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# Proposed 2023 Initial Operating Plan

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BID #54

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Fond Du Lac Avenue

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## **I. INTRODUCTION**

### **A. Background**

In 1984, the Wisconsin legislature created S. 66.1109 of the Statutes (See Appendix) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is “to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities.” (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Milwaukee has received a petition from property owners which requests creation of a Business Improvement District for the purpose of revitalizing and improving the Fond Du Lac Avenue business area on Milwaukee’s Near North Side. (See Appendix C). The BID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed Fond Du Lac Avenue BID. The BID proponents prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

### **B. Physical Setting**

The boundaries of the proposed Fond Du Lac Avenue Business Improvement District generally follow West Fond Du Lac Avenue from North 36<sup>th</sup> Street to West Capitol Drive.

## **II. DISTRICT BOUNDARIES**

Boundaries of the proposed district are shown on the map in Appendix A of this plan. A listing of the properties included in the district is provided in Appendix B.

## **III. PROPOSED OPERATING PLAN**

### **A. Plan Objectives**

The objective of the BID is to:

- a. Protect the public and private investments along West Fond Du Lac Avenue;
- b. Attract new investments to the District;
- c. Preserve and improve economic, cultural and social conditions within the district;
- d. Promote activities for developing viable and sustainable markets that Fond Du Lac Avenue deserves.

B. Proposed Activities – Year One

Principle Activities to be engaged in by the district during its first year of operation will include:

- a. Purchase signage to identify the BID
- b. Purchase trash cans for the geographic area of the BID
- c. New lighting to enhance the safety and security
- d. Annual Event/Meeting to build community and relationship
- e. Annual Event/Meeting with Businesses to establish and maintain relationships with current and new businesses within the district

C. Proposed Expenditures - Year One

Proposed Budget 2024 Budget

REVENUE		
Assessment Revenue		\$ 43,333.00
EXPENSES		
Administrative Support	\$ 6,000.00	
Rent	\$ 6,000.00	
Legal	\$ 1,300.00	
Accounting	\$ 1,300.00	
Events	\$ 7,700.00	
Lighting	\$ 6,700.00	
Trash cans	\$ 6,700.00	
Street Signage on Boulevard	\$ 6,633.00	
Mailing	\$ 1,000.00	
		\$ 43,333.00

D. Finance Method

It is proposed to raise \$43,334.00 through BID assessments. The BID shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds available.

## **IV. METHOD OF ASSESSMENT**

### **A. Assessment Rate and Method**

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

As of January 1, 2023, the property in the proposed district had a total assessed value of \$10,833,587.00. This plan proposes to assess the property in the district at the rate of \$4.00 per \$1,000.00 of assessed value, subject to the maximum assessment, for the purpose of the BID.

Appendix B shows the projected BID assessment for each property included in the district.

### **B. Excluded and Exempt Property**

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109 (1) (f) 1m: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed in accordance to the method set forth in this plan because it is assumed that they will benefit from development in the district.
2. State Statute 66.1109 (5) (a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix B, as revised each year.
3. In accordance with the interpretation of the City Attorney regarding State Statute 66.11109 (1) (b), property exempt from general real estate taxes has been excluded from the district. Privately-owned tax-exempt property adjoining from the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

## **V. ORGANIZATION OF THE BID BOARD**

Upon creation of the BID, the Mayor will appoint members to the district board (“board”). The board’s primary responsibility will be implementation of this Operating Plan. This will require the BID Board to negotiate with providers of services and materials to carry out the plan; to enter into various contracts; to monitor development and activity; to periodically revise the Operation Plan; to ensure district compliance with the provisions of the applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State Law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board size - minimum of 5
2. Composition – A majority of the members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Milwaukee. The board shall elect its Chairperson from among its members.
3. Term – Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation – None
5. Meetings – All meetings of the board shall be governed by the Wisconsin Open Meeting Law.
6. Record Keeping – Files and records of the board’s affairs shall be kept pursuant to public record requirements.
7. Staffing – The board may employ staff and/or contract for staffing services pursuant to this plan and subsequent modifications thereof.
8. Meetings – The board shall meet regularly, at least twice each year. The board shall adopt rules of order (“by laws”) to govern the conduct of its meetings.

## **VI. RELATIONSHIP TO THE FOND DU LAC AVENUE ASSOCIATION**

The BID shall be a separate entity from Fond Du Lac Avenue Association, notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connect with the BID board. The Association may, and it is intended, shall, contract with the BID to provide serves to the BID, in accordance with this Plan.

## **VII. RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY**

### **A. City Plans**

In February 1978, the Common Council of the City of Milwaukee adopted a Preservation Policy as that Policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decisions. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File number 881978, adopted January 24, 1989.

The Preservation Policy emphasizes maintaining Milwaukee's present housing, jobs, neighborhoods, services, and tax base rather than passively accepting loss of jobs and populations, or emphasizing massive new development. In its January 1989 reaffirmation of the policy, the Common Council gave new emphasis to forging new public and private partnership as a means to accomplish preservation.

The district is a means of formalizing and funding the public-private partnership between the City and property owners in the Fond Du Lac Avenue business area and for furthering preservation and redevelopment in this portion of the City of Milwaukee. Therefore, it is fully consistent with the City's Comprehensive Plan and Preservation Policy.

### **B. City Role in District Operation**

The City of Milwaukee has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement District and in the implementation of the Operation Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109 (3) © of the BID law.
5. Provide the board, through the Tax Commissioner's office on or before June 30<sup>th</sup> of each Plan Year, with the official City Records and the assessed value of each tax key number with the district, as of January 1<sup>st</sup> of each plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Milwaukee County and other units of government to support the activities of the district.

## **VIII. PLAN APPROVAL PROCESS**

### **A. Public Review Process**

The Wisconsin Business Improvement District law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition, a Class 2 notice of the public hearing will be published in a local newspaper general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its actions to the Common Council.
4. The Economic Development Committee of the Common Council will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed BID Plan.
6. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

### **B. Petition against Creation of the BID**

The City may not create the Business Improvement district if, within 30 days of the City Plan Commissions hearing, a petition is filed with the City containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

Owners of property to be assess under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of al property to be assessed under the proposed Operating Plan.



## **IX. FUTURE YEAR OPERATING PLANS**

### **A. Phase Development**

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives described in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this plan and BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of the assessing shall not be materially altered, except with the consent of the City of Milwaukee.

### **B. Amendment, Severability, and Expansion**

This BID has been created under the authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

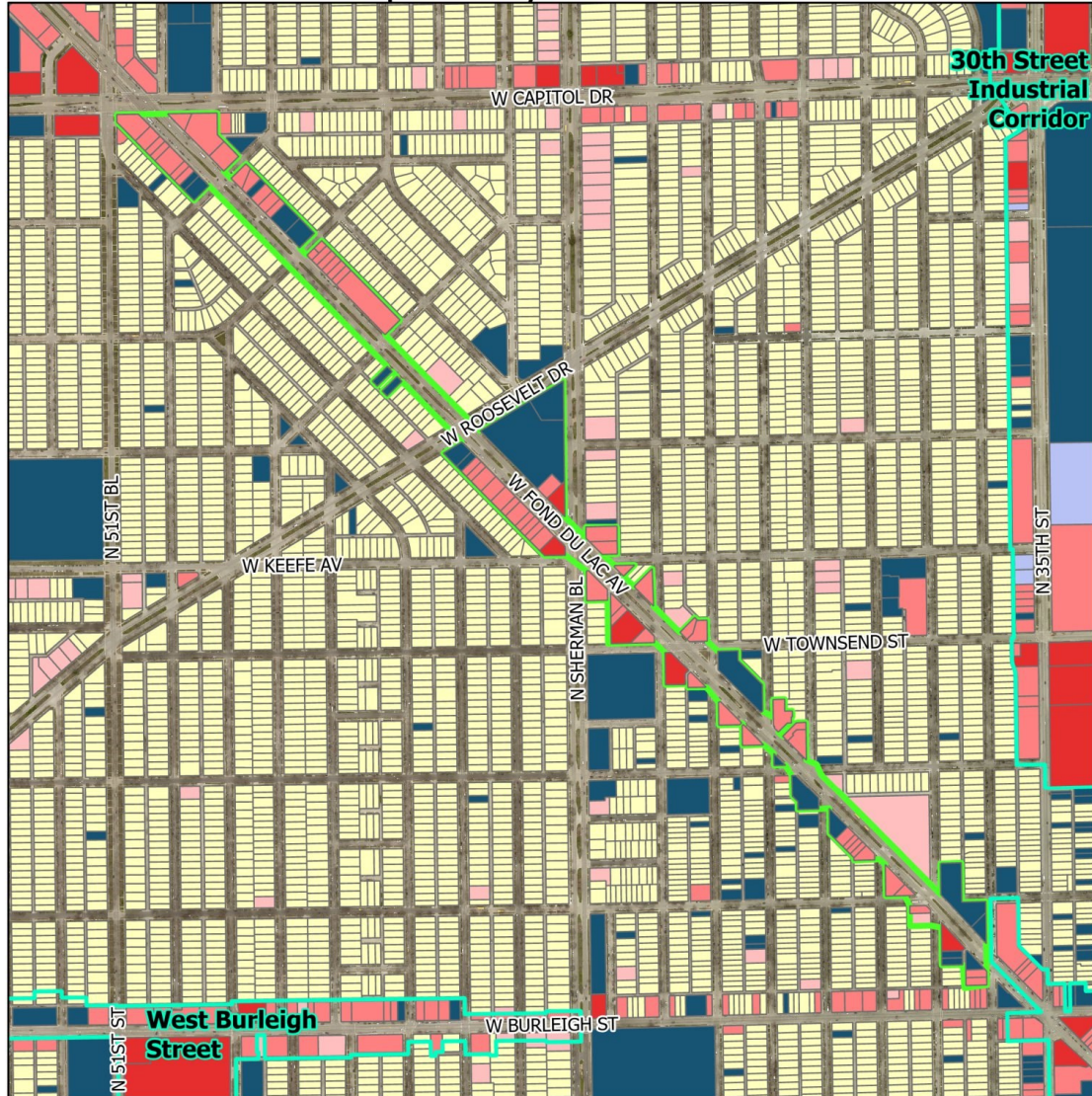
Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties as certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Milwaukee as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under section 66.1109 (3) (b)

## APPENDICES

1. A: Map of District Boundary
2. B: List of District Tax keys and Assessments
3. C: Petition Signatures
4. D: Wisconsin Statute

## APPENDIX A

### Fond du Lac BID - Exploratory



#### Legend

1 - Residential (excluded)	7 - Commercial Apartment (exclude 8830s)
2 - Commercial	9 - Exempt
3 - Manufacturing	Unknown
4 - Special Commercial	Fond du Lac BID - Exploratory
5 - Condos (excluded)	Aldermanic District

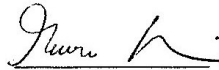

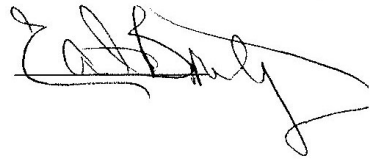
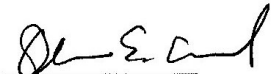
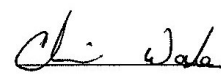

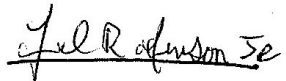
## APPENDIX B

Taxkey	Address	Owner1	Class	Building Description	BID Assessble Va	BID Assessment
2670010100	4900-4912 W FOND DU LAC AV	COMMUNITY ADVOCATES INC	Local Commercial	Office Building - Multi Story ( Ofc & Apt)	\$ 63,800.00	\$ 255.20
2670013000	4870 W FOND DU LAC AV	VICTORY DOMAINS LLC	Local Commercial	Auto & Auto Body Repair	\$ 50,600.00	\$ 202.40
2670101100	4600-4636 W FOND DU LAC AV	LAHAL LLC	Local Commercial	Strip Shopping Center	\$ 1,433,100.00	\$ 5,732.40
2670201000	5011 W FOND DU LAC AV	DIYAR HOUSING LLC	Local Commercial	Store Building - Multiple Tenants, 1 story	\$ 398,700.00	\$ 1,594.80
2670204000	4951-4953 W FOND DU LAC AV	LEE D BEANS	Local Commercial	Store Building - Multiple Tenants, 1 story	\$ 71,900.00	\$ 287.60
2670205000	4943-4947 W FOND DU LAC AV	UPPA YARD LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 284,600.00	\$ 1,138.40
2670206100	4929 W FOND DU LAC AV	UPPA YARD INVESTMENTS LLC	Local Commercial	Office Building - 1 Story	\$ 250,200.00	\$ 1,000.80
2670209000	4923-4925 W FOND DU LAC AV	ZIAD SNOBAR	Local Commercial	Store Building - Single tenant, 1 story	\$ 103,700.00	\$ 414.80
2670210000	4917-4919 W FOND DU LAC AV	MABLE HAWKINS	Local Commercial	Store Building - Single tenant, 1 story	\$ 80,100.00	\$ 320.40
2670481000	4834-4836 W FOND DU LAC AV	DUNG A DUONG	Local Commercial	Store Building - Single tenant, 1 story	\$ 53,100.00	\$ 212.40
2670482000	4840 W FOND DU LAC AV	CAROLINA PROPERTIES LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 302,200.00	\$ 1,208.80
2670483000	4846-4850 W FOND DU LAC AV	PILGRIM REST MISSIONARY	Local Commercial	Office Building - Multi Story ( Ofc & Apt)	\$ 297,400.00	\$ 1,189.60
2670485000	4860 W FOND DU LAC AV	ELITE PROPERTY INVESTMENTS LLC	Local Commercial	Store Building - Multiple Tenants, 1 story	\$ 30,400.00	\$ 121.60
2670499000	4706-4708 W FOND DU LAC AV	TIMOTHY STOTTS	Local Commercial	Sit Down Restaurant	\$ 127,900.00	\$ 511.60
2670500000	4712-4714 W FOND DU LAC AV	NINE TO FIVE INVESTMENTS LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 185,200.00	\$ 740.80
2670501000	4716-4718 W FOND DU LAC AV	NINE TO FIVE INVESTMENTS LLC	Local Commercial		\$ 3,000.00	\$ 12.00
2670502000	4722-4724 W FOND DU LAC AV	ELLIOTT TORRENCE	Local Commercial	Store Building - Single tenant, 1 story	\$ 50,600.00	\$ 202.40
2670503000	4728-4730 W FOND DU LAC AV	ANTHONY STATON	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 132,400.00	\$ 529.60
2670504100	4732-4736 W FOND DU LAC AV	MAJOR INVESTMENTS LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 66,752.00	\$ 267.01
2670504200	4723 W HOYT PL	SUGAR PINE INVESTMENTS, LLC	Local Commercial	Day Care Center	\$ 41,000.00	\$ 164.00
2670673000	4433-4435 W FOND DU LAC AV	PILGRIM REST MISSIONARY	Local Commercial	Store Building - Single tenant, 1 story	\$ 49,500.00	\$ 198.00
2670674000	4427-4429 W FOND DU LAC AV	PILGRIM REST MISSIONARY	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 134,300.00	\$ 537.20
2670675000	4419-4425 W FOND DU LAC AV	OSCAR MARIN	Local Commercial	Store Building - Single tenant, 1 story	\$ 104,400.00	\$ 417.60
2670677100	4409 W FOND DU LAC AV	NAS INVESTMENTS, LLC	Local Commercial	Beer Depot & Liquor Store	\$ 154,800.00	\$ 619.20
2670678000	4401-4403 W FOND DU LAC AV	BUSINESS AND COMMERCIAL	Local Commercial	Tire Dealer	\$ 131,900.00	\$ 527.60
2670679000	4353 W FOND DU LAC AV	ADORE HOME HEALTH LLC	Local Commercial	Office Building - 1 Story	\$ 113,500.00	\$ 454.00
2670680100	4345-4347 W FOND DU LAC AV	LOWE PROPERTIES LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 156,000.00	\$ 624.00
2670682000	4335 W FOND DU LAC AV	RUBY L JOHNSON-ARMS	Local Commercial	Day Care Center	\$ 77,700.00	\$ 310.80
2670683000	4329-4331 W FOND DU LAC AV	M&S DEVELOPMENT LLC	Local Commercial		\$ 22,600.00	\$ 90.40
2670684000	4323-4327 W FOND DU LAC AV	M&S DEVELOPMENT LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 130,274.00	\$ 521.10
2670686100	4313-4315 W FOND DU LAC AV	M&S DEVELOPMENT LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 67,400.00	\$ 269.60
2671031000	4930 W FOND DU LAC AV	NS RETAIL HOLDINGS LLC	Local Commercial	Store Building - Single tenant, 1 story	\$ 543,300.00	\$ 2,173.20
2671041000	4955-5003 W FOND DU LAC AV	CARE NET PREGNANCY CENTER OF	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 255,000.00	\$ 1,020.00
2679989000	4919 W CAPITOL DR	DAUD RAMAHI LLC	Local Commercial	Store Building - Single tenant, 1 story	\$ 86,000.00	\$ 344.00
2679992000	4322-4330 W FOND DU LAC AV	M&S DEVELOPMENT LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 123,700.00	\$ 494.80
2680603000	4250-4254 W FOND DU LAC AV	DENNIS A WELLS II	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 37,600.00	\$ 150.40
2680604100	3500 N SHERMAN BL	SPLITREAL COM LLC	Local Commercial	Office Building - Multi Story ( Ofc & Apt)	\$ 185,000.00	\$ 740.00
2870001000	4001 W FOND DU LAC AV	MARIO SPENCER	Local Commercial	Tavern	\$ 106,272.00	\$ 425.09
2870012000	4037 W FOND DU LAC AV	YOUSEF PROPERTIES LLC	Local Commercial	Auto & Auto Body Repair	\$ 57,500.00	\$ 230.00
2870706200	3127 N 36TH ST	CRYSTAL'S CREATIVE	Local Commercial	Day Care Center	\$ 160,500.00	\$ 642.00
2870708000	3121 N 36TH ST	NORTHERN MOTORS LLC	Local Commercial	Auto & Auto Body Repair	\$ 28,600.00	\$ 114.40
2870901100	4201-4205 W FOND DU LAC AV	SIGNATURE APARTMENTS II LLC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 22,515.00	\$ 90.06
2870903100	4231-4233 W FOND DU LAC AV	FREDRICK D ROBINSON JR	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 140,685.00	\$ 562.74
2870904000	4235--A W FOND DU LAC AV	WESLEY V RENFRO	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 59,800.00	\$ 239.20
2870905100	4259-4267 W FOND DU LAC AV	MULLICK LLC	Local Commercial	Office Building - 1 Story	\$ 255,900.00	\$ 1,023.60
2871007000	4122 W FOND DU LAC AV	ALL FROM ABOVE, LLC.	Local Commercial	Day Care Center	\$ 97,000.00	\$ 388.00
2871009100	4102 W TOWNSEND ST	TWELVE STEP CLUB INC	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 7,600.00	\$ 30.40
2871301100	3717-3729 W FOND DU LAC AV	ANTHONY JAMES	Local Commercial	Office Building - Multi Story ( Ofc & Apt)	\$ 72,400.00	\$ 289.60
2871304000	3707-3713 W FOND DU LAC AV	NICOLAS CURICH	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 51,023.00	\$ 204.09
2871305000	3175-3179 N 37TH ST	MANIKARAN PROPERTY LLC	Local Commercial	Beer Depot & Liquor Store	\$ 87,200.00	\$ 348.80
2871311000	3823 W FOND DU LAC AV	UNITY MISSIONARY BAPTIST	Local Commercial	Warehouse Building - 1 Story	\$ 15,700.00	\$ 62.80
2871313000	3819 W FOND DU LAC AV	ISAAC SAWYER SR	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 32,376.00	\$ 129.50
2871314000	3815-3817 W FOND DU LAC AV	LIFESTYLE SO	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ -	\$ -
2871315000	3811 W FOND DU LAC AV	ZINA PASKEL	Local Commercial	Church	\$ 47,000.00	\$ 188.00
2871316000	3801-3805 W FOND DU LAC AV	CYNTHIA D JOHNSON	Local Commercial	Office Building - Multi Story ( Ofc & Apt)	\$ 71,672.00	\$ 286.69
2871531111	3934 W FOND DU LAC AV	PLEASANT HILL MISSIONARY BAPTIST CHURCH INC	Local Commercial	Store Building - Multiple Tenants, 1 story	\$ 137,400.00	\$ 549.60
2871901000	4103 W FOND DU LAC AV	CLAUDE STANLEY	Local Commercial	Store Building - Multiple Tenants, 1 story	\$ 67,500.00	\$ 270.00
2872001000	3900-3910 W FOND DU LAC AV	BERNAND DIGGS	Local Commercial	Tavern	\$ 81,338.00	\$ 325.35
2872002000	3924 W FOND DU LAC AV	LONDEN BRIDGE, LLC	Local Commercial	Store Building - Single tenant, 1 story	\$ 84,500.00	\$ 338.00
2879948000	4204 W FOND DU LAC AV	JTJ REALTY LLC	Local Commercial	Used Car Sale	\$ 58,900.00	\$ 235.60
2879954000	4248 W FOND DU LAC AV	JAMI NASH	Local Commercial	Store Bldg - Multi Story (Store & Apt, Store & Ofc	\$ 113,652.00	\$ 454.61
2670687000	4301 W FOND DU LAC AV	ASPENWOOD ENT II LLC	Special Mercantile	Svs Station w Conv Store	\$ 451,800.00	\$ 1,807.20
2679991000	4310 W FOND DU LAC AV	BOBBY PETRO LLC	Special Mercantile	Svs Station w Conv Store	\$ 637,800.00	\$ 2,551.20
2870902100	4217 W FOND DU LAC AV	4217 WEST LLC	Special Mercantile	Funeral Home	\$ 394,128.00	\$ 1,576.51
2871601110	4137 W FOND DU LAC AV	FDL FUEL LLC	Special Mercantile	Svc Station w Conv and Carwash	\$ 757,100.00	\$ 3,028.40
2879947000	3637 W FOND DU LAC AV	COVE ESSENTIAL NET LEASE 58 DST	Special Mercantile	Bank, Savings & Loan	\$ 336,100.00	\$ 1,344.40
					\$ 10,833,587.00	\$ 43,334.35

## APPENDIX C

### PETITION FOR CREATION OF BUSINESS IMPROVEMENT DISTRICT

We, the undersigned owners of real property subject to general real estate taxes and located in the proposed Fond Du Lac Avenue Business Improvement District in Appendix A, pursuant to the provisions of Sec. 66.1109 Stats. For the creation of a business improvement district for the area described in Appendix B.

Name of Property Owner (PRINT)	Property Address	Signature
	4328 W. Fond Du Lac Avenue	
1. Maurice Wince	4315 W. Fond Du Lac Avenue	
2. Oscar Marin	4419 W. Fond Du Lac Avenue	
3. Elliott Torrence	4722 W. Fond Du Lac Avenue	
4. Earnest Bridges	4401 W. Fond Du Lac Avenue	
5. Marquisa Wince	4241 N. 19 <sup>th</sup> Street	
6. Dr. Carl Greer	1916 W. Congress Street	
7. <u>Oliver Edwards</u>	<u>4943 W Fondulac Ave</u>	<u></u>
8. <u>Chris Wade</u>	<u>4923 West Fond Dulac</u>	<u></u>
9. <u>Lorenzo Davis</u>	<u>4919 W Fond Dulac</u>	<u></u>
10. <u>Fred Robinson Jr</u>	<u>4233<sup>13</sup> W. Fond du lac Ave</u>	<u></u>



## APPENDIX D

### 66.1109 Business improvement districts.

- (1) In this section:
- (a) "Board" means a business improvement district board appointed under sub. [\(3\)\(a\)](#).
- (b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.
- (c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
- (d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
- (e) "Municipality" means a city, village or town.
- (f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
  - 1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
  2. The kind, number and location of all proposed expenditures within the business improvement district.
  3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
  4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
  5. A legal opinion that subds. [1](#) to [4](#) have been complied with.
- (g) "Planning commission" means a plan commission under s. [62.23](#), or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
- (2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
- (a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. [\(b\)](#) has petitioned the municipality for creation of a business improvement district.
- (b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
- (c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. [985](#). Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
- (d) Within 30 days after the hearing under par. [\(c\)](#), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40 percent of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all

property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.

(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.

**(2m)** A municipality may annex territory to an existing business improvement district if all of the following are met:

(a) An owner of real property used for commercial purposes and located in the territory proposed to be annexed has petitioned the municipality for annexation.

(b) The planning commission has approved the annexation.

(c) At least 30 days before annexation of the territory, the planning commission has held a public hearing on the proposed annexation. Notice of the hearing shall be published as a class 2 notice under ch. [985](#). Before publication, a copy of the notice together with a copy of a detail map showing the boundaries of the territory proposed to be annexed to the business improvement district shall be sent by certified mail to all owners of real property within the territory proposed to be annexed. The notice shall state the boundaries of the territory proposed to be annexed.

(d) Within 30 days after the hearing under par. [\(c\)](#), the owners of property in the territory to be annexed that would be assessed under the operating plan having a valuation equal to more than 40 percent of the valuation of all property in the territory to be annexed that would be assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property in the territory to be annexed that would be assessed under the operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property in the territory to be annexed that would be assessed under the operating plan, have not filed a petition with the planning commission protesting the annexation.

**(3)**

(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.

(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.

(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include one of the following:

1. If the cash balance in the segregated account described under sub. [\(4\)](#) equaled or exceeded \$300,000 at any time during the period covered by the report, the municipality shall obtain an independent certified audit of the implementation of the operating plan.

2. If the cash balance in the segregated account described under sub. [\(4\)](#) was less than \$300,000 at all times during the period covered by the report, the municipality shall obtain a reviewed financial statement for the most recently completed fiscal year. The statement shall be prepared in accordance with generally accepted accounting principles and include a review of the financial statement by an independent certified public accountant.

**(cg)** For calendar years beginning after December 31, 2018, the dollar amount at which a municipality is required to obtain an independent certified audit under par. [\(c\) 1.](#) and the dollar amount at which a municipality is required to obtain a reviewed financial statement under par. [\(c\) 2.](#) shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban

consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 2017, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

- (cr)** The municipality shall obtain an additional independent certified audit of the implementation of the operating plan upon termination of the business improvement district.
- (d)** Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
- (4)** All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits and reviewed financial statements required under sub. (3) (c), or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
- (4g)** A municipality may convert a business improvement district under this section into a neighborhood improvement district under s. [66.1110](#) if an owner of real property that is subject to general real estate taxes, that is used exclusively for residential purposes, and that is located in the business improvement district petitions the municipality for the conversion. If the municipality approves the petition, the board shall consider and may make changes to the operating plan under s. [66.1110 \(4\) \(b\)](#).
- (4m)** A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
  - (a)** A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.
  - (b)** On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. [\(c\)](#) and unless the business improvement district is not terminated under par. [\(e\)](#).
  - (c)** Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. [985](#). Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
  - (d)** Within 30 days after the date of hearing under par. [\(c\)](#), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.



(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

**(5)**

(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. [70.11](#) may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

(d) If real property that is specially assessed as authorized under this section is of mixed use such that part of the real property is exempted from general property taxes under s. [70.11](#) or is residential, or both, and part of the real property is taxable, the municipality may specially assess as authorized under this section only the percentage of the real property that is not tax-exempt or residential. This paragraph applies only to a 1st class city.

**History:** [1983 a. 184](#); [1989 a. 56 s. 258](#); [1999 a. 150 s. 539](#); Stats. 1999 s. 66.1109; [2001 a. 85](#); [2017 a. 59, 70, 189](#).

