

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT CITY COUNCIL

6:00 PM

**Roscoe J. Hatfield
Council Chambers,
Durant City Hall, 300
W. Evergreen, Durant,
OK SPECIAL
AGENDA**

November 27, 2018

**DURANT CITY HALL
300 W. EVERGREEN, DURANT, OK
ROSCOE J. HATFIELD COUNCIL CHAMBERS**

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Public Hearing for the Purpose of Giving Members of the Public an Opportunity to be Heard Prior to Any Vote on the Proposed Project Hickory Economic Development Project Plan
2. Consider Approval of Ordinance 1869 Approving and Adopting the Project Hickory Economic Development Project Plan Pursuant to the Oklahoma Local Development Act; Designating and Adopting Project Area and Increment District Boundaries; Confirming the Establishment of a Date for the Creation of Increment District No. 3, City of Durant; Adopting Certain Findings; Authorizing the Durant Industrial Authority to Carry Out and Administer the Project Plan; Establishing a Tax Apportionment Fund; Declaring Apportioned Funds to be Special Funds of the Durant Industrial Authority; Authorizing the Use of Increment Revenues for the Payment of Certain Project Costs; Authorizing the City of Durant to Carry Out Certain Provisions of the Project Plan; Ratifying and Confirming the Actions, Recommendations and Findings of the Durant – Salem Tube Economic Development Project Plan Review Committee and the City of Durant Planning Commission; Directing Continuing Apportionment; Providing for Severability; and Declaring an Emergency

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 23rd day of October, 2018 and that an agenda of said meeting was posted at the place of such meeting at 9:30 a.m. on the 21st day of November, 2018.

Cynthia J. Price, City of Durant



The City of Durant

Office of City Clerk

Memorandum

Date: 10/26/2018
To: Mayor and City Council
From: Paul Buntz, Interim Executive Director of the Durant Industrial Authority
Re: Public Hearing for the Purpose of Giving Members of the Public an Opportunity to be Heard Prior to Any Vote on the Proposed Project Hickory Economic Development Project Plan

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:



The City of Durant

Office of City Clerk

Memorandum

Date: 10/26/2018
To: Mayor and City Council
From: Paul Buntz, Interim Executive Director of the Durant Industrial Authority
Re: Consider Approval of Ordinance 1869 Approving and Adopting the Project Hickory Economic Development Project Plan Pursuant to the Oklahoma Local Development Act; Designating and Adopting Project Area and Increment District Boundaries; Confirming the Establishment of a Date for the Creation of Increment District No. 3, City of Durant; Adopting Certain Findings; Authorizing the Durant Industrial Authority to Carry Out and Administer the Project Plan; Establishing a Tax Apportionment Fund; Declaring Apportioned Funds to be Special Funds of the Durant Industrial Authority; Authorizing the Use of Increment Revenues for the Payment of Certain Project Costs; Authorizing the City of Durant to Carry Out Certain Provisions of the Project Plan; Ratifying and Confirming the Actions, Recommendations and Findings of the Durant – Salem Tube Economic Development Project Plan Review Committee and the City of Durant Planning Commission; Directing Continuing Apportionment; Providing for Severability; and Declaring an Emergency

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 1869 Clean Copy	Exhibit	11/21/2018
Ordinance 1869 Red-Line Copy	Exhibit	11/21/2018

ORDINANCE NO. 1869

AN ORDINANCE APPROVING AND ADOPTING THE PROJECT HICKORY ECONOMIC DEVELOPMENT PROJECT PLAN PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; DESIGNATING AND ADOPTING PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; CONFIRMING THE ESTABLISHMENT OF A DATE FOR THE CREATION OF INCREMENT DISTRICT NO. 3, CITY OF DURANT; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE DURANT INDUSTRIAL AUTHORITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE SPECIAL FUNDS OF THE DURANT INDUSTRIAL AUTHORITY; AUTHORIZING THE USE OF INCREMENT REVENUES FOR THE PAYMENT OF CERTAIN PROJECT COSTS; AUTHORIZING THE CITY OF DURANT TO CARRY OUT CERTAIN PROVISIONS OF THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE DURANT - SALEM TUBE ECONOMIC DEVELOPMENT PROJECT PLAN REVIEW COMMITTEE AND THE CITY OF DURANT PLANNING COMMISSION; DIRECTING CONTINUING APPORTIONMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Durant, Oklahoma (“City”) has prepared the proposed Project Hickory Economic Development Project Plan (“Project Plan”) in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (“Act”); and

WHEREAS, the purpose of the Project Plan is to help the City achieve its development objectives by authorizing the appropriate and necessary public support and assistance for the construction, equipping, and operation of a \$40–62 million metal tubing fabrication and manufacturing facility (“Project”); and

WHEREAS, the Project Plan supports the City’s efforts 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 adoption of the Project Plan and the continued apportionment of incremental ad valorem tax revenue the proposed Increment District No. 3, City of Durant (“TIF 3”) for thirteen (13) fiscal years; and

WHEREAS, the Durant - Salem Tube Economic Development Project Plan Review Committee (“Review Committee”), comprised of a representative of the City, a representative of the City’s Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including Bryan County, Calera Public Schools, Bryan County Ambulance Authority Emergency Medical Services, the Bryan County Health Department, and Kiamichi Technology Center) and three members of the public at large, one of whom is a representative of the City’s business community, has reviewed the Project Plan; and

WHEREAS, the Review Committee has reviewed the proposed Project Area and the proposed TIF 3 in accordance with the criteria specified in the Act and has determined that TIF 3 is eligible for designation as an increment district and for development under the Act and that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the Review Committee has adopted its findings and recommends to the City Council the approval of the Project Plan, including creating TIF 3; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the City of Durant Comprehensive Plan and is desirable; and

WHEREAS, the Planning Commission has adopted a resolution recommending to the City Council the approval of the Project Plan, including creating TIF 3; and

WHEREAS, all of the Project Area, including the area of TIF 3, lies within a state-designated enterprise zone and therefore meets the definition of an enterprise area as defined by the Act; and

WHEREAS, the projected investment and development are difficult, but possible, within the Project Area and TIF 3, if the Project Plan is adopted and implemented; and

WHEREAS, tax increment financing is a necessary component in generating economic development in the Project Area, TIF 3; and

WHEREAS, the apportioned increment revenues derived from TIF 3 will be used to finance eligible project costs contained in Section IX of the Project Plan; and

WHEREAS, the and establishment of TIF 3 will work in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the Project Area; and

WHEREAS, the Project is expected to generate substantial new investment within TIF 3 and to stimulate additional indirect economic benefits outside of TIF 3 which would not occur without the Project; 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 TIF 3 do not dissect any similar area or create an unfair competitive advantage; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the 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 Project Plan, as prescribed by the Act, the Oklahoma Open Meetings Act, 25 O.S. § 301, *et seq.*, and other applicable law; and

WHEREAS, pursuant to said notice, all persons present were given an opportunity to be heard for and against the Project Plan; and

WHEREAS, the City deems it appropriate and desirable and in the best interest of the City and its citizens to adopt and approve the Project Plan, including the establishment of TIF 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA:

SECTION 1. In order to develop the eligible Project Area, the City of Durant (“City”) elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Local Development Act, 62 O.S. § 850, *et seq.* (“Act”), which authorize the use of local taxes for specific public investments, assistance in development financing, and as a revenue source for other public entities in the area, and which provide for the direction of apportionment of local taxes to plan, finance, and carry out development of unproductive, undeveloped, underdeveloped, or blighted areas as determined by the governing body of a city, town or county.

SECTION 2. The Project Hickory Economic Development Project Plan is hereby adopted and approved, as recommended by the City of Durant Planning Commission (“Planning Commission”) and the Durant - Salem Tube Economic Development Project Plan Review Committee (“Review Committee”). As used herein, “Project Hickory Economic Development Project Plan” and “Project Plan” shall mean the document dated the ____ day of _____, 20____, and comprised of: one (1) cover sheet; five (5) pages of text; five (5) exhibits; and titled “Project Hickory Economic Development Project Plan.”

SECTION 3. The membership of the Review Committee and all actions taken and all recommendations and findings made in connection with the Project Plan by the Review Committee and the Planning Commission are hereby ratified and confirmed.

SECTION 4. Increment District No. 3, City of Durant (“TIF 3”), an ad valorem increment district, is hereby created as of the date this Ordinance becomes effective.

SECTION 5. The boundaries of the Project Hickory Project Plan’s Project Area are coterminous with the boundaries of TIF 3, as described in Section 6 herein.

SECTION 6. The boundaries of TIF 3 are shown on Exhibit A of the Project Plan and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

TIF 3 / Project Area Legal Description

A parcel of land situated in a part of the north half of the north half (N 1/2 N 1/2) of section 9, township 7 south, range 9 east of the Indian Meridian and Base line, Bryan County, Oklahoma being a portion of that parcel of land described in Book 1126, Page 557-558, filed October 6, 2006, in the office of the Bryan County Clerk being more particularly described by metes and bounds with a base grid bearing being North 88°54'53" East, along the north line of section 9, township 7 south, range 9 east, more particularly described as follows:

COMMENCING at the corner of sections 4, 5, 8 and 9, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566, filed with the Oklahoma Department of Libraries on March 02, 2017;

THENCE, North 88°54'53" East, along the line between sections 4 and 9, a distance of 68.90 feet to a point on the line between sections 4 and 9 and the POINT OF BEGINNING of the herein described parcel, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566;

THENCE North 88°54'53" East, continuing along the line between sections 4 and 9, a distance of 1898.92 feet to the northwest corner of a parcel described in Book 1459, Page 497, filed in January 31, 2018, in the Office of the Bryan County Clerk, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566;

THENCE South 01°05'07" East, along the west boundary line of a parcel described in Book 1459, Page 497, filed in January 31, 2018, in the Office of the Bryan County Clerk, a distance of 1025.65 feet to a point on along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 89°34'35" West, along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 491.06 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 85°10'23" West, along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 393.47 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 75°43'52" West, along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 786.74 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 75°18'21" West, along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 240.36 feet to a point along the east right-of-way of state highway no. 78 as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 43°43'10" West, along the east right-of-way of state highway no. 78 as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 36.46 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 03°35'39" West, along the east right-of-way of state highway no. 78 as described In Book 1169, Page 166-167, flied September 27, 2007, In the Office of the Bryan County Clerk, a distance of 625.98 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 39°21'00" West, along the east right-of-way of state highway no. 78 as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 39.11 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 00°44'37" West, along the east right-of-way of state highway no. 78 as described in Bock 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 16.56 feet to a mag nail with aluminum tag marked D PAGE JR PLS 1566, on the line between sections 4 and 9 being the POINT OF BEGINNING, containing 40.00 acres of land.

[Basis of Bearings: North 88°54'53" East, along the line between sections 4 and 9, by R.T.K G.P.S. observation, referenced to the Oklahoma State Plane Coordinate System (NAD 83). The aforesaid parcel of land described by David L. Page Jr., PLS No. 1566, on April 30, 2018.]

SECTION 7. The City hereby finds and determines:

- (a) That the Project Area, including TIF 3, is an enterprise area as defined by the Act;
- (b) that the financial impacts of the proposed Project Plan and Project on the affected taxing jurisdictions and business activities within TIF 3 are positive and that the economic benefits for the community as a whole offset any adverse impacts;
- (c) 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;

(d) that the Project Plan complies with the guidelines of Section 852 of the Act, including specifically paragraphs 1 and 2;

(e) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 35% of the total net assessed value of the taxable property within the City;

(f) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 25% of the total net assessed value of any affected school districts located within the City;

(g) that the land within all increment districts within the City does not exceed 25% of the total land area of the City; and

(h) that the Project Plan is feasible and conforms to the City's Comprehensive Plan.

SECTION 8. The following Project and Increment District authorizations are hereby approved:

(a) The Durant Industrial Authority, a public trust, shall be the principal entity responsible for implementation and is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act, including the authorization to make minor amendments to the Project Plan (as defined by the Act), but not including the power to approve of the Project Plan and those powers enumerated in paragraphs 1, 3, 4, 7, 13, and 16 of 62 O.S. § 854, which are reserved by the City;

(b) The City shall have the authority to assist in carrying out the provisions of the Project Plan and to exercise any powers necessary or appropriate thereto, including those powers reserved by the City as indicated in Section 8(a) of this Ordinance;

(c) The Durant Industrial Authority shall also have the authority to carry out certain provisions of the Project Plan, including the authority to: (a) issue tax apportionment bonds or notes, or both; (b) pledge revenues from current and future fiscal years to repayment; (c) incur project costs pursuant to Section IX of the Project Plan; (d) provide funds to or reimburse the City for the payment of Project Costs and other costs incurred in support of the implementation of the Project; and (e) incur the cost of issuance of bonds for payment of such costs and to accumulate appropriate reserves, if any, in connection with them; and

(d) The Director of the Durant Industrial Authority, Paul S. Buntz, 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 the Project Plan. The Director, his successor in office, or his designee is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

SECTION 9. The increment of the ad valorem taxes generated by TIF 3 may be used to pay project costs authorized by Section IX of the Project Plan for a period not to exceed thirteen (13) fiscal years from the date this Ordinance becomes effective, as provided by law, or the period required for payment of the project costs authorized by Section IX of the Project Plan, whichever is less.

SECTION 10. During the period of apportionment, the tax apportionment fund (a) shall be available to pay project costs under Section IX of the Project Plan, (b) shall constitute special funds of the Durant Industrial Authority, and (c) shall not be subject to annual appropriation as a part of the general fund of the City.

SECTION 11. Pursuant to Section 6C of Article X of the Constitution of the State of Oklahoma and the Act, the direction of apportionment shall continue beyond the current fiscal year for the duration of TIF 3 or the period required for the payment of project costs authorized by the Project Plan, whichever is less.

SECTION 12. The Project Plan is hereby determined to be desirable and is approved.

SECTION 13. 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 14: DECLARATION OF EMERGENCY. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma, and the citizens thereof, it is necessary that this Ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

Passed and approved this _____ day of _____, 2018, in regular session of the Durant City Council.

CITY OF DURANT

JERRY L. TOMLINSON, MAYOR
CITY OF DURANT, OKLAHOMA

ATTEST:

CYNTHIA J. PRICE
CITY CLERK

ADOPTED as an emergency measure this _____ day of _____, 2018.

CITY OF DURANT

**JERRY L. TOMLINSON, MAYOR
CITY OF DURANT, OKLAHOMA**

ATTEST:

**CYNTHIA J. PRICE
CITY CLERK**

APPROVED AS TO FORM:

City Attorney Thomas Marcum

AN ORDINANCE APPROVING AND ADOPTING THE PROJECT HICKORY ECONOMIC DEVELOPMENT PROJECT PLAN PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; DESIGNATING AND ADOPTING PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; CONFIRMING THE ESTABLISHMENT OF A DATE FOR THE CREATION OF INCREMENT DISTRICT NO. 3, CITY OF DURANT; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE DURANT INDUSTRIAL AUTHORITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE SPECIAL FUNDS OF THE DURANT INDUSTRIAL AUTHORITY; AUTHORIZING THE USE OF INCREMENT REVENUES FOR THE PAYMENT OF CERTAIN PROJECT COSTS; AUTHORIZING THE CITY OF DURANT TO CARRY OUT CERTAIN PROVISIONS OF THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE DURANT - SALEM TUBE ECONOMIC DEVELOPMENT PROJECT PLAN REVIEW COMMITTEE AND THE CITY OF DURANT PLANNING COMMISSION; DIRECTING CONTINUING APPORTIONMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Durant, Oklahoma (“City”) has prepared the proposed Project Hickory Economic Development Project Plan (“Project Plan”) in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (“Act”); and

WHEREAS, the purpose of the Project Plan is to help the City achieve its development objectives by authorizing the appropriate and necessary public support and assistance for the construction, equipping, and operation of a \$40–62 million metal tubing fabrication and manufacturing facility (“Project”); and

WHEREAS, the Project Plan supports the City’s efforts 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 adoption of the Project Plan and the continued apportionment of incremental ad valorem tax revenue the proposed Increment District No. 3, City of Durant (“TIF 3”) for thirteen (13) fiscal years; and

WHEREAS, the Durant - Salem Tube Economic Development Project Plan Review Committee (“Review Committee”), comprised of a representative of the City, a representative of the City’s Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including Bryan County, Calera Public Schools, Bryan County Ambulance Authority Emergency Medical Services, the Bryan County Health Department, and Kiamichi Technology Center) and three members of the public at large, one of whom is a representative of the City’s business community, has reviewed the Project Plan; and

WHEREAS, the Review Committee has reviewed the proposed Project Area and the proposed TIF 3 in accordance with the criteria specified in the Act and has determined that TIF 3 is eligible for designation as an increment district and for development under the Act and that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the Review Committee has adopted its findings and recommends to the City ~~Commission-Council~~ the approval of the Project Plan, including creating TIF 3; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the City of Durant Comprehensive Plan and is desirable; and

WHEREAS, the Planning Commission has adopted a resolution recommending to the City ~~Commission-Council~~ the approval of the Project Plan, including creating TIF 3; and

WHEREAS, all of the Project Area, including the area of TIF 3, lies within a state-designated enterprise zone and therefore meets the definition of an enterprise area as defined by the Act; and

WHEREAS, the projected investment and development are difficult, but possible, within the Project Area and TIF 3, if the Project Plan is adopted and implemented; and

WHEREAS, tax increment financing is a necessary component in generating economic development in the Project Area, TIF 3; and

WHEREAS, the apportioned increment revenues derived from TIF 3 will be used to finance eligible project costs contained in Section IX of the Project Plan; and

WHEREAS, the and establishment of TIF 3 will work in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the Project Area; and

WHEREAS, the Project is expected to generate substantial new investment within TIF 3 and to stimulate additional indirect economic benefits outside of TIF 3 which would not occur without the Project; 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 TIF 3 do not dissect any similar area or create an unfair competitive advantage; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the 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 Project Plan, as prescribed by the Act, the Oklahoma Open Meetings Act, 25 O.S. § 301, *et seq.*, and other applicable law; and

WHEREAS, pursuant to said notice, all persons present were given an opportunity to be heard for and against the Project Plan; and

WHEREAS, the City deems it appropriate and desirable and in the best interest of the City and its citizens to adopt and approve the Project Plan, including the establishment of TIF 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA:

SECTION 1. In order to develop the eligible Project Area, the City of Durant (“City”) elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Local Development Act, 62 O.S. § 850, *et seq.* (“Act”), which authorize the use of local taxes for specific public investments, assistance in development financing, and as a revenue source for other public entities in the area, and which provide for the direction of apportionment of local taxes to plan, finance, and carry out development of unproductive, undeveloped, underdeveloped, or blighted areas as determined by the governing body of a city, town or county.

SECTION 2. The Project Hickory Economic Development Project Plan is hereby adopted and approved, as recommended by the City of Durant Planning Commission (“Planning Commission”) and the Durant - Salem Tube Economic Development Project Plan Review Committee (“Review Committee”). As used herein, “Project Hickory Economic Development Project Plan” and “Project Plan” shall mean the document dated the ____ day of _____, 20____, and comprised of: one (1) cover sheet; five (5) pages of text; five (5) exhibits; and titled “Project Hickory Economic Development Project Plan.”

SECTION 3. The membership of the Review Committee and all actions taken and all recommendations and findings made in connection with the Project Plan by the Review Committee and the Planning Commission are hereby ratified and confirmed.

SECTION 4. Increment District No. 3, City of Durant (“TIF 3”), an ad valorem increment district, is hereby created as of the date this Ordinance becomes effective.

SECTION 5. The boundaries of the Project Hickory Project Plan’s Project Area are coterminous with the boundaries of TIF 3, as described in Section 6 herein.

SECTION 6. The boundaries of TIF 3 are shown on Exhibit A of the Project Plan and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

TIF 3 / Project Area Legal Description

A parcel of land situated in a part of the north half of the north half (N 1/2 N 1/2) of section 9, township 7 south, range 9 east of the Indian Meridian and Base line, Bryan County, Oklahoma being a portion of that parcel of land described in Book 1126, Page 557-558, filed October 6, 2006, in the office of the Bryan County Clerk being more particularly described by metes and bounds with a base grid bearing being North 88°54'53" East, along the north line of section 9, township 7 south, range 9 east, more particularly described as follows:

COMMENCING at the corner of sections 4, 5, 8 and 9, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566, filed with the Oklahoma Department of Libraries on March 02, 2017;

THENCE, North 88°54'53" East, along the line between sections 4 and 9, a distance of 68.90 feet to a point on the line between sections 4 and 9 and the POINT OF BEGINNING of the herein described parcel, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566;

THENCE North 88°54'53" East, continuing along the line between sections 4 and 9, a distance of 1898.92 feet to the northwest corner of a parcel described in Book 1459, Page 497, filed in January 31, 2018, in the Office of the Bryan County Clerk, marked with a mag nail with aluminum tag marked D PAGE JR PLS 1566;

THENCE South 01°05'07" East, along the west boundary line of a parcel described in Book 1459, Page 497, filed in January 31, 2018, in the Office of the Bryan County Clerk, a distance of 1025.65 feet to a point on along the north right-of way of us highway no. 70 by-pass as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

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THENCE North 03°35'39" West, along the east right-of-way of state highway no. 78 as described In Book 1169, Page 166-167, flied September 27, 2007, In the Office of the Bryan County Clerk, a distance of 625.98 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 39°21'00" West, along the east right-of-way of state highway no. 78 as described in Book 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 39.11 feet, marked with a 1/2 inch diameter steel pin with cap marked D PAGE JR PLS 1566;

THENCE North 00°44'37" West, along the east right-of-way of state highway no. 78 as described in Bock 1169, Page 166-167, filed September 27, 2007, in the Office of the Bryan County Clerk, a distance of 16.56 feet to a mag nail with aluminum tag marked D PAGE JR PLS 1566, on the line between sections 4 and 9 being the POINT OF BEGINNING, containing 40.00 acres of land.

[Basis of Bearings: North 88°54'53" East, along the line between sections 4 and 9, by R.T.K G.P.S. observation, referenced to the Oklahoma State Plane Coordinate System (NAD 83). The aforesaid parcel of land described by David L. Page Jr., PLS No. 1566, on April 30, 2018.]

SECTION 7. The City hereby finds and determines:

- (a) That the Project Area, including TIF 3, is an enterprise area as defined by the Act;
- (b) that the financial impacts of the proposed Project Plan and Project on the affected taxing jurisdictions and business activities within TIF 3 are positive and that the economic benefits for the community as a whole offset any adverse impacts;
- (c) 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;

(d) that the Project Plan complies with the guidelines of Section 852 of the Act, including specifically paragraphs 1 and 2;

(e) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 35% of the total net assessed value of the taxable property within the City;

(f) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Act, does not exceed 25% of the total net assessed value of any affected school districts located within the City;

(g) that the land within all increment districts within the City does not exceed 25% of the total land area of the City; and

(h) that the Project Plan is feasible and conforms to the City's Comprehensive Plan.

SECTION 8. The following Project and Increment District authorizations are hereby approved:

(a) The Durant Industrial Authority, a public trust, shall be the principal entity responsible for implementation and is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act, including the authorization to make minor amendments to the Project Plan (as defined by the Act), but not including the power to approve of the Project Plan and those powers enumerated in paragraphs 1, 3, 4, 7, 13, and 16 of 62 O.S. § 854, which are reserved by the City;

(b) The City shall have the authority to assist in carrying out the provisions of the Project Plan and to exercise any powers necessary or appropriate thereto, including those powers reserved by the City as indicated in Section 8(a) of this Ordinance;

(c) The Durant Industrial Authority shall also have the authority to carry out certain provisions of the Project Plan, including the authority to: (a) issue tax apportionment bonds or notes, or both; (b) pledge revenues from current and future fiscal years to repayment; (c) incur project costs pursuant to Section IX of the Project Plan; (d) provide funds to or reimburse the City for the payment of Project Costs and other costs incurred in support of the implementation of the Project; and (e) incur the cost of issuance of bonds for payment of such costs and to accumulate appropriate reserves, if any, in connection with them; and

(d) The Director of the Durant Industrial Authority, Paul S. Buntz, 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 the Project Plan. The Director, his successor in office, or his designee is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

SECTION 9. The increment of the ad valorem taxes generated by TIF 3 may be used to pay project costs authorized by Section IX of the Project Plan for a period not to exceed thirteen (13) fiscal years from the date this Ordinance becomes effective, as provided by law, or the period required for payment of the project costs authorized by Section IX of the Project Plan, whichever is less.

SECTION 10. During the period of apportionment, the tax apportionment fund (a) shall be available to pay project costs under Section IX of the Project Plan, (b) shall constitute special funds of the Durant Industrial Authority, and (c) shall not be subject to annual appropriation as a part of the general fund of the City.

SECTION 11. Pursuant to Section 6C of Article X of the Constitution of the State of Oklahoma and the Act, the direction of apportionment shall continue beyond the current fiscal year for the duration of TIF 3 or the period required for the payment of project costs authorized by the Project Plan, whichever is less.

SECTION 12. The Project Plan is hereby determined to be desirable and is approved.

SECTION 13. 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 14: DECLARATION OF EMERGENCY. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma, and the citizens thereof, it is necessary that this Ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

Passed and approved this _____ day of _____, 2018, in regular session of the Durant City Council.

CITY OF DURANT

JERRY L. TOMLINSON, MAYOR
CITY OF DURANT, OKLAHOMA

ATTEST:

CYNTHIA PRICE
CITY CLERK

ADOPTED as an emergency measure this _____ day of _____, 2018.

CITY OF DURANT

JERRY L. TOMLINSON, MAYOR
CITY OF DURANT, OKLAHOMA

ATTEST:

CYNTHIA J. PRICE
CITY CLERK

APPROVED AS TO FORM:

City Attorney Thomas Marcum