
Agenda posted on the front door of City Hall and the bulletin board in the lobby of City Hall at or before 4:59 P.M., Tuesday, April 23, 2019. The City of Bethany 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 to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

AGENDA

BETHANY ECONOMIC DEVELOPMENT AUTHORITY

THURSDAY, APRIL 25, 2019
11:45 A.M.

BETHANY CITY HALL
6700 NW 36TH ST, BETHANY, OKLAHOMA

Call to Order

1. Consent Docket:
 - A. Approval of BEDA Minutes from the April 11, 2019 Regular Meeting.
2. Joint City Council/BEDA workshop and dialogue session with Dr. Kent Shellenberger as moderator, to facilitate a discussion among the Mayor and City Council Members to identify unresolved issues that led to the stalled Northwest 39th Gateway Project Plan TIF and to explore potential problems and/or accommodations to move this project to success.
3. Roundtable and discussion.
4. Adjourn.

MEMBERS:	STAFF:
<input type="checkbox"/> Mark Privott, Chair	<input type="checkbox"/> KP Westmoreland, Mayor
<input type="checkbox"/> Phillip Suarez, Vice Chair	<input type="checkbox"/> Ken Smart, Interim CM
<input type="checkbox"/> Gilbert Carlson	<input type="checkbox"/> Amanda McCellon, CD Dir
<input type="checkbox"/> Kent Shellenberger	<input type="checkbox"/> Berkeley Penner, City Clerk
<input type="checkbox"/> John Shugart	<input type="checkbox"/> Hank Moore, Eco Dev Dir
	<input type="checkbox"/> David Davis, Attorney

Public Participation Note: The City Council and Staff of the City of Bethany strongly encourages the input and involvement of the citizens to help insure that the City government provides the highest level of services to meet the public needs and desires. If you have any concerns or comments about an agenda item, or any other issue, please contact the Mayor, your Ward Council Members or City Hall Staff. You may also contact the City Manager's office if you would like to have an item placed on a future agenda to address the Council as a whole. (Guidelines are available in the Council Chambers and in City Hall Lobby.)

NOTICE: Agenda posted on the front door of City Hall and on the bulletin board in the lobby of City Hall at or before 4:59 P.M., Tuesday, February 26, 2019.

MINUTES

BETHANY ECONOMIC DEVELOPMENT AUTHORITY

THURSDAY, APRIL 11, 2019

11:45 A.M.

BETHANY CITY HALL

MEMBERS PRESENT: Mark Privott Chairman
Phillip Suarez Vice Chair (arrived @ 11:59am)
Gilbert Carlson Trustee
Kent Shellenberger Trustee
John Shugart Trustee

MEMBERS ABSENT:

OTHERS PRESENT: KP Westmoreland Mayor
Kathy Larsen Council Member
Amanda Sandoval Council Member
Ken Smart Interim City Manager
Greg Banta Community Consultants

Chairman Privott called the Bethany Economic Development Authority meeting to order at 11:51 A.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

A. APPROVAL OF MINUTES FROM THE MARCH 28, 2019 REGULAR MEETING.

Motion was made by Trustee Shellenberger, seconded by Trustee Carlson to approve the minutes from the March 28, 2019 Regular Meeting as presented. Yes votes: Privott, Carlson, Shellenberger. No votes: none. Motion passed.

ITEM NO. 2 on the agenda was **OLD BUSINESS**

A. REPORT FROM GREG BANTA.

Mr. Banta noted activities along NW 23rd Street.

B. INSTALL JOHN SHUGART, TRUSTEE.

Mr. Smart took Mr. Shugart's oath of office.

C. FINANCIAL REPORT FROM BERKELEY PENNER.

Mr. Penner was not present. No report was given.

ITEM NO. 3 on the agenda was **CONSIDERATION OF GUIDELINES FOR EMINENT DOMAIN APPLICATIONS.**

No action taken.

ITEM NO. 4 on the agenda was **DISCUSSION AND POSSIBLE ACTION ON GRANT PROGRAMS AND TRUSTEE MEETING PACKETS.**

General discussion on the protocol for action on grant programs and trustee meetings. No action was taken on this item.

ITEM NO. 5 on the agenda was **PROPOSED EXECUTIVE SESSION: BETHANY ECONOMIC DEVELOPMENT AUTHORITY TRUSTEES WILL ENTER INTO DISCUSSIONS IN EXECUTIVE SESSION FOR PURPOSES OF CONFERRING ON MATTERS PERTAINING TO ECONOMIC DEVELOPMENT, INCLUDING THE TRANSFER OF PROPERTY, FINANCING, OR THE CREATION OF A PROPOSAL TO ENTICE A BUSINESS TO REMAIN OR TO LOCATE WITHIN THEIR JURISDICTION IF PUBLIC DISCLOSURE OF THE MATTER DISCUSSED WOULD INTERFERE WITH THE DEVELOPMENT OF PRODUCTS OR SERVICES OR IF PUBLIC DISCLOSURE WOULD VIOLATE THE CONFIDENTIALITY OF THE BUSINESS; THIS EXECUTIVE SESSION IS AUTHORIZED BY SECTION 307B10 OF THE OKLAHOMA OPEN MEETING ACT.**

No action taken.

ITEM NO. 6 on the agenda was **CITY MANAGER'S REPORT.**

No action taken.

ITEM NO. 7 on the agenda was **MAYOR'S REPORT.**

Mayor Westmoreland provided brief details of future ideas. No action taken.

ITEM NO. 8 on the agenda was **ROUNDTABLE AND DISCUSSION.**

No action taken.

ITEM NO. 9 on the agenda was **NEW BUSINESS.**

No action taken.

ITEM NO. 10 on the agenda was **ADJOURN**.

Motion was made by Trustee Shugart, seconded by Trustee Carlson to adjourn the meeting. Yes votes: Privott, Suarez, Carlson, Shellenberger, Shugart. No votes: none. Motion passed.

Chairman Privott adjourned the Bethany Economic Development Authority meeting at 1:19 P.M.

CHAIRMAN

CITY CLERK

ORDINANCE NO. 1970

AN ORDINANCE APPROVING AND ADOPTING THE NORTHWEST 39th GATEWAY PROJECT PLAN PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; IDENTIFYING AND ESTABLISHING THREE NEW INCREMENT DISTRICTS TEMPORARILY IDENTIFIED IN THE PROJECT PLAN AS INCREMENT DISTRICT “A,” “B,” AND “C”; DESIGNATING AND ADOPTING PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; DEFERRING THE NAMING AND THE DATES FOR THE CREATION OF INCREMENT DISTRICTS “A,” “B,” AND “C”; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF BETHANY AS THE PRINCIPAL PUBLIC ENTITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE SPECIAL FUNDS OF THE CITY OF BETHANY; AUTHORIZING THE USE OF INCREMENT REVENUES FOR THE PAYMENT OF CERTAIN PROJECT COSTS; AUTHORIZING THE BETHANY DEVELOPMENT AUTHORITY TO CARRY OUT CERTAIN PROVISIONS OF THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE PLANNING COMMISSION; DIRECTING CONTINUING APPORTIONMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Bethany, Oklahoma (“City”) has prepared the Northwest 39th Gateway 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 redevelopment and revitalization of areas along the western gateway into the City along or adjacent to Northwest 39th Street / Historic Route 66 (“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 apportionment of incremental tax revenues; and

WHEREAS, the City of Bethany Northwest 39th and 23rd Street Project Plans Review Committee (“Review Committee”), comprised of a representative of the City, a representative of the City of Bethany Planning & Zoning Commission (“Planning Commission”), and representatives of each of the affected taxing jurisdictions (including Putnam City Public Schools, Oklahoma County, Oklahoma City-County Health Department, Metropolitan Library System, and Francis Tuttle Technology Center) and three members of the public at large, one of whom was a retailer, has reviewed the Project Plan; and

WHEREAS, the Review Committee has reviewed the proposed Project Area and the proposed Increment Districts (temporarily identified as Increment Districts “A,” “B,” and “C,” City of Bethany) (collectively, “Increment Districts”), in accordance with the criteria specified in

the Act and has determined that the Increment Districts are eligible for designation as a increment districts 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 the proposed Increment Districts; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the Bethany 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 the proposed Increment Districts; and

WHEREAS, all of the Project Area, including all of the Increment Districts, meet the definition of a reinvestment area as defined by the Act; and

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

WHEREAS, tax increment financing is a necessary component in generating economic development in the proposed Project Area and Increment Districts; and

WHEREAS, the apportioned increment revenues derived from the Increment Districts shall be used to finance eligible project costs contained in Section VIII of the Project Plan (“Project Costs”); and

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

WHEREAS, the Project is expected to generate substantial new investment within the Increment Districts and to stimulate additional indirect economic benefits outside of the Increment Districts 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 the proposed Increment Districts 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 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 has the right, pursuant to the Act, to make minor amendments to the Project Plan; and

WHEREAS, the City of Bethany and the Bethany Development Authority, a public trust, shall be authorized and designated to carry out certain provisions of the Project Plan, pursuant to the Act; and

WHEREAS, the Section 856 of the Act authorizes the City to defer determination of the designation and initiation of an increment district, provided that the determination is not more than ten (10) years after the date of approval of the project plan; and

WHEREAS, the City finds that it is in the best interest of the overall success of the Project to defer the initiation, designation and official naming of each of the proposed Increment Districts until later dates, which dates must be determined within ten (10) years of the date of the approval of 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 the Increment Districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BETHANY:

SECTION 1. In order to develop the eligible Project Area, the City elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the 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 Plan is hereby adopted and approved, as recommended by the Planning Commission and the Review Committee. As used herein “Northwest 39th Gateway Project Plan” or “Project Plan” shall mean the document dated March 25, 2019, and comprised of one cover sheet, eight pages of text, five exhibits labeled Exhibits A, B, C, D, and E, and titled “Northwest 39th Gateway 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. For identification purposes and until such time that the City officially names and designates each of the Increment Districts created under this Ordinance, and as set forth in the

Project Plan, the Increment Districts shall be identified as Increment Districts A, B, and C, as shown on Exhibit A and as described in Exhibit C of the Project Plan.

SECTION 5. The official creations, designations, and namings of each of the Increment Districts temporarily identified as Increment Districts A, B, and C, are hereby deferred until such times as determined by the City, provided that such determinations shall be made within ten (10) years of the effective date of this Ordinance.

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

Project Area Legal Description

All of that portion of the following described tract of land lying within the limits of the City of Bethany Oklahoma:

A tract of land being a part of Sections 7, 8, 16, 17, 18 and 20 Township 12 North, Range 4 West of the Indian Meridian, City of Bethany, Oklahoma County, Oklahoma, being more particularly described as follows:

Beginning at the center of said Section 18, said point being the POINT OF BEGINNING;

THENCE North along and with the West line of the NE/4 of said Section 18 to the Northwest Corner of the NE/4 of said Section 18;

THENCE North along and with the West line of the SE/4 of said Section 7 to the North right-of-way line of N.W. 50th Street;

THENCE East along and with the North right-of-way line of N.W. 50th Street to the East right-of-way line of Council Road;

THENCE South along and with the East right-of-way line of Council Road to the North right-of-way line of N.W. 39th Expressway;

THENCE Easterly along and with the North right-of-way line of N.W. 39th Expressway to the East right-of-way line of Rockwell Avenue;

THENCE South along and with the East right-of-way line of Rockwell Avenue to the South right-of-way line of N.W. 39th Terrace;

THENCE West along and with the South right-of-way line of N.W. 39th Terrace to the East right-of-way line of Divis Avenue;

THENCE South along and with the East right-of-way line of Divis Avenue to the South right-of-way line of N.W. 36th Street;

THENCE West along and with the South right-of-way line of N.W. 36th Street to the West right-of-way line of Glade Avenue;

THENCE North along and with the West right-of-way line of Glade Avenue to the South right-of-way line of N.W. 39th Street;

THENCE West along and with the South right-of-way line of N.W. 39th Street to the West right-of-way line of Council Road;

THENCE North along and with the West right-of-way line of Council Road to a point 660 feet South of the North line of the SE/4 of said Section 18, said point being the Northeast Corner of a tract of land recorded in Book 8422, Page 1111;

THENCE West along and with the North line of said tract of land recorded in Book 8422, Page 1111 to the East line of the recorded plat BROWNSVILLE;

THENCE North along and with the East line of said BROWNSVILLE to the Northeast Corner of said BROWNSVILLE;

THENCE West along and with the North line of said BROWNSVILLE to the Northwest Corner of Lot 25 Block 1 of said BROWNSVILLE, said point being the Southeast Corner of Lot 1A Block 1 as shown on the recorded plat WATERSIDE ADDITION SECTION 2;

THENCE West along and with the South line of said Lot 1A Block 1 extended to a point on the West line of Lot 2 Block 1 of said WATERSIDE ADDITION SECTION 2;

THENCE South $11^{\circ}50'58''$ East along and with the West line of said Lot 2 Block 1 a distance of 52.80 feet;

THENCE South $10^{\circ}20'37''$ West along and with the West line of said Lot 2 Block 1 a distance of 44.10 feet;

THENCE South $59^{\circ}38'01''$ West along and with the West line extended of said Lot 2 Block 1 a distance of 665.94 feet;

THENCE South to a point on the North line of the recorded plat LEWALLEN'S WESTERN SANDS ADDITION SECTION 2;

THENCE West along and with the North line of said LEWALLEN'S WESTERN SANDS ADDITION SECTION 2 to the Northwest Corner of said LEWALLEN'S WESTERN SANDS ADDITION SECTION 2;

THENCE North along and with the West line of the SE/4 of said Section 18 to the POINT OF BEGINNING.

SECTION 7. The boundaries of the Increment Districts 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:

Increment District A

A tract of land being a part of Section 18 Township 12 North, Range 4 West of the Indian Meridian, City of Bethany, Oklahoma County, Oklahoma, being more particularly described as follows:

Commencing at the center of said Section 18;

THENCE North along and with the West line of the NE/4 of said Section 18 to a point on the North right-of-way line of N.W. 39th Expressway, said point being the POINT OF BEGINNING;

THENCE North along and with the West line of the NE/4 of said Section 18 to the South line of Bluff Creek Canal;

THENCE Northeast along and with the South line of Bluff Creek Canal to the Southwest Corner of a tract of land owned by the City of Bethany (Ron Clark Park);

THENCE Southeast along and with the South line of said tract of land owned by the City of Bethany (Ron Clark Park) to a point on the North line of a tract of land recorded in Book 11167, Page 115;

THENCE East to the Northeast Corner of said tract of land recorded in Book 11167, Page 115;

THENCE South 532 feet;

THENCE East 342 feet;

THENCE South to a point on the North right-of-way line of N.W. 39th Expressway;

THENCE West along and with the North right-of-way line of N.W. 39th Expressway to the POINT OF BEGINNING.

Increment District B

A tract of land being a part of Section 18 Township 12 North, Range 4 West of the Indian Meridian, City of Bethany, Oklahoma County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of Lot 1B Block 1 as shown on the recorded plat WATERSIDE ADDITION SECTION 2;

THENCE South $85^{\circ}32'41''$ West a distance of 286.06 feet to a corner on the West line of Lot 2 Block 1 of said WATERSIDE ADDITION SECTION 2 to the POINT OF BEGINNING;

THENCE along and with the West line of said Lot 2 Block 1 the following calls:

1. South $87^{\circ}01'07''$ East a distance of 155.37 feet;

2. South 06°17'42" East a distance of 130.76 feet;
3. South 11°50'58" East a distance of 114.91 feet;
4. South 10°20'37" West a distance of 44.10 feet;
5. South 59°38'01" West a distance of 665.94 feet;

THENCE South to a point on the South line of said Lot 2 Block 1;

THENCE South 58°34'13" West along and with the South line of said Lot 2 Block 1 extended to a point on the West line of the SE/4 of said Section 18;

THENCE North along and with the West line of the SE/4 of said Section 18 to the far West Corner of said WATERSIDE ADDITION SECTION 2;

THENCE North 23°16'13" East along and with the West line of said WATERSIDE ADDITION SECTION 2 extended to the South right-of-way line of N.W. 39th Expressway;

THENCE Easterly along and with the South right-of-way line of N.W. 39th Expressway to the POINT OF BEGINNING.

Increment District C

A tract of land being a part of Sections 17 and 18 Township 12 North, Range 4 West of the Indian Meridian, City of Bethany, Oklahoma County, Oklahoma, being more particularly described as follows:

Beginning at the Southwest Corner of Lot 1 Block 1 as shown on the recorded plat KAY-BEE ADDITION, said point being the POINT OF BEGINNING;

THENCE East along and with the North right-of-way line of N.W. 39th Expressway to the West right-of-way line of Council Road;

THENCE North along and with the West right-of-way line of Council Road to a point 695 feet North of the South line of the NE/4 of said Section 18, said point lying on the South line of a tract of land recorded in Book 5739, Page 1370;

THENCE West along and with the South line of said tract of land recorded in Book 5739, Page 1370 200 feet to the Southwest Corner of said tract of land recorded in Book 5739, Page 1370;

THENCE North along and with the West line of said tract of land recorded in Book 5739, Page 1370 148.5 feet to the Northwest Corner of said tract of land recorded in Book 5739, Page 1370;

THENCE East along and with the North line of said tract of land recorded in Book 5739, Page 1370 to the West right-of-way line of Council Road;

THENCE North along and with the West right-of-way line of Council Road 50 feet;

THENCE West 200 feet;

THENCE North 302.4 feet to the Northwest Corner of a tract of land recorded in Book 12283, Page 802;

THENCE West along and with the North line of said tract of land recorded in Book 12283, Page 802 409.12 feet to the Northwest Corner of said tract of land recorded in Book 12283, Page 802;

THENCE South along and with the West line of said tract of land recorded in Book 12283, Page 802 extended to a point on the North right-of-way line of N.W. 39th Expressway;

THENCE East along and with the North right-of-way line of N.W. 39th Expressway approximately 330.42 feet to the POINT OF BEGINNING.

AND

All of Lot 2 as shown on the recorded plat 39TH EXPRESSWAY ADDITION

AND

Beginning at the South right-of-way line of N.W. 39th Expressway and the West right-of-way line of Council Road

THENCE South along and with the West right-of-way line of Council Road to a point 660 feet South of the North line of the SE/4 of said Section 18, said point being the Northeast Corner of a tract of land recorded in Book 8422, Page 1111;

THENCE West along and with the North line of said tract of land recorded in Book 8422, Page 1111 to the East line of the recorded plat BROWNSVILLE;

THENCE North along and with the East line of said BROWNSVILLE extended to the South right-of-way line of N.W. 39th Expressway;

THENCE East along and with the South right-of-way line of N.W. Expressway to the POINT OF BEGINNING.

AND

The North 509 feet of Lot 15 as shown on the recorded plat SCHAFERS SUBURBS except the North 28.5 feet

AND

Lot 13 as shown on the recorded plat SCHAFERS SUBURBS

AND

Lot 11 as shown on the recorded plat SCHAFERS SUBURBS except the South 161 feet and the North 28.5 feet

AND

Beginning at the South right-of-way line of N.W. 39th Expressway and the West right-of-way line of Rockwell Avenue, said point being the POINT OF BEGINNING;

THENCE South along and with the West right-of-way line of Rockwell Avenue to the North right-of-way line of N.W. 39th Terrace;

THENCE West along and with the North right-of-way line of N.W. 39th Terrace to the West right-of-way line of Divis Avenue;

THENCE South along and with the West right-of-way line of Divis Avenue to the Northeast Corner of a tract of land owned by the City of Bethany (Eldon Lyon Park);

THENCE West, North and Northwest along and with the North line of said tract of land owned by the City of Bethany (Eldon Lyon Park) to the East right-of-way line of Glade Avenue;

THENCE North along and with the East right-of-way line of Glade Avenue to the South right-of-way line of N.W. 39th Expressway;

THENCE Southeasterly along and with the South right-of-way line of N.W. 39th Expressway to the POINT OF BEGINNING.

AND

Beginning at the North right-of-way line of N.W. 36th Street and the West right-of-way line of Divis Avenue, said point being the POINT OF BEGINNING;

THENCE West along and with the North right-of-way line of N.W. 36th Street to a point on the East line of a tract of land owned by the City of Bethany (Eldon Lyon Park);

THENCE North, East, North and East along and with the East line of said tract of land owned by the City of Bethany (Eldon Lyon Park) to a point on the West right-of-way line of Divis Avenue;

THENCE South along and with the West right-of-way line of Divis Avenue to the POINT OF BEGINNING.

SECTION 8. The City hereby finds and determines:

- (a) that all of the Project Area, including all of the Increment Districts, is a reinvestment 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 the Increment Districts 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 of Bethany Comprehensive Plan 2030.

SECTION 9. The following Project and Increment Districts authorizations are hereby approved:

(a) The City of Bethany 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 power to make minor amendments to the Project Plan in accordance with Section 858(D) of the Act.

(b) The Bethany Development Authority, a public trust, shall have the authority to assist in carrying out the provisions of the Project Plan and to incur Project Costs in accordance with budgetary allocations for such activities approved in accordance with the Project Plan and development agreements as authorized by the Project Plan. The Bethany Development Authority shall also have the authority to carry out certain provisions of the Project Plan, including the authority to: (i) issue tax apportionment bonds or notes, or both; (ii) pledge revenues from current and future fiscal years to repayment; (iii) incur Project Costs; (iv) provide funds to or reimburse the City of Bethany for the payment of Project Costs and other costs incurred in support of the implementation of the Project; and (v) incur the cost of issuance of bonds for payment of such costs and to accumulate appropriate reserves, if any, in connection with them.

(c) The City Manager of Bethany, Ken Smart, 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 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.

SECTION 10. The increment from Increment District A shall be comprised of ad valorem increment and sales tax increment. The ad valorem increment from Increment District A shall be those ad valorem taxes generated on assessed valuation in excess of the base assessed value of the Increment District A, as determined by the Oklahoma County Assessor in accordance with Section 862 of the Act, within ninety (90) days of Increment District A's creation. The sales tax increment from Increment District A shall be ninety percent (90%) of the City's undedicated sales tax revenues generated within Increment District A, including sales tax revenues from construction activities.

SECTION 11. The increment from Increment District B shall be comprised of ad valorem increment and sales tax increment. The ad valorem increment from Increment District B shall be those ad valorem taxes generated on assessed valuation in excess of the base assessed value of Increment District B, as determined by the Oklahoma County Assessor in accordance with Section 862 of the Act, within ninety (90) days of Increment District B's creation. The sales tax increment from Increment District B shall be ninety percent (90%) of the City's undedicated sales tax revenues generated within Increment District B, including sales tax revenues from construction activities.

SECTION 12. The increment from Increment District C shall be comprised of ad valorem increment and sales tax increment. The ad valorem increment from Increment District C shall be those ad valorem taxes generated on assessed valuation in excess of the base assessed value of Increment District C, as determined by the Oklahoma County Assessor in accordance with Section 862 of the Act, within ninety (90) days of Increment District C's creation. The sales tax increment from Increment District C shall be ninety percent (90%) of the City's undedicated sales tax revenues generated by each project within the Increment District undertaken pursuant to an approved development or redevelopment agreement under which development financing assistance is provided from sales tax. All development or redevelopment agreements shall clearly identify the project from which the sales tax increment is generated and shall require the developer to provide information regarding the amount of sales taxes generated by the project and paid to the City.

SECTION 11. The increment of the ad valorem and sales taxes generated by the Increment Districts may be used to pay Project Costs for a period not to exceed twenty-five (25) fiscal years from the respective effective date of each Increment District, as provided by law, or the period required for payment of the Project Costs, whichever is less.

SECTION 12. During the period of apportionment, the tax apportionment fund (a) shall be available to pay Project Costs, (b) shall constitute special funds of the City of Bethany or, at the direction of the City, the Bethany Development Authority, and (c) shall not be subject to annual appropriation as a part of the general fund of the City.

SECTION 13. 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 the Increment Districts or the period required for the payment of Project Costs,

whichever is less.

SECTION 14. The Project Plan is hereby determined to be desirable and is approved.

SECTION 15. 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 16. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health, safety, and public good of the City of Bethany, and the citizens thereof, that the provisions of this Ordinance take effect and be put into full force and effect, an emergency is declared to exist by reason whereof this Ordinance shall take effect immediately and be put in full force and effect from and after the date of its enactment, as provided by law.

INTRODUCED and CONSIDERED in open meeting of the City Council of the City of Bethany on this ____ day of _____, 2019.

PASSED by the City Council of the City of Bethany this ____ day of _____, 2019.

SIGNED by the Mayor of Bethany this ____ day of _____, 2019, in regular session of the Bethany City Council.

KP WESTMORELAND, MAYOR

ATTEST:

CITY CLERK

ADOPTED as an emergency measure this ____ day of _____, 2019.

KP WESTMORELAND, MAYOR

ATTEST:

CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2019.

CITY ATTORNEY