

NOTICE OF PUBLIC HEARING

CITY OF MILWAUKEE
City Plan Commission
809 North Broadway
Milwaukee, Wisconsin

September 27, 2016

DEAR PROPERTY OWNER:

The City Plan Commission has scheduled a public hearing to receive comments on the proposed creation of Neighborhood Improvement District Number Five (NID #5), the area generally bounded by those properties fronting Metro Boulevard (south side), those properties fronting 107th St., specifically 6577 N. 107th, then 6755 N. 107th St. North to West Metro Blvd., and properties on N. 108th St, N. 109th St., N. 110th St., N112th St., Coventry Ct., N. 113 St., N. 114th St., W. Green Tree Rd., W. Daphne St., W. Heritage Dr., W. Sanctuary Dr., Meadowcreek Ct., and W. Meadowcreek Dr. **Please refer to the reverse side of this notice for map details.**

Date: Monday, November 7, 2016
Time: 2:00 pm
Place: 809 N Broadway
Room: 1st Floor Board Room

The proposal was initiated by several property owners in this area who submitted a petition to the City of Milwaukee requesting that the City create a Neighborhood Improvement District (NID) per section 66.1110 of the State Statutes. The Statutes allow property owners within the district to develop, manage and promote the district, and to establish an assessment method to fund these activities. The objective of the district is to help with Storm Water Efficiency Improvements, lawn appeal, code compliance, safety improvements, entrance appeal and other community building activities.

Interested parties will be offered an opportunity to express their views on the proposal prior to consideration by the City Plan Commission and Common Council. Your attendance and comments at this hearing are invited so that a complete examination of all aspects of the proposal can be made.

Please refer to the enclosed NID Operating Plan for further information, or feel free to call **Ken Little of the Department of City Development at 414-286-5617** if you have questions about the public hearing or wish to receive additional copies of the BID Operating Plan.

Sincerely,



Rocky Marcoux

Executive Secretary

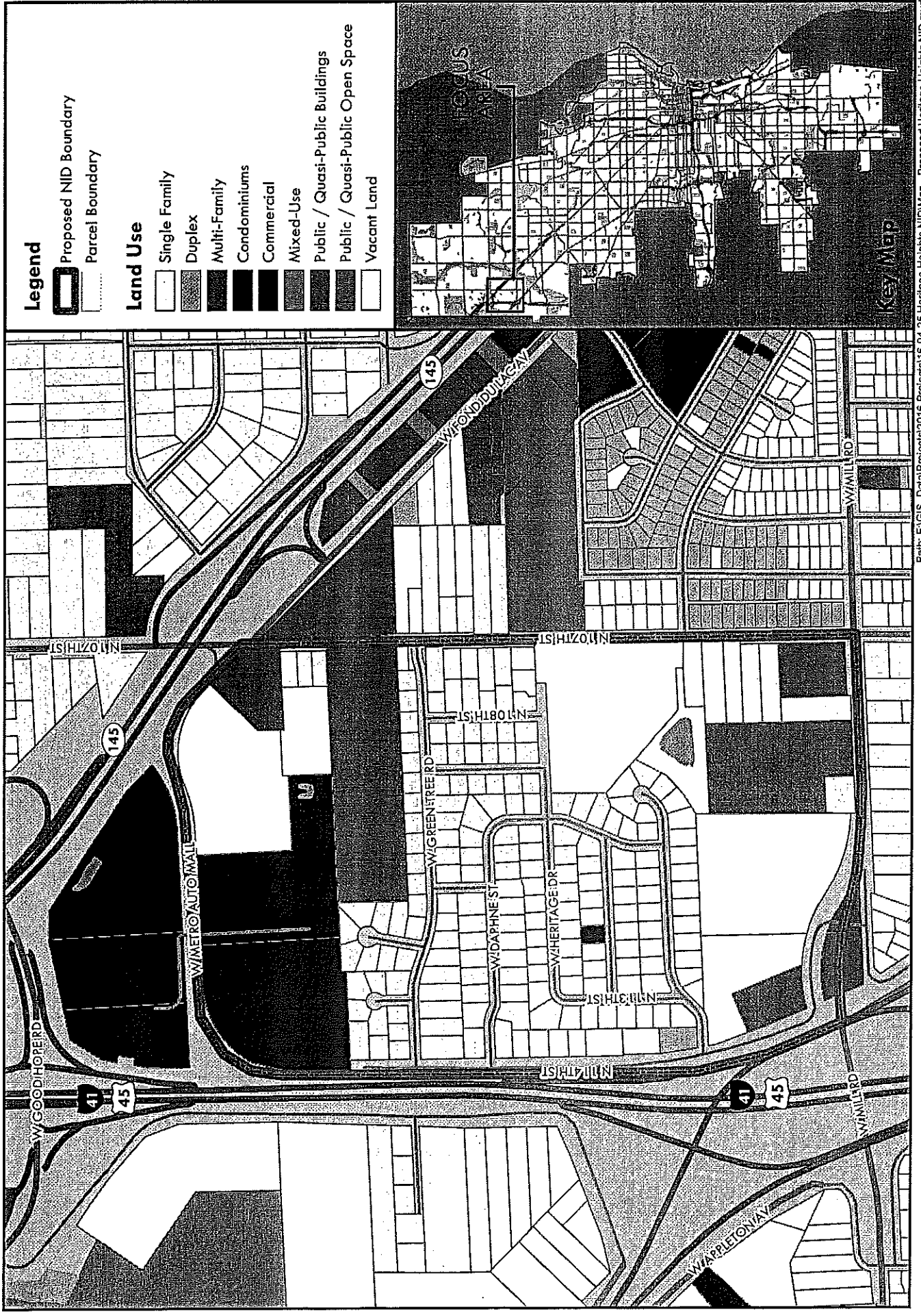
City Plan Commission of Milwaukee

Enclosure

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Dept. of City Development ADA Coordinator at: (PH) 414-286-6076, (FAX) 414-286-0851 or by writing to the ADA Coordinator at: Dept. of City Development, 809 N. Broadway, 3rd Floor, Milwaukee, WI 53202-3617. Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council Committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.

HERITAGE HEIGHTS NEIGHBORHOOD PROPOSED NEIGHBORHOOD INVESTMENT DISTRICT

Prepared by the Dept. of City Development Planning Division, 4/28/2016
 Sources: City of Milwaukee Information Technology Management Division

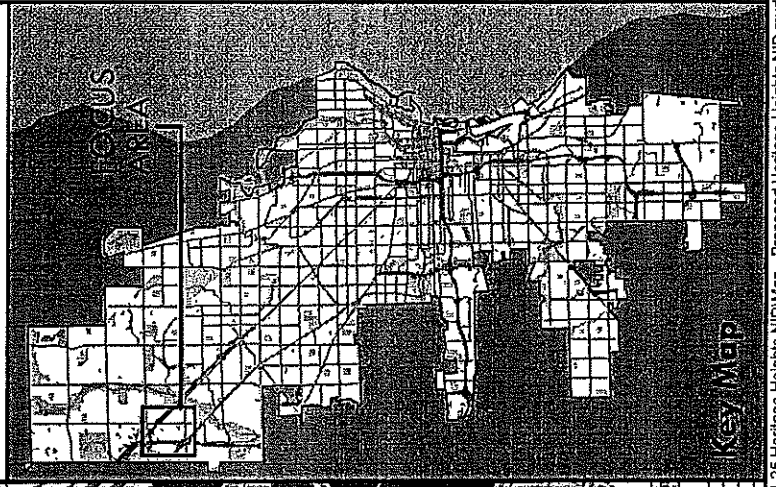


Legend

- Proposed NID Boundary
- Parcel Boundary

Land Use

- Single Family
- Duplex
- Multi-Family
- Condominiums
- Commercial
- Mixed-Use
- Public / Quasi-Public Buildings
- Public / Quasi-Public Open Space
- Vacant Land



NEIGHBORHOOD IMPROVEMENT DISTRICT NO. 5

**HERITAGE
HEIGHTS**

**PROPOSED
OPERATING PLAN**

August 18, 2016

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I. INTRODUCTION

A. Background

In 2006, the State of Wisconsin signed into law, the 2005 Wisconsin ACT 186, a legislative declaration created to give Wisconsin municipalities (i.e., cities, villages and towns) the power to establish one or more Neighborhood Improvement Districts (NIDs) within their community. Neighborhood Improvement Districts focus on neighborhoods composed exclusively of large multifamily housing units or mix of businesses and multifamily housing. An assessment methodology is developed to allow the assessable residential and commercial properties within the geographic area to contribute to programs aimed at neighborhood lighting, distinctive signage, and pocket-parks, enhanced public green spaces and other activities as approved by the NID Board. The ACT was drafted similar to the business improvement district.

The City of Milwaukee has received a petition from property owners which requests creation of a Neighborhood Improvement District for the purpose of revitalizing and improving the neighborhood area on Milwaukee's Northwest side location (see Appendix B). The NID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed Heritage Heights district. The NID proponents prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

II. DISTRICT BOUNDARIES

Boundaries of proposed NID. Discussion ensued on the properties to be included in the Neighborhood Improvement District. It was decided that included properties would be those properties fronting Metro Boulevard (south side), those properties fronting 107th St., specifically 6577 N. 107th, then 6755 N. 107th St. North to West Metro Blvd., and properties on N108th St, N109th St., N110th St. N112th St., Coventry Ct., N113 St., N114th St., W Green Tree Rd., W Daphne St., W. Heritage Dr., W. Sanctuary Dr., Meadowcreek Ct., and W. Meadowcreek Dr. The 193 included properties are shown in the attached spreadsheet

The current assessed value of these properties is \$60,117,100. It was noted that properties with assessed value of 40% or more of the total assessed value, \$24,046,840, could stop the formation of the Heritage Heights Neighborhood Improvement District.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the NID is to: To help with Storm Water Efficiency Improvements including replacement of water laterals, old piping, low-flow fixtures, storm water maintenance including backyard swales, and other necessary water efficiency improvements.

To help with Lawn Appeal including our mailbox project, community lighting, and other lawn appeal projects.

To ensure Code Compliance including all repairs necessary to remedy an existing code violation.

To provide Safety Improvements including, ditch repair on NW corner of 107th and Green Tree, and other safety projects.

To increase our Entrance Appeal including improvement of the monument and grounds with LED lighting on the monument and other aesthetic enhancements.

To help with our upcoming Summer Social including our 20th year celebration; along with other block parties and holiday events and community building activities.

B. Proposed Activities – Year One

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

- a) For the initial certification and recertification of the swales in the backyards and needed repairs.
- b) Taxes and maintenance and upkeep of the land surrounding the monument area at the entrance of the subdivision.
- c) Lighting for the monument
- d) Community Building Activities

C. Proposed Expenditures – Year One

Proposed Budget

Approximately \$20,000 for the first year.

Swales certifications	\$4,000
Taxes and maintenance of monument land	\$2,000
Monument improvement and lighting	\$5,000
Property Improvement Grants	\$2,000
Administrative expenses	\$1,000
Community building activities	\$3,000
Reserves/misc.	\$3,000
Total	\$20,000

D. Financing Method

It is proposed to raise \$20,000 through NID assessments (see Appendix D). The NID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

E. Organization of NID Board

Upon creation of the NID, to the District shall hold annual meetings to elect directors to the district board ("board") consistent with terms of this subsection and the bylaws of the Heritage Heights NID. The board's primary responsibility will be implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of NID assessments.

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

State law requires the local legislative body must set the time and place for a meeting at which members of the board will be elected, and shall publish a class 2 notice under Chapter 985 that contains

the information. The notice shall specify that all individuals who either own or occupy real property within the neighborhood improvement district are eligible to serve on the board and vote at the election.

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

1. Board Size – To be set by the Common council but at least 5.
2. Composition – All board members shall be owners or occupants of property within the district. The number of board members who represent commercial and residential properties shall be set as close as possible to the proportion of each type of property to the total assessed value of all property in the District. The Board shall elect its Chairperson from among its members.
3. Term - Appointments to the board shall be for a period of one year Directors may be re-elected.
3. Compensation – None
4. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
5. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.
6. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.
7. 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.

F. Relationship to the Granville Heritage Neighborhood Association.

The NID shall be a separate entity from the Granville Heritage Neighborhood 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 meetings law, and not subject to the public record law except for its records generated in connection with the NID board. The Association may, and it is intended, shall, contract with the NID to provide services to the NID, in accordance with this Plan.

G. The NID is not authorized to hold or own property.

IV. METHOD OF ASSESSMENT

A. Assessment Rate and Method

It was proposed and agreed that the Heritage Heights Neighborhood Improvement District will be using a uniform assessment method consisting of a single dollar amount per taxable property included within the NID boundaries.

The principle behind the assessment methodology is that each property should contribute to the NID in proportion to the benefit derived from the NID. 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 NID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this NID.

Therefore, a fixed assessment of \$100 per residential property was selected as the basic assessment methodology in the Heritage Heights NID.

As of January 1, 2016, the property in the proposed district had a total assessed value of over \$60 million dollars.

Appendix D shows the projected NID assessment for each property included in the district.

V. 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 the 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 population, 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 partnerships 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 Heritage Heights NID 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 Neighborhood Improvement District and in the implementation of the Operating 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. 66.1110 (4) (c) of the NID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the NID assessments.

6. Encourage the State of Wisconsin, Milwaukee County, and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Neighborhood 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, a 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 of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.
4. The Community and Economic Development Committee of the Common Council will review the proposed NID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed NID Plan.
6. If adopted by the Common Council, the proposed NID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the NID is created.

B. Petition against Creation of the NID

The City may not create the Neighborhood Improvement District if, within 30 days of the City Plan Commission's 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 assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the NID 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 defined in this initial Operating Plan.

Section 66.1110 (6)(b) of the NID 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 years' activities will be provided in the required annual Plan updates.

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

B. Amendment, Severability, and Expansion

This NID has been created under authority of Section 66.1110 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 NID and this NID 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 NID so as to exclude or include as assessable properties a certain class or classes of properties, then this NID 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.

APPENDIX B

PETITION FOR CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT

We, the undersigned owners of real property subject to general real estate taxes and located in the proposed Heritage Heights Neighborhood Improvement District in Appendix C, pursuant to the provisions of Sec. 661110 Stats. For the creation of a neighborhood improvement district for the area described in Appendix C.

Name of Property Owner	Property Address	Signature
1. <u>HURON SMITH</u>	<u>11033 W GREEN TREE RD</u>	<u>Huron Smith</u>
2. <u>JAMES DURKO</u>	<u>11019 W. GREEN TREE RD</u>	<u>James P. Durko</u>
3. <u>Ronald K BROWN</u>	<u>10823 W GREEN TREE RD</u>	<u>Ronald K Brown</u>
4. <u>Maya Richards</u>	<u>10905 W Green Tree Rd</u>	<u>Maya Richards</u>
5. <u>Curtis + Helen Harris</u>	<u>6761 N 109th St.</u>	<u>Curtis E. Harris</u>
6. <u>Duane Swank</u>	<u>6721 N. 109th</u>	<u>Duane Swank</u>
7. <u>Marva Bredendick</u>	<u>6700 N. 109th</u>	<u>Marva Bredendick</u>
8. <u>Sally Nordstrom</u>	<u>6764 N. 109th</u>	<u>Sally Nordstrom</u>
9. <u>ANDRE CHAPMAN</u>	<u>6742 Nth 108</u>	<u>Andre Chapman</u>
10. <u>RANDY FULTER</u>	<u>6733 N. 108th St</u>	<u>Randy Fultner</u>
11. <u>Diane Kamberec</u>	<u>6725 N 108th St.</u>	<u>Diane Kamberec</u>
12. <u>Kristin Grant</u>	<u>6705 N. 108th St</u>	<u>Kristin Grant</u>
13. <u>Malcolm Burns</u>	<u>6704 N 108th St</u>	<u>Malcolm Burns</u>
14. <u>Stevanie Miller-Ahmed</u>	<u>10800 W. Green Tree</u>	<u>Stevanie Miller-Ahmed</u>
15. _____	_____	_____

APPENDIX B

PETITION FOR CREATION OF NEIGHBORHOOD IMPROVEMENT DISTRICT

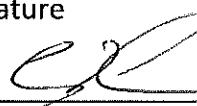
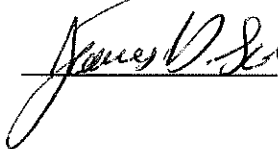
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Name of Property Owner	Property Address	Signature
1. <u>Thomas Pechacek</u>	<u>11225 W. MEADOWCREEK</u>	<u>[Signature]</u>
2. <u>Lisa Pechacek</u>	<u>11225 W. MEADOWCREEK DR</u>	<u>[Signature]</u>
3. <u>Lewis E. Hill Sr</u>	<u>11035 W. Meadowcreek</u>	<u>[Signature]</u>
4. <u>Phillip Woods</u>	<u>6555 N. 113th Street</u>	<u>[Signature]</u>
5. <u>Lois G. Tyler</u>	<u>11125 W MEADOWCREEK DR</u>	<u>[Signature]</u>
6. <u>Manuel Corona</u>	<u>11103^W MEADOWCREEK DR</u>	<u>[Signature]</u>
7. <u>Cadyn McIntosh</u>	<u>10940 W. Meadowcreek</u>	<u>[Signature]</u>
8. <u>LONZIE THOMPSON</u>	<u>6641 NORTH 113TH ST M. W, WI 53224-5040</u>	<u>[Signature]</u>
9. <u>JOE PETERI</u>	<u>11210 W Heritage Dr M. W. WI 53224</u>	<u>[Signature]</u>
10. _____	_____	_____
11. _____	_____	_____

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We, the undersigned owners of real property subject to general real estate taxes and located in the proposed Heritage Heights Neighborhood Improvement District in Appendix C, pursuant to the provisions of Sec. 661110 Stats. For the creation of a neighborhood improvement district for the area described in Appendix C.

Name of Property Owner	Property Address	Signature
1. <u>Corey Coleman</u>	<u>10830 W. Green Tree Rd</u>	
2. <u>James Johns</u>	<u>11107 W. Green Tree Rd</u>	
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____

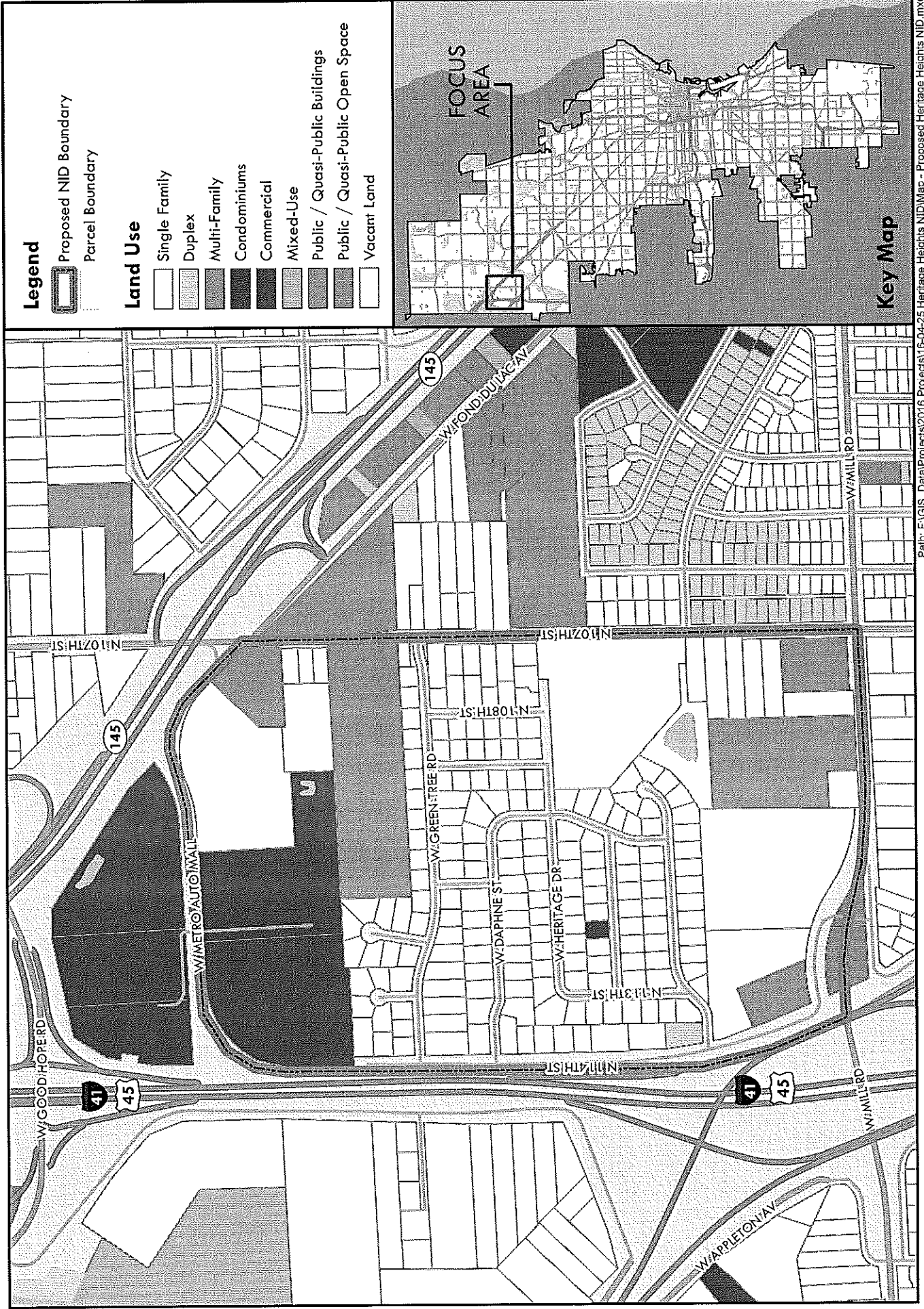
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Name of Property Owner	Property Address	Signature
1. <u>G PLUNKETT</u>	<u>6845 N 112ct</u>	<u>[Signature]</u>
2. <u>JANES CHRISTIE</u>	<u>" "</u>	<u>[Signature]</u>
3. <u>SHIRLEY A. SMITH</u>	<u>11028 W DAPHNE ST</u>	<u>[Signature]</u>
4. <u>WALTER SMITH</u>	<u>11028 W DAPHNE ST.</u>	<u>[Signature]</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
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HERITAGE HEIGHTS NEIGHBORHOOD PROPOSED NEIGHBORHOOD INVESTMENT DISTRICT



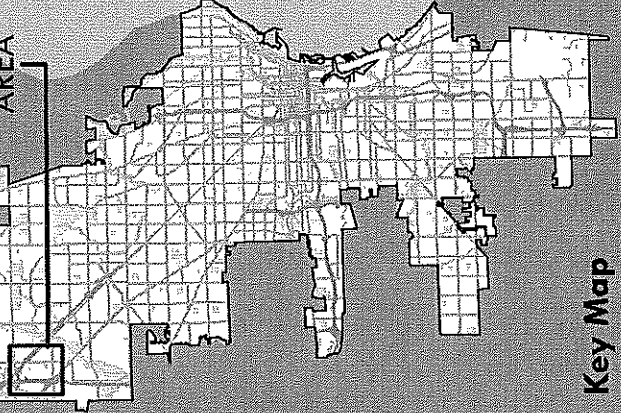
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- Parcel Boundary

Land Use

- Single Family
- Duplex
- Multi-Family
- Condominiums
- Commercial
- Mixed-Use
- Public / Quasi-Public Buildings
- Public / Quasi-Public Open Space
- Vacant Land

FOCUS
 AREA



Key Map

(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.

History: 1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.

66.1110 Neighborhood improvement districts. (1) In this section:

(a) "Board" means a neighborhood improvement district board elected under sub. (4) (a).

(b) "Chief executive officer" means a mayor, city manager, village president, or town chairperson.

(c) "Local legislative body" means a common council, village board of trustees, or town board of supervisors.

(d) "Municipality" means a city, village, or town.

(e) "Neighborhood improvement district" means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board if the local legislative body approved acquisition of the property under sub. (4) (d) as part of its approval of the initial operating plan under sub. (3) (e).

(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation, and promotion of a neighborhood improvement district.

(g) "Owner" means the owner of real property that is located within the boundaries, or the proposed boundaries, of a neighborhood improvement district.

(h) "Planning commission" means a plan commission under s. 62.23 or, if none exists, a board of public land commissioners or, if none exists, a planning committee of the local legislative body.

(2) An operating plan shall include at least all of the following elements:

(a) The special assessment method applicable to the neighborhood improvement district.

(b) The kind, number, and location of all proposed expenditures within the neighborhood improvement district.

(c) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

(d) A description of how the creation of the neighborhood improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a statement of to whom the real property will be transferred if the neighborhood improvement district is terminated.

(f) A legal opinion that pars. (a) to (e) have been complied with.

(3) A municipality may create a neighborhood improvement district and adopt its operating plan if all of the following conditions are met:

(a) An owner of real property subject to general real estate taxes and located in the proposed neighborhood improvement district designated under par. (b) has petitioned the municipality for creation of a neighborhood improvement district.

(b) The planning commission has designated a proposed neighborhood improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the neighborhood improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed neighborhood 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 neighborhood improvement district, shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district. The notice shall state the boundaries of the proposed neighborhood 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), one of the following has not filed a petition with the planning commission protesting the proposed neighborhood improvement district or its proposed initial operating plan:

1. 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.

2. 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.

reasonable certainty the territory included in the neighborhood or area. The boundaries may, but need not, be the same as those recommended by the planning commission.

2. Designates the reinvestment neighborhood or area as of a date provided in the resolution.

3. Contains findings that the area to be designated constitutes a reinvestment neighborhood or area.

History: 1977 c. 418; 1979 c. 361 s. 112; 1985 a. 29 s. 3200 (14); 1999 a. 150 s. 479; Stats. 1999 s. 66.1107; 2001 a. 104.

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 subs. 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.

(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 an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit 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 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.

(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:

GRANT F. LANGLEY
City Attorney

VINCENT D. MOSCHELLA
MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
LA KEISHA W. BUTLER
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
Assistant City Attorneys

September 14, 2016

Rocky Marcoux, Commissioner
Department of City Development
809 North Broadway
Milwaukee, WI 53202

Re: Proposed Operating Plan for Neighborhood Improvement District No. 5
Heritage Heights


Dear Commissioner Marcoux:

This letter is written in response to your request for this office to review the proposed initial Operating Plan for Business Improvement District No. 5 (the "Plan"). You asked us to provide an opinion with respect to compliance on the part of the Plan with the requirements of Wis. Stat. § 66.1110(2)(f).

We have reviewed the Plan, and are of the opinion the Plan meets the requirements of Wis. Stat. § 66.1110(2)(f), in particular subsections 1 through 4 thereof.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JEREMY R. MCKENZIE
Assistant City Attorney

1050-2016-1354:231375



