



Legislation Text

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BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE RATIFYING, CONFIRMING AND SUPPLEMENTING ORDINANCE NO. 3480 AND ORDINANCE NO. 3501, ADOPTING A SECOND AMENDMENT TO THE PROJECT PLAN FOR THE TURTLE CREEK REDEVELOPMENT DISTRICT OF THE CITY OF JONESBORO, ARKANSAS #1; AND FOR OTHER PURPOSES

WHEREAS, the City of Jonesboro, Arkansas (the "City"), upon its own initiative and upon request by TURTLE CREEK PARTNERS, LLC, an Arkansas limited liability company and property owner within the City (the "Developer"), adopted Ordinance No. 3480 on July 19, 2004 (the "Creating Ordinance"), creating The Turtle Creek Redevelopment District of the City of Jonesboro, Arkansas #1 (the "Turtle Creek District"), designating the boundaries of the Turtle Creek District (the "District Boundaries"), approving the Turtle Creek District's Project Plan (the "Project Plan"), creating, establishing, and designating the Turtle Creek District of Jonesboro, Arkansas #1 Special Fund (the "Special Fund"), and authorizing the issuance of the City's Tax Increment Financing Revenue Redevelopment Bonds (Turtle Creek Redevelopment District Project), Series 2004" in the aggregate principal amount of not to exceed \$20,000,000 (the "Series 2004 TIF Bonds"), with the final amount and terms of the Series 2004 TIF Bonds subject to the further approval by resolution of the City Council of the City; and

WHEREAS, the City, upon its own initiative and upon request by the Developer, adopted Ordinance No. 3501 on December 20, 2004 (the "First Amending Ordinance") ratifying, confirming and supplementing Ordinance No. 3480 and adopting an Amendment to the Project Plan regarding the Pledged Parcels (as that term is defined in the Project Plan), specifying the termination date of the Turtle Creek District, and redesignating the Series 2004 TIF Bonds as the "Series 2005 TIF Bonds;" and

WHEREAS, the City, upon its own initiative and upon request by the Developer, and further pursuant to the provisions of Amendment No. 78 to the Constitution of the State of Arkansas and the provisions of Ark. Code Ann. §§ 14-168-301 *et seq.* (the "Authorizing Legislation"), including particularly Ark. Code Ann. § 14-168-307, desires to, by this Ordinance: (i) adopt a second amendment to the Project Plan regarding the comparison of the projected ad valorem tax revenue diverted from taxing units to the Special Fund against all projected sales, income and ad valorem taxes received by taxing units or recaptured by taxing units from neighboring states as a result of the creation of the District and the estimate of the timing, number and type of jobs created by the redevelopment project, (ii) to amend the definition of Project Costs as defined in Ordinance No. 3480, and (iii) to further amend Ordinance Nos. 3480 and 3501 to comply with the Authorizing Legislation, as amended by Act 2231 of 2005 (collectively, the "Supplemental Action"); and

WHEREAS, on November 1, 2005, the City held a public hearing at which all interested parties desiring to be heard in connection with the Supplemental Action were afforded a reasonable opportunity to express their views (the "Hearing"); and

WHEREAS, notice of the Hearing (the "Notice") was published in The Jonesboro Sun, a newspaper of general

circulation in the City on October 13, 2005, which was more than fifteen (15) days prior to the Hearing, and

WHEREAS, prior to the publication of the Notice, the City sent a copy of the Notice by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within Turtle Creek District and to the school board of any school district which includes property located within Turtle Creek District; such persons being Craighead County Judge, Dale Haas, Jonesboro Mayor, Douglas Formon, and Jonesboro School District Superintendent, Mr. Steve Singleton; and

WHEREAS, the City Council held the Hearing and determined the Supplemental Action is in the best interests of the City of Jonesboro, Arkansas and will promote and protect the public health, safety, welfare and morality.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION 1: The City hereby amends the Project Plan to include a comparison of the projected ad valorem tax revenue diverted from taxing units to the Special Fund against all projected sales, income and ad valorem taxes received by taxing units or recaptured by taxing units from neighboring states as a result of the creation of the Turtle Creek District. The City hereby further amends the Project Plan to include an estimate of the timing, number and type of jobs created by the redevelopment project. The City hereby amends the Project Plan to include the Economic Profile for Jonesboro, Arkansas and Regional Trade Area created by Arkansas State University Delta Center for Economic Development. No other parts of the Project Plan are amended hereby, and specifically, the boundaries of the Turtle Creek District are not enlarged or otherwise affected hereby. The second amendment to the Project Plan (the "Second Project Plan Amendment") is attached hereto as Exhibit A, and adopted and approved in its entirety. Capitalized terms used in this Ordinance and not otherwise defined shall have the meaning given to them in the Creating Ordinance and the First Amending Ordinance.

SECTION 2: The City hereby finds the Project Plan, as amended by the Second Project Plan Amendment, is economically feasible based on the information and data contained in the Project Plan.

SECTION 3: The City hereby amends Section 4(x) of the Creating Ordinance to define Project Costs as expenditures made in preparation of the Project Plan, as defined below, and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the City, which are listed in the Project Plan as costs of public works or improvements benefiting the Turtle Creek District, plus any costs incidental thereto; provided the following list of purposes and uses shall not limit in any way the potential uses of such funds:  
(x) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, amenities, federal or state highways, or city or county streets or the rebuilding or expansion of highways or streets, the construction, alteration, rebuilding or expansion of which is necessitated by the project plan for the Turtle Creek District, whether or not the construction, alteration, rebuilding or expansion is within the area encompassing the Turtle Creek District.

SECTION 4: The City hereby confirms, ratifies and approves the terms and conditions of the Series 2005 TIF Bonds as set forth in the Creating Ordinance and the First Amending Ordinance. The Mayor or Vice Mayor are hereby authorized and directed to execute, acknowledge and deliver, and to do all things necessary to the execution, acknowledgment and delivery of the Bond Purchase Agreement provided that the final terms of the Series 2005 Bonds shall be subject to further approval by resolution of the City Council.

SECTION 5: In connection with the creation of the Turtle Creek District and approval of the Project Plan as amended by the Second Project Plan Amendment, the City hereby finds and determines that:

(A) The real property within the Turtle Creek District will be benefited by preventing the development or spread of slums or blighted, deteriorated, or deteriorating areas, discouraging the loss of commerce, industry, or employment.

(B) The real property within the Turtle Creek District is in a wholly unimproved condition; and

(C) The area of the City within which the Turtle Creek District is located is otherwise predominantly developed and the presence within the Turtle Creek District of vacant and unimproved parcels of property are substantially impairing and arresting the growth of the City.

SECTION 6: All revenues deposited in the Special Fund shall only be used for Project Costs incurred in connection with capital improvements of a public nature.

SECTION 7: The City hereby acknowledges and approves that the economic analysis contained in the Project Plan was submitted to the Arkansas Department of Economic Development on November 1, 2005, by Crews & Associates, Inc., on the City's behalf.

SECTION 8: A copy of this Ordinance duly certified by the City Clerk shall be filed in the office of Circuit Clerk and Ex-Officio Recorder of Craighead County at Jonesboro, Arkansas.

SECTION 9: In the event any portion of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of this Ordinance.

SECTION 10: All ordinances and resolutions, and parts thereof, which are in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict; provided, however, the Creating Ordinance, the Amending Ordinance and the Project Plan are amended only to the extent set forth by this Ordinance and the Second Project Plan Amendment, and otherwise this Ordinance confirms, ratifies and supplements the Creating Ordinance, the Amending Ordinance and the Project Plan.

SECTION 11: That there is hereby found and declared to be an immediate need for the securing and developing of the Turtle Creek District in order to provide the improvements and otherwise benefit the public health, safety and welfare of the City and the inhabitants thereof, and the issuance of the Series 2005 TIF Bonds authorized hereby and the taking of the other action authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in force and effect immediately upon and after its passage.

APPROVED this 1<sup>st</sup> day of November, 2005