

ORDINANCE NO. 1366

AN ORDINANCE APPROVING AND ADOPTING THE DEL CITY VICKIE DRIVE REDEVELOPMENT PROJECT PLAN; DESIGNATING AND ADOPTING PROJECT AREA BOUNDARIES; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF DEL CITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; AUTHORIZING THE USE OF SALES PROCEEDS FOR THE PAYMENT OR FINANCING OF CERTAIN PROJECT COSTS; AUTHORIZING THE DEL CITY ECONOMIC DEVELOPMENT AUTHORITY TO CARRY OUT CERTAIN PROVISIONS OF THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE PLANNING COMMISSION; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY

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

WHEREAS, the heart of the Del City Vickie Drive Redevelopment Project Plan (“Project Plan”) is the development of a vacant site into a new commercial business retail and service use; and

WHEREAS, the City of Del City (“City”) seeks to promote economic development in the Project Area in order to retain and expand employment in the area, attract 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 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 without the project; and

WHEREAS, the Project Plan is an eligible project plan under the Oklahoma Local Development Act, Title 62, Oklahoma Statutes, Section 850, *et seq.*, as amended (the “Local Development Act”) because the proposed Project Area is a reinvestment area as defined by the Local Development Act; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms with the Comprehensive Plan for the City of Del City and recommends to the City Council the approval of the Project Plan; and

WHEREAS, the projected investment and development are difficult, but possible, within the proposed Project Area if the Project Plan is adopted and implemented; and

WHEREAS, the Project Plan provides tools which will supplement and not supplant or replace normal public functions and services; and

WHEREAS, the boundaries of the proposed Project Area do not dissect any similar area nor create an unfair competitive advantage; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the Local Development Act in the review and approval of the Project Plan; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the proposed Project Plan, as prescribed by the Local Development Act, the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, Section 301, *et seq.*, and other applicable law; and

WHEREAS, the City of Del City retains the right, pursuant to the Local Development Act, to make minor amendments to the Project Plan; and

WHEREAS, implementation of the Project Plan will be facilitated by authorizing the Del City Economic Development Authority, a public trust, to (1) enter into a redevelopment agreement with a private redeveloper for the redevelopment of the Project Area; (2) sell the Project Area or portions thereof to the selected private redeveloper; and (3) apply sale proceeds for the payment of project costs and other costs incurred in support of the implementation of the project; and

WHEREAS, it is in the best interests of the City of Del City and its citizens to approve the Project Plan.

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

SECTION 1. In order to redevelop the eligible Project Area, the City of Del City elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Local Development Act, which authorizes the development of unproductive, undeveloped, underdeveloped or blighted areas as determined by the governing body of a city, town or county.

SECTION 2. The Project Plan is hereby adopted and approved, as recommended by the Planning Commission. As used herein “Del City Vickie Drive Redevelopment Project Plan” or “Project Plan” shall mean the document dated May 6, 2013, comprised of one cover sheet, 3 pages of text, 3 exhibits labeled Exhibits A, B, and C, and titled “Del City Vickie Drive Redevelopment Project Plan.”

SECTION 3. All actions taken and all recommendations and findings made in connection with the Project Plan by the Planning Commission are hereby ratified and confirmed, including, but not limited to, the finding of conformance with the Comprehensive Plan.

SECTION 4. The boundaries of the Del City Vickie Drive Redevelopment Project Area are shown on Exhibit A of the Project Plan and are hereby designated and adopted as follows:

Project Area Legal Description

A tract of land lying in the Northwest Quarter (NW/4) of Section 8, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma, being

more particularly described as follows: Commencing at the Northeast corner of said NW/4; Thence South 00°10'18" East, along the East line of said NW/4 a distance of 50.00 feet; Thence North 89°50'15" West parallel with the North line of said NW/4 a distance of 30.00 feet to the Point of Beginning; Thence South 00°10'18" East parallel with and 30.00 feet West of the East line of said NW/4 a distance of 150.00 feet; Thence North 89°50'15" West parallel with the North line of said NW/4 a distance of 150.00 feet; Thence North 00°10'18" West parallel with the East line of said NW/4 a distance of 150.00 feet; Thence South 89°50'15" East parallel with and 50 feet South of the North line of said NW/4 a distance of 150.00 feet to the Point of Beginning.

SECTION 5. The City Council hereby finds:

- (a) that the Project Area is a reinvestment area as defined by the Local Development Act;
- (b) that the improvement of the Project Area is likely to enhance the value of other real property in the area and to promote the general public interest;
- (c) that the Project Plan complies with the applicable guidelines of 62 O.S. § 852, including specifically paragraphs 1 and 2;
- (d) that the Del City Vickie Drive Redevelopment Project Plan is feasible and conforms to the Comprehensive Plan for the City of Del City.

SECTION 6. The City is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to the Local Development Act, 62 O.S. § 854; and the City reserves the power to make minor amendments to the Project Plan in accordance with the Local Development Act, 62 O.S. § 858(D).

SECTION 7. The Del City Economic Development Authority, a public trust, shall have the authority to carry out certain provisions of the Project Plan, including the authority to: (a) enter into a redevelopment agreement with a private redeveloper for the redevelopment of the Project Area; (b) sell the Project Area or portions thereof to the selected private redeveloper; and (c) apply sale proceeds for the payment of project costs and other costs incurred in support of the implementation of the project.

SECTION 8. The following project authorizations are hereby approved:

- (a) The City of Del City is designated as the entity principally responsible for the implementation and administration of the provisions of the Project Plan, in accordance with the provisions, authorizations, and respective delegations of responsibilities contained herein or hereafter authorized pursuant to the Project Plan.
- (b) The City Manager, his successor in office or the City Manager's designee shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in the Project Plan. The City

Manager, his successor in office, or the City Manager's designee is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

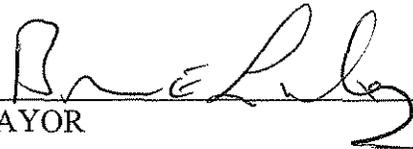
SECTION 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. 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 the 15th day of April, 2013.

PASSED by the Council of the City of Del City this 6th day of May, 2013.

SIGNED by the Mayor of Del City on the 6th day of May, 2013.


MAYOR

ATTEST:


CITY CLERK

Adopted May 6, 2013



DEL CITY VICKIE DRIVE REDEVELOPMENT PROJECT PLAN

PREPARED BY:

THE CITY OF DEL CITY, OKLAHOMA

**OFFICE OF THE MAYOR AND CITY COUNCIL
AND THE DEL CITY ECONOMIC DEVELOPMENT AUTHORITY**

**Brian Linley, Mayor
Sam Tesney
Bill Giles
Ken Bartlett, Chairman
Floyd Eason**

**Mark Edwards, City Manager
Tom Leatherbee, Community Services Director
Carol Noble, City Clerk
Jack Fried, City Attorney**

WITH THE ASSISTANCE OF:

**CENTER FOR ECONOMIC DEVELOPMENT LAW
301 North Harvey, Suite 200
Oklahoma City, Oklahoma 73102
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DEL CITY VICKIE DRIVE REDEVELOPMENT PROJECT PLAN

I. Description of the Project

The Del City Vickie Drive Redevelopment Project Plan is a project plan as defined under the Local Development Act, 62 O.S. §850, *et seq.*, and is referred to here as the "Project Plan." The project is being undertaken by the City of Del City ("City") in order to achieve its development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base. This Project Plan is an element in fostering public-private partnerships to create the type of community development that Del City seeks.

This project is an economic development project which contemplates the redevelopment of the Project Area for commercial business retail and service use. Retail business will bring activity to this prominent location.

The City currently owns the property, which it acquired in a street widening project in 2008. There was previously a gas station and convenience store on the property. The property suffered from environmental contamination. The underground gas storage tanks were removed and the site remediated prior to the City acquiring the property. The structure on the property was demolished in January, 2009. Since then, the property has sat in a state of economic stagnation due to improper curb cuts for the layout of the site after the latest street improvements adjacent to the property. The City has sought to reverse this arrested economic development, correct lot layout issues, and find a suitable project for the property.

By establishing a project area and authorizing the Del City Economic Development Authority, a public trust ("Authority"), to enter into a redevelopment agreement with a private redeveloper, the layout of the property can be corrected with new curb cuts, which will allow for it to be redeveloped and turned into a productive, revenue-generating business site for the community. The ability to approve design and construction of the facility, as authorized pursuant to a redevelopment agreement, will encourage a quality development for the property.

II. BOUNDARIES OF PROJECT AREA AND INCREMENT DISTRICT

The Project Area is the area in which project activities will take place. The Project Area is depicted on Exhibit A. It lies at 1601 Vickie Drive, on the southwest corner of the intersection of S.E. 15th Street and Vickie Drive, just off of I-40. The specific legal description of the Project Area boundary is contained in Exhibit B.

III. ELIGIBILITY OF PROJECT AREA

The Project Area is a reinvestment area, as defined in the Oklahoma Local Development Act, 62 O.S. §853(17). It is an area requiring public improvements, the correction of improper lot layout, and the transfer of land for redevelopment to reverse economic stagnation or decline, to serve as a catalyst for retaining or expanding employment, to attract investment in the area, and to preserve or enhance

the tax base. Without these improvements, the Project Area may become a blighted area, forced to remain vacant due to the deleterious layout. The Project Area is unproductive and undeveloped in accordance with Article 10, §6C of the Oklahoma Constitution.

IV. OBJECTIVES

The principal objectives of the project are:

- A. To attract investment in the area and enhance the value of other real property in the surrounding area.
- B. To promote economic development to increase tax revenues, raise property values, and improve economic stability.
- C. To preserve and enhance the tax base.
- D. To make possible investment, development, and economic growth that would otherwise be difficult without the project.
- E. To stimulate private commitments to invest in the Project Area.
- F. To develop the Project Area with retail to attract residents and visitors.

V. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist principally of the following:

- A. Transfer of the Project Area from the City to the Authority.
- B. Enter into a redevelopment agreement between the Authority and a redeveloper for the redevelopment of a commercial retail and service business.
- C. Project planning, design, and approval.
- D. Construction and/or repair of curb cuts and lot layout issues.
- E. Landscape improvements.

VI. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS

A. The City is designated and authorized as the principal public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto as provided in the Local Development Act, 62 O.S. § 854.

B. The Authority is authorized and designated to assist in carrying out this Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Sections 854, Title 62 of the Oklahoma Statutes, except for approval of this Project Plan and those powers enumerated in paragraphs

1, 2, 3, 4, 7, 13 and 16 of Section 854, Title 62. As a public entity designated by the City, the Authority is authorized to: (1) enter into a redevelopment agreement with a private redeveloper for the redevelopment of the Project Area; (2) sell the Project Area or portions thereof to the selected private redeveloper; and (3) apply sale proceeds for the payment of project costs and other costs incurred in support of the implementation of the project.

C. The City Manager, Mark Edwards, his successor in office, or his designee shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in this Project Plan. The City Manager, his successor in office, or his designee is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

VII. BUDGET OF ESTIMATED PROJECT COSTS AND PRIVATE INVESTMENT EXPECTED

A. Project costs will be financed with proceeds from the sale of the Project Area or portion thereof to a private redeveloper and from funds allocated to the project by the City and/or the Authority. Estimated project costs include:

a. Curb Cuts and Landscaping:	\$10,000.00
b. Project Preparation, Implementation, Administration:	\$30,000.00
TOTAL	\$40,000.00

B. The total estimated private investment is approximately \$500,000.00. Private investment is expected to consist of a new commercial business retail and service use. Public investment will include curb cuts to make the site developable and landscape improvements to enhance the area, and will be funded through the proceeds received from the sale of the Project Area or portions thereof.

VIII. MISCELLANEOUS PROVISIONS

The redevelopment anticipated by a redevelopment agreement will not result in a measurable increase in demand for services by or in costs to the City. The public revenue anticipated includes increased tax revenue both inside and outside the Project Area. The economic benefits of the Project Plan indicate positive financial impacts for the community as a whole. The aggregate impacts on the City from implementation of the Project Plan are positive and include the achievement of the objectives set forth in Section IV.

No changes in zoning are required to accommodate this project. This Project Plan complies with the objectives and priorities of the Comprehensive Plan of The City of Del City, as amended.

The real property in the Project Area is currently vacant. An illustrative site plan for the proposed improvements to and proposed uses of the real property in the Project Area are shown on Exhibit C.

EXHIBIT B

A tract of land lying in the Northwest Quarter (NW/4) of Section 8, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Commencing at the Northeast corner of said NW/4; Thence South $00^{\circ}10'18''$ East, along the East line of said NW/4 a distance of 50.00 feet; Thence North $89^{\circ}50'15''$ West parallel with the North line of said NW/4 a distance of 30.00 feet to the Point of Beginning; Thence South $00^{\circ}10'18''$ East parallel with and 30.00 feet West of the East line of said NW/4 a distance of 150.00 feet; Thence North $89^{\circ}50'15''$ West parallel with the North line of said NW/4 a distance of 150.00 feet; Thence North $00^{\circ}10'18''$ West parallel with the East line of said NW/4 a distance of 150.00 feet; Thence South $89^{\circ}50'15''$ East parallel with and 50 feet South of the North line of said NW/4 a distance of 150.00 feet to the Point of Beginning.

Del City Vickie Drive Redevelopment Project Plan -- Exhibit C

Functional Site Plan
1601 South Vickie Drive
Del City, OK 73115

- 1 Proposed Retail Structure
- 2 Proposed Public Improvements

Public improvements are to be relocated drive approaches. Each approach will have an adequate curb radius, will be located so as to maximize safety with regard to the intersection and turn lane, and will be planted with decorative landscaping in such a way as to avoid any impact to the sight triangle.

All locations depicted are subject to change based on project engineering considerations.

