

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 22-

**RESOLUTION APPROVING THE RENAMING OF AND
MODIFICATIONS TO THE REDEVELOPMENT PLAN FOR THE
REDEVELOPMENT PROJECT NO. 1 AND THE TAX INCREMENT
FINANCING PLANS FOR TAX INCREMENT FINANCING DISTRICTS
NOS. 1-2, 1-3, 1-4, AND 1-5, TOWN CENTER I, AND KMART**

BE IT RESOLVED by the City Council (the “Council”) of the City of West St. Paul, Minnesota (the “City”), as follows:

Section 1. Recitals.

1.01 The Economic Development Authority in and for the City (the “EDA”) has proposed to (i) amend the Redevelopment Plan (the “Modified Redevelopment Plan”) for the South Robert Street Redevelopment Project to rename it “Redevelopment Project No. 1” and expand the project area boundaries thereof (the “Project”), and (ii) modify Tax Increment Financing District Nos. 1-2, 1-3, 1-4, and 1-5, Town Center I and Kmart within the Project (the “TIF Districts”) to incorporate the expanded Project area and modify the Tax Increment Financing Plans therefor (collectively the “TIF Plans” and, together with the Modified Redevelopment Plan, the “Plans”); all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.001 through 469.047, 469.090 through 469.1082, and 469.174 through 469.1794 (collectively, the “Act”) and as reflected in those certain documents, dated May 23, 2022, entitled “Modification and Renaming of the Redevelopment Plan: South Robert Street Redevelopment Project to Redevelopment Project No. 1” and “Modification to the Tax Increment Financing (TIF) Plans: Tax Increment Financing District Nos. 1-2, 1-3, 1-3, 1-4, 1-5, KMART and Town Center I,” and presented for the Board’s consideration (collectively, the “Modifications”).

1.02 The EDA is expanding the boundaries of the Project to be coterminous with the corporate City limits and is thereby modifying the “project” (as defined in Section 469.174, subd. 8 of the Act) which is, among other things, the area in which expenditures of tax increments from the TIF Districts may be made.

1.03 The City has performed all actions required by law to be performed prior to the adoption and approval of the Modifications of the Plans, including, but not limited to, 30 days’ prior notification of the County Auditor, School District Clerk, and the individual affected County Commissioner; a review of the Modifications to the Plans by the City Planning Commission; and the holding of a public hearing thereon following notice thereof published in the City’s official newspaper at least 10 but not more than 30 days prior to the public hearing.

1.04 Certain information and material (collectively, the “Materials”) relating to the Modifications of the Plans and to the activities contemplated therein have heretofore been prepared and submitted to the Council and/or made a part of the City or EDA files and proceedings on the Plans. The Materials include information and/or substantiation constituting or relating to (1) the

reason for the Modifications; and (2) the bases for the other findings and determinations made in this resolution. The Council hereby confirms, ratifies, and adopts the Materials, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein.

Section 2. Findings for the Expansion of the Boundaries of the Project, the Modifications of the TIF Districts, and Adoption of the Modifications of the Plans Therefor.

2.01 The Council hereby finds that: (a) the land within the Project would not be available for redevelopment without the financial aid to be sought under the Modified Redevelopment Plan, including without limitation tax increment financing; (b) the Modified Redevelopment Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the development of the Project by private enterprise; and (c) the Modified Redevelopment Plan conforms to the general plan for the development of the City as a whole and has been reviewed by the City's Planning Commission to confirm the Modified Redevelopment Plan conforms to the general plan for the development of the City as a whole and the City's Comprehensive Plan.

2.02 The Council finds that the Project area is fully built and aging and constitutes an area that is blighted, underused, or inappropriately used, within the meaning of Minnesota Statutes, Section 469.002, subd. 11 and Section 469.028, subd. 4.

2.03 The Council hereby finds that the Modifications will serve to carry out the objectives of the Plans and to create an impetus for redevelopment activities associated with the construction of development in the City and otherwise promote certain public purposes and accomplish certain objectives as specified in the Plans.

2.04 The City Council hereby ratifies and confirms the findings made in connection with the establishment of the TIF Districts, including without limitation the finding that each of the TIF Districts meets the conditions for establishing the type of tax increment financing district as which each such TIF District has been designated. The specific facts that form the basis for these findings as set forth in the TIF Plans and the resolutions previously adopted with respect to each such TIF District are hereby incorporated by reference into and made a part of this resolution.

2.05 The City Council hereby makes the following additional findings, the specific facts that form the basis for which are in the TIF Plans and the resolutions previously adopted with respect to each such TIF District and are hereby incorporated by reference into and made a part of this resolution as supplemented herein:

(a) The City Council further finds that the proposed development, in the opinion of City Council, would not occur solely through private investment within the reasonably foreseeable future and, therefore, the use of tax increment financing is deemed necessary.

The costs of rehabilitation, redevelopment and dense in-fill development to better utilize areas that are already built up are higher than for new development and are not expected to proceed without tax increment and other public assistance.

(b) The City Council further finds that the Modifications of the Plans conforms to the general plan for the development or redevelopment of the City as a whole.

The Modifications of the Plans will generally complement and serve to implement policies adopted in the City's comprehensive plan. No specific development is contemplated at this time. Any further construction will be in substantial accordance with the existing zoning or any permitted exception for the property.

(c) The City Council further finds that the Modifications of the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the Project by private enterprise.

Future rehabilitation, redevelopment and dense in-fill development will increase the taxable market valuation of the City and will increase employment opportunities. The Modifications of the Plans is intended in part to incentivize such rehabilitation, redevelopment and dense in-fill development.

2.06 The provisions of this Section 2 are hereby incorporated by reference into and made a part of the Plans and the findings set forth in Modifications are hereby incorporated by reference into and made a part of this Resolution.

Section 3. Approval and Adoption of the Modifications of the Plans.

3.01 Subject to the approval by the Board of the EDA, the Project is hereby expanded to be coterminous with the corporate City limits, the TIF Districts are hereby modified to include all of the area of the expanded Project as the "project" (as defined in Section 469.174, subd. 8 of the TIF Act) for each of the TIF Districts, and the Modifications of the Plans, as presented to the Council on this date, including without limitation the findings and statements of objectives contained therein, is hereby approved, ratified, established, and adopted.

3.02 The Council hereby ratifies and confirms all elections made in connection with the establishment of the TIF Districts, including without limitation elections regarding the amount of captured tax capacity to be retained and the applicable fiscal disparities computation.

3.03 City and EDA staff are authorized to file the Modifications with Dakota County, the Commissioner of Revenue and the Office of the State Auditor.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 23rd day of May, 2022.

Mayor

Attest:

City Clerk