

RESOLUTION NO. 2016-09

DESCRIBING A MUNICIPAL IMPROVEMENT DISTRICT AND IMPROVEMENT PLAN TO BE EFFECTED PURSUANT TO TITLE 5, CHAPTER 37 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, INCLUDING PROPERTY WITHIN THE MUNICIPAL IMPROVEMENT DISTRICT TO BE IMPROVED, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE IMPROVEMENT PLAN, THE ESTIMATED COST AND THE AMOUNT OF THE COST TO BE DERIVED FROM ASSESSMENTS, BONDS, OR OTHER GENERAL FUNDS, TOGETHER WITH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE MUNICIPAL IMPROVEMENT DISTRICT; CALLING AND PROVIDING NOTICE FOR A PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Findings.

The City Council (“City Council”) of the City of North Augusta, South Carolina (the “City”), hereby finds and determines:

(a) The City is an incorporated municipality located in Aiken County, and as such possesses all powers granted to municipalities by the Constitution and general laws of the State of South Carolina.

(b) Pursuant to Title 5, Chapter 37, Code of Laws of South Carolina, 1976, as amended (the “Act”), governing bodies of the municipalities of the State of South Carolina (the “State”) are authorized to acquire, own, construct, establish, install, enlarge, improve, expand, operate, maintain and repair, and sell, lease and otherwise dispose of any improvement and to finance such acquisition, construction, establishment, installation, enlargement, improvement, expansion, operation, maintenance and repair, in whole or in part, by the imposition of assessments in accordance with the Act, by special district bonds, by general obligation bonds of the municipality, by revenue bonds of the municipality, or from general revenues from any source not restricted from such use by law, or by any combination of such funding sources.

(c) The City is now minded to establish an improvement district pursuant to the Act, to be known as the “Ballpark Village Municipal Improvement District” in order to provide moneys through assessments to fund improvements within the Ballpark Village Municipal Improvement District.

Section 2. Improvement Plan.

Pursuant to Section 5-37-50 of the Act, the City may adopt a resolution describing a municipal improvement district and improvement plan, including property within the municipal improvement district to be improved, the projected time schedule for the accomplishment of the improvement plan, the estimated cost and the amount of the cost to be derived from assessments, bonds, or other general funds, together with the proposed basis and rates of assessments to be imposed within the improvement district. This Resolution is being adopted pursuant to Section 5-37-50 of the Act and each of the informational requirements of that Section is addressed and provided in the improvement plan attached as Exhibit A

hereto and incorporated herein (the "Improvement Plan"). The Improvement Plan supersedes that improvement plan associated with the resolution adopted October 5, 2015 by City Council.

Section 3. Public Hearing.

Pursuant to Section 5-37-50 of the Act, the City hereby calls a public hearing on the question of the establishment of the Ballpark Village Municipal Improvement District, 100 Georgia Avenue, North Augusta, South Carolina 29841, to be held on April 18, 2016, at the City Council Chambers of the City of North Augusta at 7:00 p.m.

Section 4. Publication of Resolution and Notice of Public Hearing.

Pursuant to Section 5-37-60 of the Act, the City Clerk shall cause this Resolution to be published once a week for two successive weeks in a newspaper of general circulation within the City and the final publication shall be at least ten days prior to the date of the scheduled public hearing.

**RESOLVED IN MEETING DULY ASSEMBLED** at North Augusta, South Carolina this 21st day of March, 2016.

**CITY OF NORTH AUGUSTA, SOUTH CAROLINA**

(SEAL)

By: /s/Lark W. Jones  
Lark W. Jones, Mayor

Attest:

/s/Donna B. Young  
Donna B. Young, Municipal Clerk

**EXHIBIT A**

**IMPROVEMENT PLAN**

**BALLPARK VILLAGE MUNICIPAL IMPROVEMENT DISTRICT**

**Overview and Purpose**

Pursuant to the Municipal Improvements Act of 1999 (S. C. Code Section 5-37-10, et seq. and as amended from time to time, the "Act"), the City of North Augusta, South Carolina (the "City") is authorized to designate an area within the City within which an improvement plan is to be accomplished. The Act defines an "Improvement Plan" as an overall plan by which the governing body of the City proposes to effect public improvements within a designated area to preserve property values, prevent deterioration of urban areas, and preserve the tax base of the municipality, and includes an overall plan by which the governing body proposes to effect public improvements within an improvement district in order to encourage and promote

private or public development within the improvement district. This document is written to meet the Act’s requirements for an Improvement Plan, as defined therein.

As further described below, this Improvement Plan specifies the City’s intentions to undertake the public improvements specified below and to engage in the financing of the same. Through the execution of this Improvement Plan the City intends to provide a special benefit to parcels of real property in the Improvement District (as defined herein), to increase property values within the Improvement District, to encourage and promote private and public development by future owners or other interested parties, and to improve the tax base of the City.

**Description of the Improvement District**

The real property included within the Ballpark Village Municipal Improvement District (the “Improvement District”) is located in the City within a Redevelopment Project Area established by Ordinance 96-10, as amended, pursuant to Title 31, Chapter 6 of the Code of Laws of South Carolina 1976, as amended (the “TIF District”). The Improvement District is generally bound by the Savannah River to the south, Georgia Avenue to the east, the brick ponds to the north and Hammond’s Ferry subdivision to the west, including, but not limited to, the parcels of real property as described in Table A below, and those portions of Center Street and Railroad Avenue adjacent to such parcels, as applicable. More particularly, the Improvement District includes the real property indicated in Table A below.

**Table A**  
**Improvement District**

<b>Parcels</b>	<b>Owner</b>	<b>Description</b>	<b>Acres</b>
007-17-02-001, 007-17-02-002, 007-17-02-004	North Augusta Riverfront Co., LLC	Portions of each aggregate to total acreage.	29.24
007-18-05-001, 007-13-01-007, 007-17-01-001, 007-13-10-002, N/A	City of North Augusta	Portions of each and certain right of way aggregate to total acreage.	6.03
N/A	South Carolina Department of Transportation	Portion; alongside Georgia Avenue	0.14
<b>Total</b>			<b>35.41</b>

\* Note: The Improvement District includes real property consisting of those portions of Center Street and Railroad Avenue adjacent to such parcels, as applicable.

The property encompassed by the Improvement District is shown on that preliminary subdivision plat conditionally approved by the City’s Planning Commission on March 3, 2016, and is available at the offices of the Municipal Clerk.

**Description and Estimated Costs of the Improvements**

The public improvements, and the estimated cost of each, to be implemented through this Improvement Plan are listed in Table B below (independently, each an “Improvement” and collectively, the “Improvements”). All of the Improvements will be located within the Improvement District.

**Table B**  
**Improvements and Estimated Costs**

<b>Improvement</b>	<b>Estimated Cost</b>
Baseball stadium	\$36,000,000
Parking facilities	\$16,000,000
Conference center	\$5,500,000
Infrastructure	\$3,500,000
<b>Total</b>	<b>\$61,000,000</b>

As indicated above, the City intends to provide a special benefit to parcels of real property in the Improvement District through the delivery of the Improvements. Each of the public improvements indicated in Table B above constitutes an “improvement” within the meaning of the Act.

As shown in the table above, the total estimated cost of the Improvements, excluding inflation, equals \$61,000,000. The costs shown in Table B are estimates only. As such, the actual costs are likely to vary from these estimates. The estimated costs shown in Table B do not limit the amount that may be spent on the distinct Improvements or the total that may be spent in the aggregate on the Improvements.

Proceeds from borrowings described in this Improvement Plan (see below) and authorized by the Act may be spent on any component of the Improvements.

Other public improvements not contemplated by this Improvement Plan may be constructed within the Improvement District.

**Time Schedule for the Accomplishment of the Improvement Plan**

The Improvements contemplated within this Improvement Plan are expected to be accomplished on or before December 31, 2017.

**Sources of Funds**

The City estimates that the sources and amounts required to construct the Improvements will be as shown in Table C below.

**Table C**  
**Estimated Sources of Funds**

Source of Funds	Estimated Amount of Project Cost
Special assessments and TIF District revenues from within the Improvement District	\$ 26,000,000
City and private contributions, including: Private contributions, TIF District revenues from outside the Improvement District, accommodations tax revenues, parking revenues and other revenues	\$ 35,000,000
<b>Total</b>	<b>\$ 61,000,000</b>

The amounts shown in Table C above represent an estimate of contributions to fund the estimated actual costs of the Improvements, excluding debt service on City borrowings that are anticipated to finance the Improvements and administrative expenditures related to the Improvement District. As noted in Table C above, the City estimates that approximately \$26,000,000 of the total costs of the Improvements (excluding debt service costs), specific Improvements to be determined, will be provided by special assessments (see below for more information on the special assessments) and TIF District revenues from real property within the Improvement District. As noted in Table C above, the City anticipates that approximately \$35,000,000 of the costs of the Improvements (excluding debt service costs) will be funded from City contributions and private contributions. The City’s total contribution towards the Improvements may increase, depending on the quantity of the City revenues from various sources, which could lead to a decrease in the costs to be funded by the special assessments.

The potential revenues from the special assessments, which will be utilized to repay the expected City borrowings, will be limited by the amount of the special assessment lien to be placed on the properties in the Improvement District, as prescribed by a future ordinance of City Council.

The details of all City borrowings and the authorization therefor shall be prescribed by one or more separate ordinances of the City Council.

**Repayment of Expected Borrowings**

Pursuant to the Act, special assessments (the “Assessments”) will be imposed on parcels of the real property in the Improvement District, as further explained below. On an annual basis, a portion of the total Assessment on a parcel will be billed to the parcel, net of the TIF District revenues generated by the parcel. Assessment revenues will be utilized alongside other sources of revenue to pay the debt service on the expected City borrowings and the administrative costs of the Improvement District.

**Basis and Rates of Assessment to be Imposed within the Improvement District**

Assessments shall be imposed upon real property in the Improvement District in accordance with the Improvement District documents (including, without limitation, Report on the Reasonable Basis of the Special Assessments, an Assessment Roll and the Rate and Method of Apportionment of Assessments) to the extent such documents are approved by the City as required by law (collectively the “Improvement District Documents”). The Improvement District Documents shall establish the Assessments, the basis of the Assessments and the related special assessment rates, all of which in concert will fairly and equitably

allocate the benefits derived from the Improvements to each of the individual parcels within the Improvement District.

The amount of the Assessments to be imposed on each parcel in the District at the City's establishment of Assessments shall reflect the parcel's estimated special benefit from the Improvements, as specified in the Improvement District Documents, and be equal to the estimated TIF District revenues from the parcel. The City anticipates providing each parcel in the District a credit on an annual basis against the parcel's annual Assessment payment obligation that is equal to the TIF District revenues generated by the parcel.

Assessments shall not be imposed upon the Improvements or any real property within the Improvement District that does not receive a benefit from the Improvements. Assessments will not be imposed on real property parcels within the Improvement District that are owned by a public entity. Assessments will not be imposed on real property outside of the Improvement District.

The Rate and Method of Apportionment of Assessments shall provide that as real property within the Improvement District is subdivided, the Assessments on the parent parcel will be allocated amongst the subdivided parcels in a manner that utilizes a classification system for distinct development uses in order to reflect the estimated special benefit from the Improvements. The sum of the Assessments on the subdivided parcels after such subdivision shall be equal to the Assessment on the parent parcel prior to subdivision.

The total Assessment on each parcel, to be imposed through City Council's approval of the Improvement District Documents, shall represent the total special assessment fees that can be billed to a parcel over the term of the Improvement District.

The City intends to bill the annual special assessment fee on the annual City real property tax bill. The City intends to begin the annual billing of the Assessments in January of 2019.

### **Changes to this Improvement Plan**

This Improvement Plan is subject to further changes and/or modifications, from time to time, as the City Council may determine, based on further review by the City and public input during the opportunities provided for public comment under the Act. It is expected that a final version of this Improvement Plan will be adopted by City Council at the time of adoption of an ordinance providing for the creation of the District, all as provided in the Act.