

BUSINESS IMPROVEMENT DISTRICT NO. 27

(West Burleigh Street)

FIRST YEAR OPERATING PLAN

April 27, 2001



TABLE OF CONTENTS	PAGE
INTRODUCTION.....	1
A. Background	
B. Physical Setting	
DISTRICT BOUNDARIES.....	2
PROPOSED OPERATING PLAN.....	2
A. Goal	
B. Plan Objectives	
C. Proposed Activities — Year One	
D. Proposed Budget	
E. Financing Method	
F. Organization of BID Board	
G. Relationship to the Sherman Park Community Association and the Burleigh Street Community Development Corporation	
H. Sunset Provision	
METHOD OF ASSESSMENT.....	6
Assessment Rate and Method	
Excluded and Exempt Property	
RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY.....	8
City Plans	
City Role in District Operation	
PLAN APPROVAL PROCESS.....	9
Public Review Process	
Petition Against Creation of BID	
FUTURE YEAR OPERATING PLANS.....	10
Phased Development	
Amendment, Severability and Expansion	
APPENDICES.....	11
EXHIBIT ONE.....	22
EXHIBIT TWO.....	25

I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created S. 66.608 of the Statutes (See Appendix A) 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.)

Business improvement district assessments are quite similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike the traditional special assessment, however, business improvement district assessments can be used to finance a wide range of activities, services, and improvements. Some BIDs in Wisconsin have funded physical improvements like street lighting or parking; others have funded business recruitment programs; others have promoted increased services in the district such as security or snow removal; still others have produced promotional and marketing materials and events.

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 Burleigh Street business area on Milwaukee’s northwest side (see Appendix B). The BID statutes requires every district to prepare and submit for approval an annual Operating Plan. This document is the initial Operating Plan for the proposed Burleigh Street BID District.

Section 66.608(3) (b), Wis. Stats. requires that a BID Board of Directors “*...shall annually consider and make changes to the operating plan. The Board shall then submit the operating plan to the local legislative body for its approval.*” Given that this is the initial Operating Plan, there is no BID Board of Directors. However, a grassroots and comprehensive planning process, consisting of business operators and property owners, did establish the primary mission of the Burleigh Street BID— to facilitate commercial development within the proposed District. This Plan was created with technical assistance from the City of Milwaukee Department of City Development and UW Extension.

Development of the District through creation of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the District.
2. Existing public funding sources used to help maintain and promote the District may not be sufficient. Continuing unified development efforts will have to be financed with new private resources as well as existing public dollars.
3. The District includes properties of varying types and sized. Some form of cost sharing is necessary because it is not feasible for a small group alone to support District

development efforts. The BID Plan provides a fair and equitable mechanism for cost sharing which will benefit all businesses and properties within the District.

4. Use of the BID mechanism will help ensure that the entire District will be promoted and developed as expeditiously as possible.

B. Physical Setting

The boundaries of the proposed Burleigh Street BID follow Burleigh Street from Sherman Boulevard on the east, to 60th Street on the west. While predominantly commercial in character, the District includes several residential properties. By statute residential properties are not assessed, as noted in Section IV B (2) of this document.

The Burleigh Street BID occupies a strategic location within Milwaukee's northwest side. It is one of the main shopping districts located between the major Routes 41 (Appleton Avenue) and 145 (Fond du Lac Avenue) and is accessed by Roosevelt Boulevard on the west and Sherman Boulevard on the east.

The Burleigh Street BID contains a large concentration of late 19th and early 20th century commercial buildings. Several individual buildings have a characteristic "Milwaukee" architectural quality providing a common denominator among the older stock.

The Burleigh Street BID location near major thoroughfares would help support its future role as a high-value commercial and residential area. Low density commercial uses might best be either selectively maintained or eventually phased out, given the area's higher density development potential.

II. DISTRICT BOUNDARIES

Boundaries of the proposed District are shown on the map in Appendix C of this plan. A listing of the properties included in the District is provided in Appendix D.

III. PROPOSED OPERATING PLAN

A. Goal

Maximize resources and implement activities to promote, manage, maintain and develop the District in ways that will result in neighborhood safety, improved area image and new business developments.

B. Plan Objectives

1. Retain a consultant or subcontract staff to:
 - a) Respond to questions about available commercial space for lease and purchase. This includes developing and maintaining a District property database.
 - b) Coordinate and promote private and public financing of District development activities. This includes both infrastructure improvements and real estate

projects not normally paid for by the City (e.g., facade improvements, streetscaping projects, etc.)

- c) Coordinate business recruitment and development. A special emphasis will be placed on fulfilling the development recommendation detailed in the 1996 Neighborhood Strategic Plan for Burleigh Street.
- d) Encourage enhanced and improved public service delivery for District members (e. g., serve as a District ombudsman).
- e) Develop a District-wide security plan.
- f) Initiate positive media coverage regarding District development activities.

C. Proposed Activities — Year One

- Put out timely information on topics such as police patrol, garbage clean-up, marketing opportunities, and other topics of local concern, to members, retailers and other interested parties in the form of newsletters, faxes, fliers, and other appropriate methods.
- Develop activities which enhance business recruitment and retention (e.g., hold quarterly meetings with alderpersons and other selected City officials, hold monthly luncheons with real estate brokers and developers to seek new businesses.)
- Maintain an inventory of commercial properties and identify development possibilities.
- Organize a business block watch to enhance safety and security.
- Engage the services of a District ombudsman.
- Create a business directory and encourage businesses in the surrounding residential areas to relocate to the business district.
- Consider streetscape projects (e.g., lights, trees, trash receptacles, bus stops, benches bike racks and signage.)

D. Proposed Budget — Year One

Consultative Expenses

Contracted hourly —\$50 per hour maximum	<u>15,000</u>
--	---------------

General Expenses

Rent	<u>in-kind</u>
Office Supplies	<u>500</u>
Telephone	<u>600</u>
Postage	<u>500</u>
Printing	<u>500</u>
Equipment	<u>in-kind</u>
Utilities	<u>in-kind</u>

Outside Services

Accountant (regular and audit)	<u>500</u>
Legal	<u>500</u>

BID Promotion and Marketing

Meetings	<u>500</u>
Awards	<u>500</u>

BID Programs (First Year)

Consultant search and recruitment	<u>100</u>
Promotion/Marketing/Image Campaign	<u>4,667</u>
Business Retention/Improvement/Development	<u>4,199</u>
Clean-up/Safety and Security	<u>7,166</u>

Miscellaneous and Contingency 800.21

Total \$36,032.21

Except as identified herein, all expenditures will be incurred during the current Plan year. Any funds remaining on any budget line item above may be moved to another budget line item, as determined by the BID Board. Any unused funds remaining at the end of the year shall be deposited into contingency funds for the following Plan year. If any additional funds are received by the BID, whether from gifts, grants, government programs, or other sources, they shall be expended for the purposes identified herein, and in the manner required by the source of such funds, or, if the funds have no restriction, in the manner determined by the BID Board. All physical improvements made with these funds shall be made in the BID District. The location of other expenditures shall be as determined by the BID Board.

E. Financing Method

The proposed expenditures will be financed from monies collected from the BID assessments. The BID assessment is levied by the City which shall be a lien against each of the non-exempt tax parcels of real property contained in the BID District. It is estimated that 100 percent of the BID budget will be raised through assessments (see Appendix D).

The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

F. Organization of BID Board

The grassroots planning process that petitioned for the creation of the Burleigh Street BID will establish a slate of Director candidates for Mayoral and Common Council approval as required by Wis. Stats. Section 66.608 (6).

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 Board to negotiate with providers of services and materials to carry out the Plan; to enter into various contract; to monitor development activity; to annually revise the Operating Plan; to ensure District compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires 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. For purposes of this section "member" means an individual owner-occupant of a parcel, or a representative of an entity owner of such parcel. No one individual, and no more than one representative of any entity, may hold more than one Board position. If, during the course of a term a Board member's situation changes, so that he/she no longer fits the definition for that seat, such as by selling their

parcel, he/she shall continue to serve in that position until the end of that calendar year, and a new member fitting the requirements of that seat shall be appointed to complete that term, prior to the next January 1, with the members whose terms are expiring.

On or before December 1 of each year, the Board will submit its recommendations to the Mayor of the City of Milwaukee for seats of expiring Board members.

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

1. Board size — Seven
2. Composition — Six members shall be owners or occupants or operators of property within the District and one representative of the Sherman Park Community Association (SPCA) to be designated by its president. The SPCA representative must be a current member in good standing of the SPCA Board of Directors. A residential occupant may serve on the BID Board so long as said person resides in a property taxed within the BID district.
3. Term — Appointments to the Board shall be for a period of three years except that initially one member shall be appointed for a period of three years, two members shall be appointed for a period of two years and three members shall be appointed for a period of one year. The SPCA Board member shall serve for a period of one year.
4. Compensation — None
5. Meetings — All meetings of the Board shall be governed by the Wisconsin Open Meetings 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. The Board shall meet regularly, at least monthly each year. The Board shall adopt rules of order ("by laws") to govern the conduct of its meetings, with the initial by laws attached hereto as Exhibit One.
9. Powers — It is intended that the BID Board shall have all powers authorized by law, and by their Plan including, but not limited to, the following powers:
 - To manage the affairs of the District.
 - To promote new investment and appreciation in value of existing investments.
 - To contract on behalf of the BID.
 - To develop, advertise and promote the existing and potential benefits of the District.

- To lease office space within the District.
- To undertake on its own account public improvements and/or to assist in development, underwriting or guaranteeing public improvements within the District.
- To apply for, accept, and use grants and gifts for these purposes.
- To elect officers, hire employees and contract out work as necessary to carry out these goals.
- To add to the security of the District.

10. Officers — The Board shall elect a Chairman, Vice-Chairperson, Treasurer and Secretary, from its members, any two of the four of which shall have the power to execute documents on behalf of the full Board, for the purposes authorized by the full Board. The Board may also give its staff limited ability to write checks to carry out the Plan.

G. Relationship to the Sherman Park Community Association (SPCA) and Burleigh Street Community Development Corporation (BSCDC)

The BID shall be a separate entity from the Burleigh Street Community Development Corporation and the Sherman Park Community Association, notwithstanding the fact that members, officers and directors of each may be shared. The BSCDC and the SPCA shall remain private organizations, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID Board. The BSCDC and the SPCA may contract with the BID to provide services to the BID in accordance with this plan.

H. Termination Provision

As allowed under Wisconsin statutes, property owners in the district may sign a petition to terminate the operation of the District, at certain times and in certain numbers.

I. Sunset Provision

At the end of year three of the Operating Plan, if the Plan is re-approved for years one and two, the BID will “sunset” (terminate automatically) unless it is continued in operation by a positive vote of property owners representing at least 50% of the assessable properties within the BID.

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,

with minimums set, without a maximum cap, on the assessed value of the property was selected as the basic assessment methodology for this BID.

The use of a minimum value is designed to reflect the expected benefits to the area by the BID. Since most of the proposed BID activities are District-wide and not property specific, the proposed minimum assessment is designed to spread the level of cost to all properties within the District. Above this minimum level, it is believed that there will be some additional benefits received based upon the value of the property.

As of January 1, 2000, the eligible property in the Burleigh Street District had a total non-exempt assessed value of \$9,706,000. This plan for year one proposes to assess the property in the District at a rate of \$3.70 per \$1,000.00 of assessment for the purposes of the BID with a sliding scale per parcel minimum assessment: assessments less than \$150.00 but more than \$100.00 will be assessed a flat rate of \$150.00; assessments less than \$100 will be assessed a flat rate of \$100.00. Appendix D shows the BID assessment for each property included in the District.

The maximum amount of assessment increase that the BID Board can affect can be no more than 25% greater than the assessment in the previous year without first obtaining a positive vote of property owners representing at least 50% of the assessed properties. Any assessment increase of 25% or less must be approved by a simple majority vote of assessed property owners at a special meeting called for that purpose with at least 5 days written notice given of that meeting.

A list of projected assessments for each parcel within the proposed BID and the projected total amount to be raised through assessments applying the above formula for year one and for future years of the Operating Plan shall be available at the City of Milwaukee, City Hall.

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 66.608 (1) (f) Im: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.
2. State Statute 66.608 (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 D, as revised each year.
3. In accordance with the interpretation of the City Attorney regarding State Statute 66.608 (1) (b), property exempt from general real estate taxes has been excluded from the district. An amendment to the BID law that will allow tax-exempt parcels to be included within the boundaries of BIDs is currently under consideration by the Wisconsin Legislature. When and if this

amendment is enacted, any tax-exempt parcels that are excluded from the boundaries shown in Appendix C but which have frontage on West Burleigh Street shall be included in the district without need of separate action by the Common Council of the City of Milwaukee. Privately owned tax exempt property adjoining the district that is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. 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 the policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decision. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File Number 881978, adopted January 24, 1989.

The Preservation Policy emphasized 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 Burleigh Street BID 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 is expected to play a significant role in the creation of the Business 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 assessment, maintain in a segregated account, and disburse the monies of the District.
4. Receive annual audits as required per sec. 66.608 (3) (c) of the BID 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 BID assessment.
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 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, 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 and after 30 days will approve or disapprove the Plan, and will report its action 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 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 BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the District, and in accordance with the purposes and objectives defined in this initial Operating Plan.

B. Changes — Expenditures and Financing Method

Section 66.608(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 the BID law.

In Year Two, any changes to the assessment formula or method shall not be materially altered, except with the consent of the City of Milwaukee after submission and approval of a new Operating Plan.

C. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.608 of the Statutes of the State of Wisconsin. Should any court find any portion of the 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 re-establishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then the 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 66.608 (3) (b).

APPENDICES

APPENDIX A

STATUTE

1983 Wisconsin Act 184

AN ACT to create 66.608 of the statutes, relating to business improvement districts.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative declaration. It is declared that 83 WisAct 184

- (1) The continued vitality of the commercial business districts of this state, especially those in downtown and central city areas, is necessary to retain existing businesses in and attract new businesses to this state.
- (2) Declining public revenues emphasize the importance of assembling viable public-private partnerships to undertake revitalization of these districts.
- (3) The establishment of a business improvement district system benefits the health, safety, welfare and prosperity of the people of this state.
- (4) It is the purpose of this act to authorize cities, villages and towns to create one or more business improvement districts to allow business within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities.

SECTION 2. 66.608 of the statutes is created to read:

66.608 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 subject to general real estate taxes. Other than railroad right-of-way, and may include railroad rights-of way, rivers or highways continuously bounded by the parcels on at least one side.
- (c) "Chief executive officer" means a mayor, city manager, village president or town chairman.
- (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 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% 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% 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, shall have all power 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 money 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% 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% 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% 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% 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 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.

APPENDIX B

PETITION

Petition for the Creation of a Business Improvement District

We, the undersigned owners of real property used for industrial and commercial purposes and located in the proposed business improvement district in Appendix A, hereby petition the City of Milwaukee, pursuant to the provision of Sec. 66.608 (2)(a), Stats. For the creation of a business improvement district for the area described in Appendix A.

Name of Property Owner	Property Address	Signature
1. <i>Kouyager, JTH Hospital</i>	5025 W. Burleigh	<i>[Signature]</i>
2. <i>CLARKS</i>	4728 W. Burleigh	<i>[Signature]</i>
3. IRVIN BOSTWICK	5602-08 W BURLEIGH	<i>Irvin Bostwick</i>
4. MARCIA EISENBACH	4731 W BURLEIGH	<i>Marcia Eisenbach</i>
5. KEITH B. TERRY	4616-34 W. BURLEIGH	<i>[Signature]</i>
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		

APPENDIX C

PROPOSED DISTRICT BOUNDARIES

Burleigh Street from Sherman Boulevard on the east to 60th Street on the west.

APPENDIX D

YEAR ONE ASSESSMENTS

Owner's Name	Commercial Property Address	Taxkey	Property Assessment	BID Assessment at \$3.70/\$1000 Assessed Value or Established Minimum
Living Epistle Church of Holiness Inc.	4300 W. Burleigh	288-0731-000	61,700	228.29
D. & J Tilghman	4326 W. Burleigh	288-0732-000	32,400	150.00
N. & P Garber	4408 W. Burleigh	288-074-000	82,700	305.99
P & O Wahl	4424 W. Burleigh	288-0705-000	35,000	150.00
C & P Youa Auto Repair	4425 W. Burleigh	307-0802-000	46,000	170.20
T. Wilson	4500-4506 W. Burleigh	288-0103-000	77,000	284.90
E. & J Byas, D Bealin	4508-4514 W. Burleigh	288-0104-000	47,700	176.49
W. Harden	4515-4521 W. Burleigh	307-0675-000	90,700	335.59
Frank Glynn	4518-4526 W. Burleigh	288-0105-000	138,000	510.60
R. Sherrill	4523-4525 W. Burleigh	307-0674-000	42,600	157.62
D Wasmund	4532 W. Burleigh	288-0106-000	67,100	248.27
Personal Services Inc	4600-4602 W. Burleigh	288-0122-000	86,600	320.42
Wang Trust	4606 W. Burleigh	288-0123-000	84,000	310.80
A. Yee, J. Ng	4610-4614 W. Burleigh	288-0124-000	77,500	286.75
Milwaukee Neighborhood Ventures% Mike Brodd	4616-4634 W. Burleigh	288-0125-000	330,000	1,221.00
Kohl's Food Stores Inc	4623 W. Burleigh	307-0501-100	303,000	1,121.10
P. Wilson	4642 W. Burleigh	288-0480-000	42,900	158.73
Mckplaco Inc	4704 W. Burleigh	288-0492-000	50,100	185.37
W. James	4705 W. Burleigh	307-0513-000	311,000	1,150.70

E. & R. Fleming	4712 W. Burleigh	288-0493-000	54,600	202.02
P & C Rubitsky, T. Draelos	4726-4728 W. Burleigh	288-0495-100	89,300	330.41
D & M Eisenbach	4731 W. Burleigh	307-0515- 100-4	143,000	529.10
Blankstein Ent	4800 W. Burleigh	288-0519-000	160,000	592.00
Mutual Savings Bank	4812 W. Burleigh	288-0520-100	297,000	1,098.90
St Joseph's Hospital	4829-4833 W. Burleigh	307-0541-000	275,600	1,019.72
St Joseph's Hospital	4912 W. Burleigh	288-1161-000	136,000	503.20
St Joseph's Hospital	5000 W. Burleigh	288-1163-000	19,500	100.00
St. Joseph's Hospital	5020 W. Burleigh	288-1162-000	71,100	263.07
Covenant Health Care	5025 W. Burleigh	307-0805-200	3,900,000	14,430.00
Amoco Oil Co	5100 W. Burleigh	289-0965-000	278,500	1,030.45
Burleigh Realty	5300-5304 W. Burleigh	289-1096-000	134,000	495.80
M. & R Grisby	5301 W. Burleigh	306-0430-000	92,600	342.62
Comprehensive Neuropsychiatric Serv	5325 W. Burleigh	306-0459-100	133,000	492.10
M. Nembhardt	5401 W. Burleigh	306-0461-8	68,100	251.97
St Joseph's Hospital	5408 W. Burleigh	289-0318-000	176,000	651.20
J & V Zilber [M. & R Grisby	5425 W. Burleigh	306-0489-000	58,600	216.82
Carlos Miro	5501 W. Burleigh	306-0203-000	75,900	280.83
Amazing Ministries Worship	5506 W. Burleigh	289-0341-100	15,800	100.00
B L Braden	5512 W. Burleigh	289-0340-000	74,000	273.80
Taxman Investment Co	5520 W. Burleigh	289-0339-000	151,600	560.92
Irvin Bostwick	5606 W. Burleigh	289-0367-000	207,000	765.90
D. Karagianis	5616 W. Burleigh	289-0368-000	63,900	236.43
L Herrman	5625 W. Burleigh	306-9998-000	46,600	172.42

C D Roundtree	5632 W. Burleigh	289-0307-000	74,600	276.02
M. A. Schmidt	5701 W. Burleigh	306-0101-000	99,800	369.26
Northern Motors	5716 W. Burleigh	289-0371-100	109,000	403.30
R & V Rost	5722 W. Burleigh	289-0373-000	45,900	169.83
J A Genova	5725 W. Burleigh	306-0102-000	103,000	381.10
D. Amos	5800 W. Burleigh	289-0383-000	79,300	293.41
G J Dewerff	5814 W. Burleigh	289-0385-000	64,700	239.39
Jewish Comm Funeral Home	5820 W. Burleigh	289-0386-000	107,000	395.90
Goodman Bensman Funeral Home	5831 W. Burleigh	306-1501-000	295,000	1,091.50
	Total		\$9,706,000	\$36,032.21

Properties listed below are included in the BID zone to establish geographic continuity only. They are not subject to any BID tax assessments.

Congregation Beth Jehudah	3116 thru 3118 N 52 nd St.	289-0967-000	Not Applicable	Not Applicable
Pentecost Evangelical Lutheran Church	3117-3119 N. 52 nd St.	289-0990-000	Not Applicable	Not Applicable
Benjamin J. Smith	3125 N 52 nd St.	289-0989-000	Not Applicable	Not Applicable
Arlene M Bucholtz Revocable Living Trust	3116 thru 3118 N 53 rd St	289-0992-000	Not Applicable	Not Applicable

APPENDIX E

CITY ATTORNEY'S OPINION

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

April 12, 2001

Ms. Julie Penman
Commissioner
Department of City Development
809 Building

Attention: Mr. Brian O'Connell

Dear Ms. Penman:

**Re: Initial Operating Plan for Proposed
BID No. 27 (W. Burleigh Street)**

In your March 29, 2001 communication, you requested that our office review the proposed initial operating plan for Business Improvement District No. 27 ("BID 27"). We have reviewed the plan and are of the opinion that the plan complies with the provisions of sec. 66.1109(1)(f)1-4 and are hereby rendering this opinion in accordance with sec. 66.1109(1)(f)5, Stats.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICK B. McDONNELL
Special Deputy City Attorney

REFERRED

BY PENMAN
TO BOC
DATE 4-17-01

ACTION
 INFORMATION

COPIES TO BRODD,
MANUEL, MCCAR,
MAD, PARK

PBMcd:dms
1050-2001-1064
39879

EXHIBIT ONE

BY LAWS

BOARD OF DIRECTORS
BURLEIGH STREET
BUSINESS IMPROVEMENT DISTRICT

1.0 **Objectives**

- 1.1 The objective of the Board shall be those set forth in section 66.608 Wisconsin Statutes, and in the operating plan adopted by the City of Milwaukee for the Burleigh Street Business Improvement District.

2.0 **Officers and Their Duties**

- 2.1 The officer of the Board shall consist of a Chair and Vice-Chair, a Secretary, and a Treasurer.
- 2.2 The Chair shall preside at all meetings and hearings of the Board and shall perform such duties as are customarily exercised by a presiding officer. In addition, the Chair may appoint general or special committees if and when the occasion requires.
- 2.3 The Vice-Chair shall perform the duties of the Chair in the latter's resignation, absence or inability to act.
- 2.4 The Secretary shall keep the permanent minutes of the Board; file copies of the minutes, reports and records of the Board with the City Clerk; see that all notices are duly given in accordance with the provisions of these bylaws, or as required by law; and, in general, perform all duties incident to the office of Secretary.
- 2.5 The Treasurer shall have charge and custody of and be responsible for all funds and securities of the BID. The Treasurer shall perform all the duties incident to the office of Treasurer. The Treasurer and Chair shall prepare or have prepared an annual operating budget showing income and expenses, shall present it to the Board for approval and shall prepare or have prepared the annual audit required by law.
- 2.6 The Board may assign other duties to each officer as may from time to time be deemed necessary. The officer shall be required to fulfill all duties so assigned by the Board.

3.0 **Election of Officers**

- 3.1 The officers shall be elected at the first meeting in January to serve for one (1) year or until their successors have been elected, and their term of office shall begin at the meeting at which they are elected.

4.0 **Meetings**

4.1 The Board shall meet on a monthly basis. At least one week written notice, delivered to the members and the City Clerk, shall be necessary to schedule a meeting of the Board.

4.2 A quorum of the Board shall consist of at least five (5) members.

4.3 Special meetings may be called by the Chair or at the request of five (5) members of the Board.

4.4 All meetings shall be open to the public, except those specified in section 19.85 Wisconsin Statutes.

4.5 Attendance and voting at all meetings shall be in person unless the President determines that an emergency exists in which case meetings and voting may be conducted by telephone or proxy.

5.0 **Hearings**

5.1 Prior to submitting its annual operating plan to the Common Council of the City of Milwaukee, the Board shall hold a public hearing on the proposed plan. Written notice of the hearing shall be mailed to all owners of property within the BID at least one week prior to the hearing. The notice shall state that copies of the operating plan are available from the Board on request.

5.2 In addition to the annual hearing on the operating plan, the Board may hold public hearings or informational meetings when it decides such hearings will be in the public interest.

6.0 **Financial**

6.1 The Board shall open such bank account, checking account, or other accounts with a financial institution in the City of Milwaukee, as the Board may deem necessary or advisable.

6.2 The officers shall be the authorized signers of checks or withdrawal orders in connection with any such account. The signatures of two (2) officers shall be required on any check or for any withdrawal.

6.3 The Secretary shall certify the names and signatures of the current officers to the financial institution and the financial institution shall be fully protected in relying on any such certification by the Secretary until it receives written notice of change in such office or signing authority.

6.4 All invoices for goods supplied or services rendered to the BID shall be approved for payment by the Chair and payment will be made by procedures established by the Chair and the Treasurer.

7.0 **Board Membership**

7.1 A Board member may resign by submitting a written resignation to the Secretary.

7.2 A Board member may be removed from the Board for cause by a two-thirds vote of the membership of the Board after notice and opportunity for a hearing are afforded the member in question. A Board member who fails to attend more than 4 meetings per year, without good cause, may be removed from the Board.

7.3 Upon a vacancy being created on the Board, the Board shall notify the Mayor and petition the Mayor to appoint a replacement.

7.4 A Board member who has submitted a written resignation or whose term has expired shall continue to serve on the Board, if otherwise able, until a successor is confirmed by the Common Council.

8.0 **Amendment**

8.1 These bylaws may be amended, to the extent not in conflict with section 66.608 Wisconsin Statutes or the operating plan, by an amendment adopted by two-thirds vote of the Board, provided advance notice of the amendment was previously forwarded to each member of the Board, at least one week before the meeting.

9.0 **Parliamentary Authority**

9.1 The rules contained in the current edition of Robert's Rules of Order shall govern the Board in all cases which are applicable and in which they are not inconsistent with these bylaws, the operating plan, and any statutes applicable.

EXHIBIT TWO
BUSINESS IMPROVEMENT DISTRICT
OFFICERS

<u>John Doe</u>	Chair
<u>Jane Doe</u>	Vice-Chair
<u>John Doe</u>	Secretary
<u>Jane Doe</u>	Treasurer

BUSINESS IMPROVEMENT DISTRICT

BOARD MEMBER	<u>TERM EXPIRES</u>
<u>Jane Doe</u>	<u>2004</u>
<u>John Doe</u>	<u>2003</u>
<u>Jane Doe</u>	<u>2003</u>
<u>John Doe</u>	<u>2002</u>
<u>John Doe</u>	<u>2002</u>
<u>Jane Doe</u>	<u>2002</u>
<u>Jane Doe</u>	<u>2002</u>