

ORDINANCE OF THE TOWN OF MIDDLETOWN

ORDINANCE ESTABLISHING THE ATLANTIC BEACH TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DISTRICT MASTER PLAN FOR THE DISTRICT

WHEREAS, Chapter 45-33.2 of the Rhode Island General Laws, as amended (the "Act"), authorizes a municipality in Rhode Island to establish a tax increment district for the purpose of incentivizing economic development and infrastructure, and supporting employment, economic growth and other projects; and

WHEREAS, the proposed district, to be known as the Atlantic Beach Tax Increment Financing District (the "District"), will be established pursuant to the Act and implemented pursuant to the Atlantic Beach Tax Increment Financing District Master Plan, attached hereto as Exhibit A (the "TIF District Plan"), which details the creation, structure, development, financing, operation and maintenance of the District; and

WHEREAS, pursuant to the TIF District Plan, the Town of Middletown (the "Town") will capture one hundred percent (100%) of the future increased assessed property values within the District for an anticipated term of 30 years and utilize up to one hundred percent (100%) of the real property tax revenues generated from such increased property values, along with private funds, to fund infrastructure improvements; and

WHEREAS, the Town is in need of infrastructure improvements in the Town's Atlantic Beach area; and

WHEREAS, a portion of the real property within the proposed District is suitable for industrial, commercial, residential, mixed-use or retail uses, downtown development or transit-oriented development; and

WHEREAS, as shown in Exhibit D of the TIF District Plan, the original assessed value of the taxable property within the District does not exceed twenty-five percent (25%) of the total value of taxable property within the Town; and

WHEREAS, the creation of the District will help to contribute to the economic growth and well-being of the Town and the State of Rhode Island; and

WHEREAS, the establishment of the District would not be in conflict with the Town's Charter; and

WHEREAS, the TIF District Plan was transmitted to, and a study of the TIF District Plan and a written advisory opinion, as required by the Act, was requested from the Town Planning Board prior to the authorization and the establishment of the District; and

WHEREAS, the Town Council of the Town (the "Town Council") has held a public hearing pursuant to the Act on the proposal to establish the District in accordance with the requirements of the Act, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the District.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF MIDDLETOWN THAT:

Section 1. In accordance with the Act, the Town Council hereby authorizes the creation of the District, the boundaries of which are included in the TIF District Plan.

Section 2. The Town Council has considered whether the establishment of the District and the TIF District Plan will contribute to the economic growth and well-being of the Town and will be to the betterment of the health, welfare and safety of the inhabitants of the Town.

Section 3. The Town Council has received a written advisory opinion from the Town Planning Board, which opinion includes a determination that the TIF District Plan is consistent with the Town's Comprehensive Community Plan, adopted by the Town Council on March 2, 2015 and amended on November 16, 2015.

Section 4. The Town Council has considered all evidence presented to the Council, if any, with regard to any adverse economic effect on the Town and determines that such adverse economic effect, if any, is outweighed by the contribution expected to be made through the designation of the District and adoption of the TIF District Plan.

Section 5. The Town hereby finds and determines, in accordance with the Act, that:

(a) All or a portion of the District is in need of economic development and infrastructure improvements is suitable for industrial, commercial, residential, mixed-use or retail uses, downtown development or transit oriented development.

(b) The original assessed value of the taxable property within the District does not exceed twenty-five percent (25%) of the total value of taxable property within the Town.

Section 6. In accordance with the Act, the Town Council hereby adopts the TIF District Plan attached hereto as Exhibit A.

Section 7. The Town Council hereby authorizes that one hundred percent (100%) of the future increased assessed property values within the District shall be retained as captured assessed value in accordance with the TIF District Plan and up to one hundred percent (100%) of the real property tax revenues generated from such captured assessed value may be used to fund the various costs and improvements set forth in the TIF District Plan.

Section 8. The Ordinance shall take effect upon its adoption.