

ORDINANCE NO. 1360

AN ORDINANCE AMENDING THE DEL CITY CRUTCHO CREEK FLOODPLAIN REMEDIATION PROJECT PLAN APPROVED AND ADOPTED BY ORDINANCE NO. 1321 AND AMENDED BY ORDINANCE NO. 1329; AMENDING THE CATEGORIES OF PROJECT COSTS; INCREASING THE AMOUNT OF PROJECT COSTS; AMENDING THE SALES TAX INCREMENT; SUPPLEMENTING EXHIBIT D; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF DEL CITY:

WHEREAS, the City of City Del City (“City”) adopted Ordinance No. 1321, on January 7, 2008, approving the Del City Crutcho Creek Floodplain Remediation Project Plan pursuant to the Local Development Act, 62 O.S. §860, *et seq.*, and Ordinance No. 1329, on April 6, 2009, amending the Del City Crutcho Creek Floodplain Remediation Project Plan (as amended, the “Project Plan”); and

WHEREAS, the purpose of the Project Plan is to address the blighting elements present in this area of Del City, specifically, the hazardous conditions and the undevelopable nature of the area caused by the Crutcho Creek floodplain; and

WHEREAS, the heart of the Project is the creation of an attractive viable commercial center, including retail and hotel, at Sooner Road and I-40, offering a mixed-use development, with a range of retail, hotel, and office space as well as attractive park features, with pathways and connections throughout the development; and

WHEREAS, the City seeks to promote economic development in the Project Area in order to retain and expand employment in the area, attract major investment, enhance the tax base, stimulate economic growth, improve the quality of life in Del City, and strengthen the community; and

WHEREAS, the Project Plan supports the achievement of the economic development objectives of the City to serve as a catalyst to achieve its key development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult or impossible without the Project and the apportionment of sales tax revenues from within the increment district; and

WHEREAS, the apportioned sales tax increment revenues derived from Increment District No. 1 shall be used to finance eligible project costs contained in Section VIII of the Project Plan; and

WHEREAS, The City of Del City and the Del City Economic Development Authority have entered into a Redevelopment Agreement with Del City Retail Development, LLC (as amended, “Redevelopment Agreement”) in order to implement the Project Plan; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper proposes to sell a portion of the Project property for the development of restaurants deemed highly desirable; and

WHEREAS, the addition of the proposed restaurants in the development (“Restaurant Development”) will contribute to the high quality development that the City and the Authority envision; and

WHEREAS, the difference in the estimated market value and the sales price represents the amount of additional assistance in development financing that the City agrees to provide to the Redeveloper; and

WHEREAS, the proposed amendment increases the total amount of project costs by adding a new category of assistance in development financing for the addition of key restaurants and is determined to be a major amendment as defined in the Local Development Act; and

WHEREAS, it is in the best interest of the City of Del City and its citizens to approve the amendment to the Project Plan adopted by Ordinance No. 1321 and amended by Ordinance No. 1329.

NOW, THEREFORE, BE IT ORDAINED by the People of the City of Del City:

SECTION 1. That the Second Amendment to the Del City Crutcho Creek Floodplain Remediation Project Plan is hereby adopted and approved. The Second Amendment shall mean the document dated August 20, 2012, comprised of one cover sheet, two pages of text, and a two-page supplement to Exhibit D.

SECTION 2. That, as stated in the Second Amendment, the sales tax increment is a portion of the City’s non-dedicated sales tax attributable to investment and development within the Increment District. The sales tax increment shall be the following, generated by commercial transactions in Increment District No. 1, the City of Del City: (1) seven-eighths ($\frac{7}{8}$) of the City’s two percent (2%) non-dedicated sales tax revenues (resulting in a 1.75% effective incremental tax rate); (2) all of the City’s one-half percent (.5%) sales tax revenues authorized by Section 20-20(B) of the Code of Ordinances, City of Del City, for the term of such tax and any extensions thereof (which, combined with the portion of the non-dedicated sales tax revenues, is a 2.25% effective incremental tax rate); (3) fifty percent (50%) of the City’s three and a half percent (3.5%) use tax (resulting in a 1.75% effective incremental tax rate); and (4) fifty percent (50%) of the City’s three and a half percent (3.5%) hotel-motel tax (resulting in a 1.75% effective incremental tax rate). The effective date of the one-half percent (.5%) sales tax revenues described in (2) above shall be September 1, 2012. Regardless of whether the City raises its sales, use, or hotel-motel tax rates, the incremental tax rate shall remain the same for the purposes of calculating the sales tax increment generated by Increment District No. 1, the City of Del City.

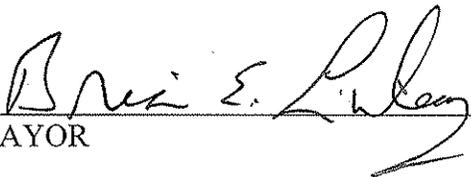
SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of the City of Del City, and the inhabitants thereof, that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect and be put in full force from and after the date of its passage as provided by law.

INTRODUCED and CONSIDERED in open meeting of the Council of the City of Del City on this 6th day of August, 2012.

PASSED by the Council of the City of Del City this 20th day of August, 2012.

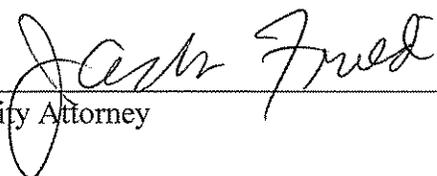
SIGNED by the Mayor of Del City on the 20th day of August, 2012.


MAYOR

ATTEST:


CITY CLERK

Reviewed on this 20 of August, 2012.


City Attorney