

Item No: _____

Moved by: _____

Prepared by: Rhonda O'Dell

Seconded by: _____

Approved by: Rick Miller

RESOLUTION APPROVING AN ECONOMIC IMPACT PLAN FOR THE LAKE DISTRICT ECONOMIC DEVELOPMENT AREA. SPONSORED BY COMMISSIONER DAVID REAVES AND COSPONSORED BY COMMISSIONER TERRY ROLAND, COMMISSIONER WILLIE BROOKS AND COMMISSIONER HEIDI SHAFER.

WHEREAS, the Industrial Development Board of the City of Lakeland, Tennessee (the "Lakeland IDB") has approved an Economic Impact Plan (the "EIP"), as provided by the Lake District, LLC, a Delaware limited liability company, regarding the development of an area located at approximately 3536 Canada Road; 3570 Canada Road; 0 Canada Road; 0 Lake Forest Road, Lakeland, Shelby County, Tennessee (the "Plan Area"); and

WHEREAS, the development of the Plan Area is expected to create an "urban village" which will include, but not be limited to, hotels, retailers, restaurateurs, office tenants, child learning centers and assisted living facilities (collectively, the "Project"); and

WHEREAS, the EIP, if approved by the Board of County Commissioners, would permit certain Tax Increment Financing ("TIF") to be provided through the issuance of the Lakeland IDB's bonds, notes and other obligations in the total amount not to exceed \$39,000,000.00 pursuant to Chapter 53, Title 7 of the Tennessee Code Annotated; and

WHEREAS, the Lakeland IDB held a public hearing on October 24, 2016 after publishing notice of such hearing in a newspaper of general circulation two weeks prior to that date, and approved a Resolution which recommended the adoption of the EIP, a copy of which is attached hereto as "Exhibit A"; and

WHEREAS, the Board of Mayor and Aldermen of the City of Lakeland, Tennessee met on October 24, 2016, after notice, and approved said EIP by adoption of Resolution No. 2016/10-91, a copy of which is attached hereto as “Exhibit B”; and

WHEREAS, the proceeds of the TIF would be used to pay the costs of eligible public improvements (the “TIF Eligible Costs”) relating to the development of the Project; and

WHEREAS, in accordance with Tenn. Code Ann. Section 9-23-108, this approval is subject to the condition that the Lakeland IDB will not apply any TIF Revenues to pay certain costs relating to privately owned land without first receiving a written determination from the Comptroller of the State of Tennessee (the “State”) and the Commissioner of Economic Development of the State that the use of tax increment revenues for such costs is in the best interest of the State; and

WHEREAS, the EIP provides that all of the current property tax revenues will be retained by the taxing governments; and

WHEREAS, the EIP further provides that of the incremental tax revenues, after provision for the portion of the tax rate attributed to debt service for general fund and schools, twenty-five percent (25%) will be allocated to the taxing governments and the remaining seventy-five percent (75%) of the incremental property tax revenues (the “TIF Revenues”) that result from the development of the Plan Area under the EIP will be allocated to the Lakeland IDB to be used to pay debt service on the TIF; and

WHEREAS, in accordance with the EIP, the Lakeland IDB would issue the TIF to a lender or lenders to finance the TIF Eligible Costs and would pledge the TIF Revenues to such lender or lenders to apply to the TIF; and

WHEREAS, the Board of Directors of the Lakeland IDB has also submitted the EIP to the Shelby County Board of Commissioners for approval in accordance with Tennessee Code Annotated § 7-53-312; and

WHEREAS, the TIF shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the Lakeland IDB, the City of Lakeland or Shelby County, Tennessee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the EIP for The Lake District Economic Development Area, attached hereto as “Exhibit C” and incorporated herein, being in the interests of the citizens of Shelby County, Tennessee, is hereby approved and the officers of the County are authorized to take all appropriate action to carry out the terms of the EIP.

BE IT FURTHER RESOLVED, That all public infrastructure eligible activities shall be incurred for the Project and paid by December 31, 2018; and

BE IT FURTHER RESOLVED, That the Lakeland IDB shall provide the County Commission with quarterly reports regarding the progress of the Project per Rule 6 (e) (2) of the Permanent Rules of Order and shall provide an annual audited financial report with all TIF activity reported separate from other activity within 150 days of its fiscal year end; and

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, § 2.06(B).

Mark H. Luttrell, Jr.
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____