Oklahoma ("governing body") appointed a Review Committee to review, make recommendations and findings concerning the Brady Village Tax Increment District Project Plan ("Project Plan"); and

WHEREAS, Downtown Tulsa Unlimited, Inc. has presented to the Review Committee the Project Plan for the creation of Tax Increment District Number One, City of Tulsa, Oklahoma, which boundaries are contained within the Inner Dispersal Loop ("IDL"), as more particularly detailed below, wherein certain projects are contemplated to be financed from a combination of public and private sources, including apportionment of ad valorem and City sales tax increments derived from the proposed district, to be established in connection with the projects; and

WHEREAS, the proposed district is eligible for designation as an increment district by virtue of its location within a designated enterprise zone as defined in 62 O.S.1991, §690.3; and

WHEREAS, the proposed district is deemed to be a reinvestment area as defined by the Local Development Act, 62 O.S.Supp.1991, §853(15), for the following reasons: fifty percent (50%) or more of the structures within the proposed district have an age of thirty-five (35) years or more and are considered to be either dilapidated, obsolete, vacant, deteriorated, and inadequate; the employment base within the proposed district has declined thirty percent (30%) over a ten (10) year period; and, although in 1992 the ad valorem tax revenue generated from the tracts located within the proposed district increased slightly from 1991 due to isolated improvements such as the Spaghetti Warehouse restaurant, the base value has remained stagnant over at least a ten (10) year period, with certain tracts continuing to decline; and

WHEREAS, Census Tract 25, in which the proposed district is located, experienced a ten-point-two percent (10.2%) decrease in population and has a median household income of $12,377, in contrast to the Tulsa Metropolitan Statistical Area median household income of $26,991, based on comparisons between the 1990 U.S. Census and the 1990 U.S. Census; and

WHEREAS, the proposed district supports the achievement of the development and redevelopment objectives of the City of Tulsa in accordance with the previously approved Crosstown Sector of the Neighborhood Development Program Area, and its proposed amendments as revised in July, 1993, for the purpose of reversing economic stagnation and decline, to attract major investment in the area, preserve and enhance the tax base and make possible investment, development and economic growth which would otherwise be difficult; and
WHEREAS, the above referenced Urban Renewal Plans set forth the governing body’s findings that the tracts contained within the designated urban renewal areas are slums, blighted, deteriorated and thereby is detrimental and a menace to the safety, health and welfare of the inhabitants and users thereof, as required and set forth in the Urban Redevelopment Law, 11 O.S.1991, §§ 38-101 et seq.; and

WHEREAS, premised upon stagnant local tax revenues, population and employment base, residential, commercial and office occupancy within the proposed district, and the lack of privately financed rehabilitation to correct the deteriorating and functional obsolescence of existing structures, it is apparent that without the benefit of public investment and/or assistance as provided in the Local Development Act, investment, development and economic growth is difficult; and

WHEREAS, it is not probable that investment, development and economic growth will occur anyway without tax apportionment financing for certain public improvements within the proposed tax increment plan, based upon the investigations, studies and statistics presented by Downtown Tulsa Unlimited, Inc.; and

WHEREAS, the development of market rate housing within the proposed district accomplishes the following objectives: to provide the area with the stability and market potential necessary for continued development; to provide an opportunity to enhance the exposure and development of an "arts and entertainment district"; to provide permanent housing for those Tulsa residents to live close to their places of employment; to provide an alternative residential market; to provide a market base for retail, restaurant, and entertainment facilities; and to prevent the dispersal of the population into outlying suburban areas, thereby controlling the escalation of the City of Tulsa’s infrastructure costs, retaining local tax revenues and stabilizing and increasing the local tax base; and

WHEREAS, the development of an "arts and entertainment district" is a singular concept to the City of Tulsa, appropriate to the proposed district by virtue of its unique structures, which should be preserved as an attraction to selective retail, commercial and eating establishments which do not compete with other establishments located within the City of Tulsa; and

WHEREAS, the proposed district does not create boundaries which dissect a similar area or create an unfair competitive advantage, but rather, creates an equalized tax base with the outlying suburban areas for which the affected taxing jurisdictions may benefit; and

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WHEREAS, the Project Plan contemplates the conservation, preservation, and rehabilitation of existing structures as well as creating neighborhood treatments which will improve and support surrounding tracts; and

WHEREAS, accepting assumptions and conclusions contained within the document "Report on Recommendations for a Development Plan for Brady Village", October, 1991, and all studies and reports contained therein, that private redevelopment of residential housing and publicly financed neighborhood treatment and parking improvements will result in a substantial increase in sales tax revenues within the proposed increment district by virtue of attracting restaurants, shops, galleries and other unique commercial and retail uses; and

WHEREAS, the Project Plan contemplates an increased ad valorem tax benefit to relevant taxing jurisdictions, in the approximate amounts of $24,000.00 in the fifteenth (15th) year and an increased sales tax benefit to the City in the approximate amount of $72,000.00; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission reviewed the Project Plan and, on November 3, 1993, adopted a resolution declaring that Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan is in conformity with the Comprehensive Plan for the City of Tulsa and recommending to the City Council of the City of Tulsa the approval of Tax Increment District Number One, City of Tulsa, Oklahoma, Project Plan; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the proposed Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan, as prescribed by the Local Development Act and the Oklahoma Open Meeting Act, 25 O.S.1991, §§301 et seq.; and

WHEREAS, it is in the best interests of the City of Tulsa, Oklahoma and its citizens to approve the proposed Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA, TO-WIT:

Section 1. That the Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan, as recommended by the Local Development Act Review Committee and the Tulsa Metropolitan Area Planning Commission is hereby adopted and approved, without amendment. As used herein, the "Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan" shall mean a document entitled "Brady Village Tax Increment District No. One", produced by Downtown Tulsa Unlimited, and dated July 21, 1993 on its cover, consisting of twenty-two (22) pages, six (6) maps, and nine (9)
exhibits, in which the Review Committee adopted statistical data, findings, conclusions, and studies, for purposes of determining the eligibility and appropriateness of the proposed Tax Increment District Number One, City of Tulsa.

Section 2. All actions taken, recommendations, findings and conclusions made in connection with Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan by the Local Development Act Review Committee and the Tulsa Metropolitan Area Planning Commission are hereby ratified and confirmed, including but not limited to recommendations for approval, findings of conformance with the Comprehensive Plan of the City of Tulsa, eligibility of the tax increment district and financial impacts upon the taxing jurisdictions.

Section 3. For identification purposes, the name of the tax increment district shall be "Tax Increment District Number One, City of Tulsa".

Section 4. That Tax Increment District Number One, City of Tulsa is hereby created as of the effective date of this Ordinance.

Section 5. The boundaries of Tax Increment District Number One, City of Tulsa are hereby adopted as set forth below:

All of that land in the City of Tulsa, Tulsa County, Oklahoma, lying within the general boundaries of the Inner Dispersal Loop (IDL) to the north, Elgin Avenue to the east, Burlington Northern Railroad to the south, and Denver Avenue to the west and more particularly described as follows: A tract of land situated in Part of Northwest Quarter of Section 1, Township 19 North, Range 12 East, and Part of Northeast Quarter of Section 2, Township 19 North, Range 12 East, City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows: Beginning at the Southwest corner of Lot 4, Block 55, Original Townsite; thence running Northerly along the East right-of-way line of Elgin Avenue and the West boundary line of Blocks 55, 4\textsuperscript{th}, 24 of said Original Townsite and West boundary line of Lot 3, Block 23, North Tulsa Addition to a point on the South right-of-way line of I-244, said point also being on the West line of Lot 3, Block 23, of said North Tulsa Addition; thence running Westerly along the South right-of-way line of I-244 (South right-of-way line of North leg of Inner Dispersal Loop) to a point, said point being the Northwest corner of Lot 5, Block 3, of said Original Townsite; thence Southerly along the West boundary line of said Lot 5, to the Southwest Corner of Lot 5, Block 3, of said Original Townsite; thence Westerly to the Southeast Corner of Lot 1, Block 2, of said Original
Townsite; thence running Southerly along the West right-of-way line of Denver Avenue and East boundary line of Blocks 11, 15, 32, 37, and 63 of said Original Townsite, to a point on the North right-of-way line of St. Louis-San Francisco Railroad, said point also being the Southeast corner of Block 63, of said Original Townsite; thence Easterly along the North right-of-way line of said St. Louis-San Francisco Railroad, Atchison, Topeka and Santa Fe Railroad and also being the South boundary of Blocks 62, 61, 60, 59, 58, 57, and 56, of said Original Townsite to the Southwest corner of Lot 4, Block 55, of said Original Townsite and the Point of Beginning.

Section 6. In accordance with the Local Development Act, the City Council of the City of Tulsa finds:

A. That Tax Increment District Number One, City of Tulsa is eligible for designation as an increment district by virtue of its boundaries being located within a designated enterprise zone established pursuant to 62 O.S.1991, §690.3 and by virtue of its boundaries being located within a reinvestment area as defined in 62 O.S.Suppl.1992, §853(15).

B. That contemplated private and public projects within Tax Increment District Number One, City of Tulsa are likely to enhance the value of other real property, increase ad valorem tax revenues to taxing jurisdictions, increase sales taxes for the City of Tulsa and effectuate an increase in employment opportunities within Tax Increment District Number One, City of Tulsa, as well as promote the general public interest.

C. That guidelines specified in paragraphs 1 and 2 of Section 3 of the Local Development Act, 62 O.S.Suppl.1992, §852 have been and shall be followed in relation to Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan.

D. That the aggregate net assessed value of all taxable property in all districts, as determined pursuant to Section 13 of the Local Development Act, 62 O.S.Suppl.1992, §862, within the City of Tulsa does and shall not exceed twenty-five percent (25%) of the total net assessed value of taxable property within the City of Tulsa, Oklahoma.

E. That the aggregate net assessed value of the taxable property in all districts, as determined pursuant to Section 13 of the Local Development Act, 62 O.S.Suppl.1992, §862, within the City of Tulsa, Oklahoma does and shall not exceed twenty-five percent (25%) of the total net assessed value of any school districts located within the City of Tulsa.
F. That the land area contained within Tax Increment District Number One, City of Tulsa and all districts within the City of Tulsa does and shall not exceed twenty-five percent (25%) of the total land area of the City of Tulsa, Oklahoma.

G. That tracts contained within the Tax Increment District Number One, City of Tulsa are unproductive, undeveloped, underdeveloped and blighted areas.

H. That the Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan is feasible and conforms to the Master or Comprehensive Plan of the City of Tulsa.

Section 7. In accordance with requirements of the Local Development Act, 62 O.S.Supp.1992, §850 et seq., increments of ad valorem taxes generated within Tax Increment District Number One, City of Tulsa, in excess of the ad valorem taxes generated by the base assessed value of Tax Increment District Number One, City of Tulsa, as most recently determined by the County Assessor prior to the effective date of this Ordinance, shall be apportioned and used to pay costs as set forth in the Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan, for a period not to exceed fifteen (15) years from the effective date of this Ordinance.

Section 8. In accordance with requirements of the Local Development Act, 62 O.S.Supp.1992, §850 et seq., increments of City of Tulsa sales tax revenues, as determined by the Oklahoma State Department of Revenue, shall be apportioned and used to pay costs as set forth in the Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan, for a period not to exceed fifteen (15) years from the effective date of this Ordinance.

Section 9. During the period of apportionment, the entire apportionment trust fund shall constitute the funds of the Tulsa Development Authority and no portion of increments paid into the apportionment trust fund shall constitute a part of the general fund to be apportioned annually by the governing body of the City of Tulsa.

Section 10. Certain costs, as more fully set forth in the Tax Increment District Number One, City of Tulsa, Oklahoma Project Plan, shall be approved, incurred and financed on a year-to-year basis, utilizing tax increment revenues collected and deposited into a specified apportionment trust fund and allocated separately from ad valorem and sales tax revenues as follows:

A. One hundred percent (100%) of the first $100,000.00 in annual tax increment revenue over the base year;

B. Ninety percent (90%) of amounts from $100,000.00 to $500,000.00 in annual tax increment;
C. Fifty percent (50%) of amounts from $500,000.00 to
$1,000,000.00 in annual tax increment; and

D. Thirty-three percent (33%) of all tax increments in
excess of $1,000,000.00.

Section 11. The Tulsa Development Authority, a public body
corporate, shall be and is hereby designated and authorized as the
public entity to carry out and administer the provisions of Tax
Increment District Number One, City of Tulsa, Oklahoma Project
Plan, in accordance with its respective responsibilities, and to
exercise all powers deemed necessary and appropriate, as provided
in the Local Development Act, 62 O.S.Supp.1992, §854, except those
powers enumerated in paragraphs 1, 3, 4, 7, 13, and 16 of 62

Section 12. The Tulsa Development Authority shall have the
authority to issue tax apportionment bonds or notes and to incur
costs of issuance of such bonds and to accumulate appropriate
reserves, if any, in connection therewith, all in accordance with
the Tax Increment District Number One, City of Tulsa, Oklahoma
Project Plan.

Section 13. The Executive Director of the Tulsa Development
Authority, or her successor in office, shall be charged with
implementation of the Tax Increment District Number One, City of
Tulsa, Oklahoma Project Plan, in accordance with provisions,
authorizations and delegations of responsibilities contained in the
Local Development Act and the Tax Increment District Number One,
City of Tulsa, Oklahoma Project Plan, provided the Executive
Director is authorized to empower one or more designees to exercise
responsibilities in connection with the Plan.

Section 14. If any section, sentence, clause or phrase of this Ordinance or any part
thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision
shall not affect the validity of the remainder of this Ordinance or any part thereof.

Section 15. EMERGENCY CLAUSE. That an emergency exists and for the preservation
of the public peace, health and safety, by reason whereof this Ordinance shall be effective
immediately from and after its passage, approval and publication.

PASSED, and the emergency clause ruled upon separately and approved by the Council,
this 9th day of December, 1993, A.D.

ADOPTED by the Council this 9th day of December, 1993, A.D.

ADOPTED as an emergency measure this 9th day of December, 1993, A.D.
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor this _____ day of ______, 1993 at _____ o'clock ___. m.

M. Susan Savage, Mayor

By ____________________________
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this ___ day of ___., 1993 at ___:___ o'clock ___ m.

______________________________
Mayor PRO-TEN

(Seal)

ATTEST:

______________________________
City Clerk

APPROVED:

______________________________
City Attorney