

# Yukon Economic Development Authority Agenda

Centennial Building - 12 South 5<sup>th</sup> Street

March 27, 2014 – 3:00 p.m.

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The City of Yukon strives to accommodate the needs of all citizens, including those who may be disabled. If you would like to attend this Council meeting but find it difficult to do so because of a disability or architectural barrier, please contact City Hall at 354-1895. We will make a sincere attempt to resolve the problem. If you require a sign-language interpreter at the meeting, please notify City Hall, 500 West Main, by noon, March 26<sup>th</sup>, 2014.

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## Call to Order:

### Roll Call:

Ray Wright, Chairman  
John Nail, Vice-Chairman  
John Alberts  
Mike Geers  
Rena Holland  
Ken Smith  
Tara Peters

## 1. Consider approving the minutes of the January 23, 2014 Regular meeting

### ACTION

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## 2. Discuss, review, and approve Draft Request for Proposal for Master Planning Services (RFP 2014-01) and authorize the Executive Director to advertise for proposals

### ACTION

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## 3. Report from Executive Director

- A. Discuss drafting a memorandum of understanding between the Authority and the City of Yukon regarding communication/responsibilities.
- B. Overview of finance reporting/budgeting for F.Y. 2014/2015.
- C. Update on progress of Oklahoma Main Street Application.

## 4. General Discussion/Questions regarding the Item 3 information

## 5. Informational Material (handouts)

- A. Memo from I-40 Properties, LLC regarding Prairie West Town Center.
- B. Updated Hotel/Motel Revenue Report, FY 2013-2014.
- C. Greater Oklahoma City Partnership: Leads and Locates; Feb. 05, 2014.
- D. The Pew Charitable Trusts Article: *Which States Will Generate Jobs In 2014?*; Jan.07, 2014.
- E. Knowledge Leader Hospitality Article: *Meeting Spaces, The Economic Recovery For Conference Centers Gathers Speed*; Winter 2013/2014.

## 6. Setting the date for the next Regular Economic Development Meeting for April 24, 2014 at 3:00pm, in the Council Chambers of the Centennial Building, 12 S. Fifth St.

## 7. Adjournment

**Yukon Economic Development Authority**  
**January 23, 2014**

The Yukon Economic Development Authority met in regular session on January 23, 2014 at 3:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

ROLL CALL: (Present)     Ray Wright, Chairman  
                                   John Alberts  
                                   Mike Geers  
                                   Rena Holland  
                                   Ken Smith

(Absent)     John Nail, Vice-Chairman

**OTHERS PRESENT:**

Leslie Batchelor, Attorney

Doug Shivers, City Clerk

Sara Hancock, Deputy City Clerk

Philip Merry, Finance

Larry Mitchell, Executive Director

Mike Segler, City Attorney

Amy Phillips, Administrative Assistant

**1. Consider approving the minutes of the Special Meeting of November 21, 2013**

The motion to approve the minutes of the Special Meeting of November 21, 2013, was made by Ken Smith and seconded by Mike Geers.

**The vote:**

**AYES: Smith, Geers, Holland, Wright, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2. Consider approving the minutes of the Special Meeting of December 18, 2013**

No Quorum in December - No motion was made and no action was taken.

**3. Consider nomination and selection of a candidate to fill the vacancy for**

**Trustee No. 4**

The motion to nominate and select, Tara Peters, as a candidate to fill the vacancy for Trustee No. 4, was made by Ray Wright and seconded by Ken Smith.

**The vote:**

**AYES: Alberts, Wright, Smith, Holland, Geers**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Report from Executive Director – Information Items Only****A. Updated Hotel/Motel Revenue Report, FY 2013-2014****B. Draft of proposed Frisco Road Economic Development plan (hand out at meeting)****C. Status of Hotel/Conference Center Project**

Larry Mitchell stated the Hotel/Motel tax is \$9,000.00 below last year. He believes I-40 construction is part of trend. The new hotel should open in the next 60 days. This may help improve trend.

The Review Committee met today and adopted and unanimously approved the Frisco Road Economic Development Project Plan and adopted the Resolution. It will be forwarded to the Planning Commission with the Public Hearing on February 10 and then to the City Council with two Public Hearings. Mr. Wright wanted to know when this body would approve it. Mr. Mitchell stated the Authority's role is to implement plan after the City Council approves. Ms. Batchelor stated individual projects will come to this committee.

Mr. Mitchell gave a summary of projects, sales tax revenue stream of \$9 to \$12 million per year. TIF captures only \$.02 of undedicated tax. Mr. Alberts clarified \$.04 will be generated by sales tax, which \$.02 of the \$9 to \$12 million will go to the TIF, until infrastructure paid and the other \$.02 will go to the City. Mr. Mitchell stated yes. Mr. Wright stated we have moved onto Item 5.

**5. General Discussion/Questions regarding the item 4 information**

Mr. Alberts stated the report refers to the area being developed out in 20-25 years. However, report does not give project development information within the first five years. Mr. Mitchell stated 250,000 square feet of retail space should be built within three to five years and matures at year 21 in the report. The full report is available in Mr. Mitchell's office. The report was requested, because Mr. Mitchell wanted to match revenue stream projections with projected expenditures. Ms. Batchelor added three points: 1. Report is just a mathematical calculation at this point, market study needs to be done. This report based on assumptions. Need to know real market. 2. Projections used for TIF plan are more conservative, because of no market study. 3. Revenue captured is 90% of the 2% to protect general fund against no new sales. Mr. Mitchell stated it is hard to get ballpark number, need a master plan, which is under development. The report also talked about 1,500 to 2,000 full time jobs created, as a result of development. Numbers were based off a national model. Mrs. Holland stated she was left off trustee list. Ms. Batchelor will correct. Mr. Alberts questioned TIF numbers being conservative. Ms. Batchelor stated plan includes anticipated new revenues. Ms. Batchelor stated report shows \$300,000 annually to \$3 million in the long run. These numbers were used versus the \$9-12 million in Economic Impact report. Mr. Mitchell stated there will be a Public Hearing at Planning Commission on February 10 and hoping for second Public Hearing at the second meeting of City Council. Mr. Alberts asked where the TIF is. Mr. Mitchell stated when approved by City Council, TIF is established. Mr. Alberts wanted to know when TIF document will be drafted. Mr. Mitchell stated plan is document. Mr. Wright questioned if financial agreements would come before this body to be approved. Mr. Mitchell stated correct. Mr. Alberts asked, if plan approved by City Council, does that approve the \$.02 dedication to TIF. Mr. Mitchell stated yes. Ms. Batchelor stated once City Council establishes TIF via Ordinance, there will be a separate place to capture new revenues according to this plan. Actual spending of those revenues will have to go through the usual

formal approval processes. She further stated it could be helpful to have further instruction from City Council to Yukon Economic Development Authority about the division of responsibility. Mr. Mitchell stated, if no development in the TIF district, then there is no revenue stream. TIF sets up structure for development. Mr. Geers questioned road in TIF. Mr. Mitchell stated City would pay for and then hopefully be reimbursed from TIF.

Mr. Mitchell stated the Hotel Conference Center Project is getting close. There are two issues they are still working on, site plan and flag for the hotel. We think we are 95% complete on development agreement.

**6. Setting the date for the next Regular Economic Development Meeting for February 27, 2014 at 3:00pm, in the Council Chambers of the Centennial Building, 12 S. Fifth St.**

**7. Adjournment**



YUKON ECONOMIC  
DEVELOPMENT AUTHORITY

**Request for Proposals  
for  
Frisco Road Master Planning Services**

**Issued By:  
Yukon Economic Development Authority  
Yukon, Oklahoma  
RFP2014-01  
March 28, 2014**

**TABLE OF CONTENTS**

1. Background.....	2
2. Introduction.....	3
3. Scope of Work.....	3
4. RFP Responses.....	4
5. Submittal Requirements.....	5
6. Contract Award.....	6
7. Authority Rights.....	7
8. Terms and Conditions.....	8

DRAFT

YUKON ECONOMIC  
DEVELOPMENT AUTHORITY

**Frisco Road Master Planning Services  
Yukon, Oklahoma Economic Development Authority  
RFP2014-01**

The Request for Proposal is part of a competitive procurement process which will facilitate a fair opportunity for qualified firms to offer their plans and services for consideration. The process of competitive negotiation being used should not be confused with competitive sealed bidding where goods and services can be precisely described and price is generally the determination factor. The competitive Request for Proposal will provide the Yukon Economic Development Authority the flexibility to negotiate with firms to arrive at a mutually agreeable relationship where price alone is not the determining required factor.

- 1. Background:** On August 02, 2013, the Yukon City Council established the Yukon Economic Development Authority (Trust) for the use and benefit of the City to finance, operate, develop, construct, maintain, manage, market, and administer projects for investments and reinvestments, within or near Yukon, in all lawful forms of economic and community development, and for any public functions or purposes with any public or private entity, as hereinafter set forth, including, but in no way limited to, functions or purposes allowed under the provisions of Title 60, Oklahoma Statutes 2011, sections 176 to 180.4, and those set forth in the Oklahoma Local Development Act, codified at Title 62, Oklahoma Statutes 2011, sections 850 to 869.

The adopted Trust Indenture authorizes the Trustees of the Authority to fund and/or accomplish the organization of economic and community development or redevelopment projects, including but not limited to, the funding and performance of environmental impact studies, publicizing the consideration of the economic and community development or redevelopment projects, organizing and funding the cost incidental to the creation of tax increment districts, tax incentive districts, project areas, apportionment areas, enterprise zones or areas, reinvestment areas and/or historic preservation areas. The Trust Authority may also fund the cost and/or the procurement or acquisition of professional services, including but not limited to, costs and procurement of architectural, planning, engineering, legal, and financial advice and services.

**2. Introduction:** The Frisco Road Economic Development Project Plan is a project plan as defined under the Local Development Act, 62 O.S. §850, *et seq.*, and is referred to here as the "Project Plan." The Project Plan provides the economic structure and funding to support the construction of a four ramp east-west interchange at Frisco Road and I-40, as well as the creation of an attractive viable commercial corridor south of I-40 and east of Frisco Road that is to be anchored by a limited service hotel and various commercial outlets ("Project"). The Project is being undertaken by the City of Yukon ("City" or "Yukon") in order to achieve its key development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base. In addition, the Project Plan is a critical element in creating a framework for fostering public-private agreements in order to create community developments and realize economic objectives of the City, including the continuation of the development that has occurred adjacent to the Project Area ("Project Area" is defined in Section II of this Project Plan). A key component of the Project Plan is the encouragement of developments and amenities that improve the quality of life for the residents of Yukon. Amenities of this sort include but are not limited to a hotel/conference center within close proximity to Integris Regional Hospital and necessary and appropriate access as well as the proper street design and layout. Support from the City for such developments and amenities can only be achieved through the financing tools and means available under the Local Development Act.

The Frisco Road Economic Development Project will be financed from a combination of public and private sources, including apportionment of sales, use, and hotel occupancy use tax increment revenues from an increment district to be established in connection with the Project in accordance with the Local Development Act and certain funding provided pursuant to an agreement with the Oklahoma Department of Transportation for the construction of the Frisco Road/I-40 interchange.

The Executive Director of the Yukon Economic Development Authority, Larry Mitchell, his successor in office, or his designee shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in this Project Plan. The Executive Director, his successor in office, or his designee is authorized to empower one or more designees to exercise responsibilities in connection with Project implementation.

**3. Scope of Work:**

- 3.1 The successful planning/architecture firm will advise and assist the Yukon Economic Development Authority with the implementation of the Frisco Road Economic Development Project Plan in the specific areas of design review, commercial master planning, project layout, facility space allocations, public amenities, and open space enhancements.
- 3.2 The successful planning/architecture firm will advise and assist the Authority in receiving construction documents and project specifications to ensure that all

final plans comply with the terms and conditions set forth in the approved individual development agreements.

- 3.3 The successful planning/architecture firm will assist the Authority in undertaking market analysis or feasibility studies deemed necessary to support one or more development proposals and to determine how future phases of the Frisco Road TIF District should be allocated/assigned.
- 3.4 The successful planning/architectural firm will advise and assist the Authority's Executive Director on current planning or architectural issues that may arise from time to time during the course of normal business activity or in negotiations with potential development projects.

**4. RFP Responses:** All responses shall be submitted to the Yukon City Clerk's office no later than the stated closing date and time.

- 4.1 The following schedule of events is indicated for planning purposes but may be varied at the Authority's convenience as required. If change is required, notice will be provided so as to allow adequate, reasonable response time. Every effort will be made to adhere to the schedule.

Proposal Issued	<b>March 28, 2014</b>
Inquires Due	<b>April 04, 2014</b>
Response to Inquiries Issued	<b>April 09, 2014</b>
Proposal(s) Due	<b>April 14, 2014</b>
Interviews and/or Oral Presentation (If necessary)	<b>April 21, 2014</b>
Evaluations Completed	<b>April 23, 2014</b>
Anticipated Date of Award	<b>May 07, 2014</b>

- 4.2 All proposals must be submitted to the Yukon City Clerk's office before the FINAL closing date and hour as shown on this RFP. All proposals will be opened in the Centennial Building conference room located at 12 South 5<sup>th</sup> Street, Yukon, OK 73099 at 4 P.M.
- 4.3 Proposals are to be submitted by certified mail or hand delivery. No facsimile or email submittals will be accepted.
- 4.4 **The Non-Collusion form will be required prior to/upon recommendation of award.**
- 4.5 The proposal shall be in the specific format prescribed herein. Proposals should not contain promotional or display materials, and all material shall pertain to the requirements. Proposals shall be straightforward, providing a concise description of the proposer's ability to meet the requirements of the RFP. Emphasis should be on completeness and clarity of content. Submitted proposals are subject to release under the Oklahoma Open Records Act.
- 4.6 Failure to provide required data to allow for evaluation, failure to complete the RFP form(s), or failure to follow all directions within this RFP may be grounds for rejecting the RFP.
- 4.7 Inquiries: All inquiries should be submitted no later than **April 04, 2014**, in writing by mail, email, or fax to:

Larry Mitchell, Executive Director  
 Yukon Economic Development Authority  
 458 West Main Street  
 Yukon, OK 73099

[lmitchell@cityofyukonok.gov](mailto:lmitchell@cityofyukonok.gov) Fax: 405-350-4760

Responses will be issued in writing no later than **April 09, 2014**, to all vendors who are registered with the City of Yukon as having received a RFP.

**5. Submittal Requirements:** All submittals should include the following:

5.1 Proposer's Background

5.1.1 Financial Soundness

5.1.1.1 Comment on your firm's credit quality and overall financial strength.

5.1.1.2 Identify and describe any current litigation or investigation by a regulatory authority or contingent liabilities that your firm, its officers or principles have been involved in within the last three years relative to your consulting services.

5.1.2 Personnel

5.1.2.1 Provide an organization chart showing the operating interrelationships and authority within this service unit, and the entire firm, highlighting staff members in key roles.

5.1.2.2 Identify the people that will be involved and state their titles and level of experience with this type of work. If unable to identify at this time, include the makeup of the proposed planning/architectural team with regard to the same.

5.1.3 Experience

5.1.3.1 Provide a history of your firm, including its ownership structure.

5.1.3.2 Provide information regarding previous consulting engagements as they relate to the nature of this RFP. Information should reflect not only similarity of past engagements to this RFP, but also illustrate the firm's ability and experience with regard to a wide array of consulting work or a highly-experienced consulting niche.

5.1.3.3 Describe ways your firm will utilize best practices in public/private development to enhance the performance of the project.

5.1.3.4 Describe in detail your expertise, if any, with the public sector (government).

5.1.3.5 Describe in detail your expertise, if any, with the ever changing commercial retail and economic development environment.

5.1.3.6 Provide list of relevant references with phone numbers.

5.2 Fee Schedule:

5.2.1 Provide a table detailing the hourly rates by staff level that will be charged to the Yukon Economic Development Authority for all work, including administrative and travel costs as applicable.

5.2.2 Explain your firm's experience as to the average percentage involvement of each staff level in 5.2.1 to the review of project construction documents. For example, the planning/architectural staff may have 60% of the hours of the project, manager 30%, and a senior 10%.

5.3 Insurance or Other Required Documents (If required): The contractor will be responsible for all required or desired insurance of property owned or services provided by the Contractor.

5.3.1 Comprehensive General and/or Public Liability coverage with a minimum of \$1,000,000.00 Bodily Injury, and Property Damage, combined single limit.

5.3.2 Worker's Compensation Insurance as prescribed by Oklahoma law.

5.4 Submission of Bid Proposal:

**The completed, sealed, bid proposal packet must be submitted on or before April 14, 2014 by 4 P.M. to the Yukon City Clerk's office at the address below:**

***Yukon City Clerk  
P.O. Box 850500  
Yukon, Oklahoma 73085***

**6. Contract Award:**

6.1 The Yukon Economic Development Authority invites proposals from qualified firms and encourages interested parties to visit the community or the Authority's website to gain a better understanding of the contemplated economic development project. The successful firm will enter into a professional services contract that may be renewed for up to two (2) additional one-year terms, subject to annual review and satisfactory performance by the firm, funding availability, and adoption of the annual budget by the Authority Trustees.

6.2 The Authority reserves the right to award this contract, not necessarily to the firm with the lowest cost, but to the firm that best meets the requirements and needs of the Authority as determined by the Authority.

6.3 Proposals are to be submitted on the basis of the specifications contained herein.

6.4 Upon submission of the responses to this RFP, the Authority will evaluate the responses of the firms. Interviews with the finalists may be conducted by the Authority. The final evaluation and selection of a contractor will be made by the Authority and submitted to the Yukon City Council for approval.

## **7. Authority Rights:**

- 7.1 The Yukon Economic Development Authority and its designees reserve the right to determine whether a proposal is responsive and has the ability and resources to perform the contract in full and comply with the specifications.
- 7.2 The Authority reserves the right to reject proposals which incorporates counter proposals and conditions in the form of vendor's pre-printed clauses.
- 7.3 The Authority reserves the right to accept or reject all or part of any proposal, waive informalities, minor irregularities, or substitute items as desired if deemed in the best interest of the Authority therefore selecting the optimum proposal or issue a new RFP.
- 7.4 The Authority reserves the right to reject proposals when procedures stated within are not followed.
- 7.5 Should the proposal include any work of a subcontract nature, the Authority reserves the right to approve or disapprove the engagement or use of the subcontractor as it relates to services provided to the Authority as described in the RFP.
- 7.6 Effective Period: Proposals submitted must remain in effect for a period of sixty (60) days after the closing date. An award will be signed and issued within that time or at a negotiated date later.
- 7.7 Withdrawal of Proposals: Proposals may be withdrawn at any time prior to the closing date; however, the Authority reserves the right to withdraw vendor(s) from future proposals who have withdrawn a proposal after the closing date and prior to the effective period of the RFP without the Authorities approval.
- 7.8 Changes: It shall be the proposers responsibility to bring to the attention of the Authority any discrepancies in, omissions from or errors in the documents, or enhancements which would be in the best interest of the Authority, or if they are in doubt as to the meaning of any part of the RFP.
- 7.9 Examinations: Before submitting a proposal, contractor shall thoroughly examine the RFP as well as the location and otherwise be fully informed as to all existing conditions and limitations.
- 7.10 Modifications of RFP: Oral modifications will not be considered. Any bidder may modify their RFP in writing prior to date and time of the RFP closing. Only modifications received in sealed envelopes with RFP number, closing date, and project name clearly marked on the outside will be accepted. Written confirmation must be received under the same signature as prior submitted RFP. All modifications are to be clearly numbered and dated as to determine the final one.
- 7.11 Sales Tax Exemption: All proposals must be submitted exclusive of Federal Excise Tax and Oklahoma State Tax. The Yukon Economic Development Authority is exempt from Federal Excise Tax and Oklahoma State Tax. When proof of tax

exemption status is required, a notation should be made on this RFP and an Exemption Letter shall be furnished.

- 7.12 Clarification: The Yukon Economic Development Authority reserves the right to request clarification of information submitted and to request additional information from any or all of the respondents.
- 7.13 Exceptions: If any exceptions are taken to any portion of the RFP, the proposer must clearly indicate the exceptions taken and include a full explanation as a separate attachment to the proposal. The failure to identify exceptions or proposed changes, with a full explanation, will constitute acceptance by the proposer of the RFP as proposed by the Yukon Economic Development Authority.

## **8. Terms and Conditions:**

- 8.1 Terms and conditions governing the submission of a proposal and the resulting award of any contract are governed by the following terms and conditions:
- 8.1.1 Award Status: The response to the RFP will be considered as a legal offer to contract. An acceptance of any proposal will be issued by the Yukon Economic Development Authority in accordance with the following paragraphs of this section and constitutes a legal and binding contract.
- 8.1.2 Contract Format/Requirements: The resulting Authority acceptance/contract will incorporate this Request for Proposal, provider's response, and any additional agreements or stipulations as a result of any final negotiations.
- 8.2 Contract Modification: All modifications and/or changes to the contract must be agreed to in writing by both parties and approved by the Authority prior to change.
- 8.3 Assignment by the Awarded Contractor: The awarded contractor shall not assign or transfer any interest in the contract without the prior written consent of the Authority.
- 8.4 Contract Termination: The Authority may terminate any resulting contract for cause by providing a Show Cause Letter to the contractor citing the instances of noncompliance with the contract.
- 8.4.1 If the noncompliance is not cured within thirty (30) days, the Authority may terminate the contract.
- 8.4.2 The Authority reserves the right to terminate the contract for convenience upon thirty (30) days written notice.
- 8.5 Conflict of Interest: In the event there is a potential or actual conflict of interest, the vendor(s) shall provide full disclosure to the Yukon Economic Development Authority. The Authority shall determine if the conflict, whether potential or actual, is material.
- 8.6 Contractor Liability: The contractor shall hold the Authority harmless and shall be liable in the event of injury to Authority personnel or damage or loss of their property caused by the contractor's equipment, personnel supplies, or material

furnished. The Authority will not be liable for loss or damage caused by fires, lightning, sprinkler leakage, earthquake, severe weather, smoke and smudge, aircraft or motor vehicle damage, strikes, and riots and/or civil disturbance or collapse of building or structures, etc. The Authority and its personnel shall not be liable for any loss of or damage to contractor property unless due to their fault or negligence.

8.6.1 Liens: The successful contractor shall keep the Authority free and clear from all liens asserted by any person or firm for any for any reason arising out of the furnishing of services or materials by or to the contractor.

8.6.2 Indemnification: The successful contractor shall indemnify and hold the Authority harmless from all claims and related expenses arising out of the contractor's performance or failure of performance under the resulting contract.

8.7 Disclosure of Proposal Content: All proposals become a matter of public record once opened. By submitting a proposal, a proposer specifically assumes any and all risks and liabilities associated with the information contained in the proposal and the release of information. If a proposer does not desire propriety information in the proposal to be disclosed, each page must be identified and marked proprietary at time of submittal. The Authority will, to the extent allowed by the law, endeavor to protect such information from disclosure. If the proposer fails to identify proprietary information, he agrees that by submission of his proposal those sections shall be deemed non-proprietary and available upon public request.

8.8 Choice of Law and Venue: The resulting contract shall be construed under the laws of the State of Oklahoma and venue in any action and/or litigation commenced to enforce the contract shall be instituted in the appropriate courts in Oklahoma County, in the State of Oklahoma.

8.9 Federal, State, and Local Laws and Regulations: The successful contractor will comply with all laws and regulations on taxes, licenses, and permits.

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PASSED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

## Architectural/Planning Firms

### Oklahoma City, OK

Howard-Fairbairn Site Design  
3100 N.W. 149<sup>th</sup> Street  
Oklahoma City, OK 73134  
405-752-8018  
<http://www.hfsdinc.com/>

Johnson and Associates  
1 East Sheridan Avenue • Suite 200  
Oklahoma City, Oklahoma 73104  
405.235.8075 [ p ]  
405.235.8078 [ f ]  
[www.jaokc.com](http://www.jaokc.com)

Tetra Tech  
Oklahoma City Office  
119 N. Robinson Ave. Ste. 700  
Oklahoma City, OK 73102  
UNITED STATES  
Phone: (405) 606-8600  
<http://www.tetratech.com/>

\*C.H. Guernsey & Company  
5555 N. Grand Blvd.  
OKC, OK 73112  
405-416-8100  
[www.chguernsey.com](http://www.chguernsey.com)

\*Professional Engineering Consultants, PA  
10017 S. Pennsylvania Ave.  
Bldg. C, Suite A,  
Oklahoma City, OK 73159  
405-735-8939  
[www.pec1.com](http://www.pec1.com)

Smith Roberts Baldischwiler, LLC  
100 N.E. 5th Street  
Oklahoma City, OK 73104  
Phone: 405-840-7094

Fax: 405-840-9116  
Email: [srb@srbok.com](mailto:srb@srbok.com)  
<http://www.srbok.com/>

E.D. Hill, LLC  
510 Colcord Dr.  
Oklahoma City, 73102  
(405)232-2208  
<http://edhill.com/>

Beck Design  
110 W. 7<sup>th</sup> Street, suite 710  
Tulsa, OK 74119  
918-583-5300  
OKC office: 405-232-7007  
<http://www.beckdesign.com/>

\*Kerr 3 Design Group, Inc.  
507 South Coltrane Rd, suite G  
Edmond, OK 73034  
405-341-6546  
[www.kerr3.com](http://www.kerr3.com)

Glover-Smith-Bode  
3555 NW 58th St  
Oklahoma City, OK 73112  
(405) 848-9549  
<http://www.gsb-inc.com/>

Architectural Design Group  
116 E Sheridan Ave Suite 100  
Oklahoma City, OK 73104  
(405) 232-5700  
<http://www.adgokc.com/>

TAP ARCHITECTURE  
415 N. Broadway Ave.  
OKC, OK 73102  
405-232-8787  
[www.taparchitecture.com](http://www.taparchitecture.com)

Rees Associates Inc.  
9211 Lake Hefner Pkwy  
Oklahoma City, OK 73120  
(405) 942-7337  
<http://www.rees.com/>

Quinn & Associates  
1390 S Douglas Blvd # 200  
Oklahoma City, OK 73130  
(405) 732-0343  
<http://www.quinnarchitects.com>

**Tulsa, OK**

Belt Architects  
6711 South Yale Avenue, Suite 227  
Tulsa, Oklahoma 74136  
918-492-5746  
<http://www.beltarchitects.com/>

Tanner Consulting, LLC  
5323 South Lewis Ave.  
Tulsa, OK 74105  
918-745-9929  
[www.tannerbaitshop.com](http://www.tannerbaitshop.com)

Crafton Tull Sparks  
220 E. 8<sup>th</sup> St  
Tulsa, OK 74119  
OKC – 405-787-6270  
Tulsa – 918-584-0347  
[www.craftontull.com](http://www.craftontull.com)

**Dallas, TX**

OCULUS INC. | DALLAS  
3131 TURTLE CREEK BLVD., SUITE 1020  
DALLAS, TEXAS 75219 Dallas Office | 214.397.0305  
<http://oculusinc.com/who-we-are/>

Harris Design, Inc.  
3102 Oak Lawn Avenue, Suite 620  
Dallas, Texas 75219  
T 214 526 8621  
F 888 711 2610  
<http://hd-dfw.com/>

Oglesby Greene, Inc.  
1925 San Jacinto Street, #300,  
Dallas, Texas 75201  
214 954 0430  
<http://oglesbygreene.com/index.htm>

McCaslin Associates, Inc.  
5011 McKinney Avenue  
Dallas, TX 75205  
214-520-2500  
info@mccaslinassociates.com  
<http://www.mccaslinassociates.com/>

HKS, Inc.  
Texas Registration No. 6541  
350 N Saint Paul Street, Suite 100 Dallas, TX 75201  
P +1.214.969.5599 F +1.214.969.3397  
<http://www.hksinc.com/>

Mailed to Oklahoma Tax Commission on March   /  /  , 2014.

March 11, 2014

Oklahoma Tax Commission  
2501 North Lincoln Blvd  
Oklahoma City, OK 73194

Re: Notification of the Creation of Increment District No. One, City of Yukon, and  
the Approval of the Frisco Road Economic Development Project Plan

Dear Commissioners:

Please be advised that, on March 5, 2014, the City of Yukon, pursuant to the Local Development Act, Title 62 Oklahoma Statutes, § 850, *et seq.* (“Act”), adopted Ordinance No. 1361, approving the Frisco Road Economic Development Project Plan (“Project Plan”) and establishing sales tax Increment District No. One, City of Yukon (“Increment District No. 1”). Section 867.1 of the Act requires the governing body creating an increment district to notify the Oklahoma Tax Commission (“Commission”) within thirty (30) days after the creation of an increment district. The Act also requires the notification to list certain substantive items regarding the increment district. As required by the Act, such items are listed below:

**1. Geographical Location of the Increment District:**

The boundaries of Increment District No. 1 and the project area as defined in the Project Plan are located in the City of Yukon, Oklahoma County, Oklahoma, and are described as follows:

Project Area:

Beginning at the intersection of the west jurisdictional boundary the City of Yukon and the north boundary of the southwest quarter (SW ¼) of Section 19 of Township 12 North, Range 5 West, Point of Beginning; thence east along the north boundary line of the southwest quarter (SW ¼) of Section 19 of Township 12 North, Range 5 West a distance of six hundred feet, (600’) to a point; thence south (S 0° 00’ 00” E ) to the north right-of-way of Interstate 40; thence easterly along the north right-of-way of Interstate 40 to the intersection of the east right-of-way of Garth Brooks Boulevard; thence southerly along the east right-of-way of Garth Brooks Boulevard to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence northerly along the west jurisdictional boundary of the City of Yukon to the intersection of the south jurisdictional boundary of the City of Yukon; thence

westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence north along the west jurisdictional boundary of the City of Yukon to the Point of Beginning. Less and Except, Lots 1, 2-A, 2-C, and 3 of Block 1 of the plat of Yukon Parkway West subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 228; and Less and Except, Lots 1, 2-A2, 3, 5, and 6 of Block 1 of the plat of Yukon Village subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 9, Pages 203 and 204; and Less and Except, Lots 2, and 3 of Block 1 of the plat of Yukon Parkway West Phase IV subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 339; and Less and Except, Lot 3 of the plat of Yukon Parkway West Phase III subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 316.

Increment District:

Increment District No. 1 is exactly the same as the Project Area and is described as beginning at the intersection of the west jurisdictional boundary the City of Yukon and the north boundary of the southwest quarter (SW  $\frac{1}{4}$ ) of Section 19 of Township 12 North, Range 5 West, Point of Beginning; thence east along the north boundary line of the southwest quarter (SW  $\frac{1}{4}$ ) of Section 19 of Township 12 North, Range 5 West a distance of six hundred feet, (600') to a point; thence south (S 0° 00' 00" E ) to the north right-of-way of Interstate 40; thence easterly along the north right-of-way of Interstate 40 to the intersection of the east right-of-way of Garth Brooks Boulevard; thence southerly along the east right-of-way of Garth Brooks Boulevard to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence northerly along the west jurisdictional boundary of the City of Yukon to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence north along the west jurisdictional boundary of the City of Yukon to the Point of Beginning. Less and Except, Lots 1, 2-A, 2-C, and 3 of Block 1 of the plat of Yukon Parkway West subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 228; and Less and Except, Lots 1, 2-A2, 3, 5, and 6 of Block 1 of the plat of the Yukon Village recorded among the land recorders maintained by the Office of the Canadian County Clerk in Plat Book 9, Pages 203 and 204; and Less and Except, Lots 2, and 3 of Block 1 of the plat of Yukon Parkway West Phase IV subdivision recorded among the land records

maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 339; and Less and Except, Lot 3 of the plat of Yukon Parkway West Phase III subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 316.

**2. Description of the Purpose of the Increment District:**

The purpose of Increment District No. 1 and the Project Plan is to provide the economic structure and funding to support the construction of a four-ramp east-west interchange at Frisco Road and Interstate 40, as well as the creation of an attractive, viable commercial corridor south of Interstate 40 and east of Frisco Road that is to be anchored by a limited service hotel and various commercial outlets. The redevelopment of this area offers great potential for development and investment in Yukon. The total estimated private investment is approximately \$75,000,000.00, in addition to an estimated \$60,000,000.00 in aggregate public investment, including the Federal portion of the interchange construction. Private investment in the area is expected to consist of new retail, office, and other commercial development, including hotel and new business development. Public investment will include infrastructure improvements, landscape and streetscape improvements.

**3. Proposed Indebtedness to be Repaid from Tax Increment Revenue:**

Pursuant to the Project Plan, sales, use, and hotel tax increment revenues generated from Increment District No. 1 are to be used to pay for costs authorized by the Project Plan or the repayment of indebtedness incurred to finance such authorized costs. Such costs and any related indebtedness will be incurred or issued over an extended period. Debt will most likely be issued in the form of notes or bonds pursuant to the specific requirements of the indenture of the public trust issuing such debt. Authorized costs pursuant to the Project Plan which will be funded or financed from tax increment revenues generated by Increment District No. 1 are:

PUBLIC IMPROVEMENTS	\$25,000,000
Including but not limited to:	
Transportation Improvements	
Other Infrastructure Improvements	
Public Amenities	
DEVELOPMENT FINANCING ASSISTANCE AND LAND ACQUISITION	\$10,000,000
Including specifically but not limited to:	
Acquisition of right-of-way or other land for public use, assistance for business location, relocation, expansion, or tenant improvements, and job creation	
PROJECT IMPLEMENTATION	\$1,000,000
Including specifically but not limited to:	
Preparation of the Project Plan, implementation, planning,	

design, market studies, surveys, legal, engineering,  
direct administrative costs, organizational costs, and annual reporting

CONTINGENCY	<u>\$1,000,000</u>
<b>TOTAL PROJECT COSTS</b>	<b>\$37,000,000</b>

**4. Person In Charge:**

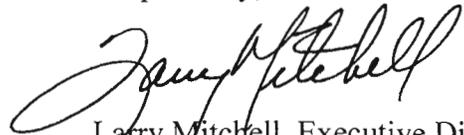
The City of Yukon has designated the Executive Director of the Yukon Economic Development Authority, or his successor in office or designee, as the person in charge of implementing the Project Plan. The Executive Director's contact information is listed below:

Mr. Larry Mitchell  
Executive Director  
Yukon Economic Development Authority  
458 Main Street  
Yukon, OK 73099  
405-350-4700  
lmitchell@cityofyukon.gov

**5. Tax Commission Report Form:**

Finally, if the Commission has prescribed a form for reporting the information as required by Section 867.1 of the Act, please forward the form to the address listed above, and it will be completed. For your reference, a copy of the Project Plan has been enclosed. If you have any questions regarding this matter, please contact me.

Respectfully,



Larry Mitchell, Executive Director  
Yukon/Economic Development  
Authority

Enclosure

cc (without enclosure): Leslie V. Batchelor, Project Counsel

## ORDINANCE NO. 1297

AN ORDINANCE APPROVING AND ADOPTING THE FRISCO ROAD ECONOMIC DEVELOPMENT PROJECT PLAN; DESIGNATING AND ADOPTING THE PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; ESTABLISHING A DATE FOR THE CREATION OF INCREMENT DISTRICT NO. ONE (1), CITY OF YUKON; AUTHORIZING THE CITY OF YUKON AS THE PRINCIPAL ENTITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE FUNDS OF THE CITY OF YUKON; AUTHORIZING THE USE OF SALES, USE, AND HOTEL OCCUPANCY TAX INCREMENT REVENUES FOR THE PAYMENT OR FINANCING OF CERTAIN PROJECT COSTS; AUTHORIZING THE USE OF OTHER RESOURCES TO PAY FOR OR FINANCE PROJECT COSTS; AUTHORIZING THE YUKON ECONOMIC DEVELOPMENT AUTHORITY TO ISSUE BONDS AND CARRY OUT CERTAIN PROVISIONS OF THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE PLANNING COMMISSION; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

**WHEREAS**, the primary purpose of the Frisco Road Economic Development Project Plan (the "Project Plan") is to improve the quality of life for citizens of the City of Yukon (the "City") by authorizing the appropriate and necessary public support and assistance for the construction of an interchange at Frisco Road and Interstate 40, as well as the creation of an attractive viable commercial corridor south of Interstate 40 on and east of Frisco Road, all of which will stimulate private investment and development, attract new businesses, create new employment, and enhance the tax base (collectively, the "Project"); and

**WHEREAS**, the Project supports the economic development objectives of the City and makes possible investment, development and economic growth that would be difficult or impossible without the Project and the apportionment of sales tax revenues from within the increment district; and

**WHEREAS**, the Project Plan is an eligible project plan under the Oklahoma Local Development Act, Title 62, Oklahoma Statutes, Section 850, *et seq.*, as amended (the "Local Development Act"); and

**WHEREAS**, the Frisco Road Economic Development Review Committee (the "Review Committee"), comprised of representatives the City, the City of Yukon Planning Commission ("Planning Commission"), Canadian County ("County"), and the public at large, has considered the financial impacts of the Project on the taxing jurisdiction and has found that the development anticipated to be stimulated by the Project Plan may result in some increase in demand for services by or in costs to the City, but its public sector costs will be substantially defrayed by the benefits of the new development, and has adopted a resolution recommending the approval of the

proposed Project Plan, including proposed Increment District No. 1, City of Yukon (“Increment District No. 1”), to the City Council; and

**WHEREAS**, the Planning Commission has determined that the Project Plan conforms with the Comprehensive (Master) Plan of the City and recommends to the City Council approval of the Project Plan; and

**WHEREAS**, the Review Committee has reviewed the proposed Project Area and Increment District No. 1 in accordance with the criteria specified in the Local Development Act and has determined that Increment District No. 1 is eligible for designation as an increment district and for economic development under the Local Development Act; and

**WHEREAS**, investment, development, and economic growth are difficult, but possible, within the proposed Project Area, as defined in Section 6 of this ordinance, and Increment District No. 1, as defined in Section 7, if the Project Plan is adopted; and

**WHEREAS**, tax apportionment financing is a necessary component in generating economic development in the proposed Project Area and Increment District No. 1; and

**WHEREAS**, the apportioned sales, use, and hotel occupancy tax increment revenues derived from Increment District No. 1 shall be used to finance eligible project costs contained in Section VIII of the Project Plan; and

**WHEREAS**, the establishment of the proposed Increment District No. 1 may be used in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the proposed Project Area; and

**WHEREAS**, the Project is expected to stimulate new private investment of approximately \$75 Million within the Project Area and will generate additional indirect economic benefits outside the Project Area; and

**WHEREAS**, the Project Plan provides tools which will supplement and not supplant or replace normal public functions and services; and

**WHEREAS**, the boundaries of the proposed Increment District No. 1 do not dissect any similar area nor create an unfair competitive advantage; and

**WHEREAS**, maximum effort has been made to allow full public knowledge and participation in the application of the Local Development Act in the review and approval of the Project Plan, including Increment District No. 1; and

**WHEREAS**, all required notices have been given and all required hearings have been held in connection with the proposed Project Plan, as prescribed by the Local Development Act, the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, Section 302, *et seq.*, and other applicable law; and

**WHEREAS**, implementation of the Project Plan will be carried out by the City of Yukon, with the assistance of the Yukon Economic Development Authority, which is designated to assist in carrying out the Plan and to exercise certain powers pursuant to Local Development Act; and

**WHEREAS**, implementation of the Project Plan will be facilitated by authorizing the Yukon Economic Development Authority to issue tax apportionment bonds or notes and to incur project costs, as defined by the Project Plan, and to incur the costs of issuance of such bonds or notes and to accumulate appropriate reserves, if any, in connection therewith; and

**WHEREAS**, it is in the best interest of the City of Yukon and its citizens to approve the Project Plan, including the establishment of Increment District No. 1.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the City Council of the City of Yukon:

**SECTION 1.** In order to develop the eligible Project Area, the City of Yukon (the “City”) elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Local Development Act, which authorize the use of local taxes for specific public investments, assistance in development financing and as a revenue source for other public entities in the area, and which provide for the direction of apportionment of local taxes to plan, finance, and carry out development of unproductive, undeveloped, underdeveloped or blighted areas as determined by the governing body of a city, town or county.

**SECTION 2.** The Project Plan is hereby adopted and approved, as recommended by the Planning Commission and Frisco Road Economic Development Review Committee. As used herein “Frisco Road Economic Development Project Plan” or “Project Plan” shall mean the document approved by the Review Committee January 23, 2014, comprised of one cover sheet, eight pages of text, five exhibits, and titled “Frisco Road Economic Development Project Plan.”

**SECTION 3.** The membership of the Review Committee and all actions taken and all recommendations and findings made in connection with the Project Plan by the Review Committee and the Planning Commission are hereby ratified.

**SECTION 4.** For identification purposes, the name of the increment district shall be Increment District No. 1, City of Yukon.

**SECTION 5.** Increment District No. 1, City of Yukon, is hereby created as of the date of the adoption of this ordinance.

**SECTION 6.** The boundaries of the Frisco Road Economic Development Project Area are hereby designated and adopted as follows:

Beginning at the intersection of the west jurisdictional boundary the City of Yukon and the north boundary of the southwest quarter (SW ¼) of Section 19 of Township 12 North, Range 5 West, **Point of Beginning**; thence east along the north boundary line of the southwest quarter (SW ¼)

of Section 19 of Township 12 North, Range 5 West a distance of six hundred feet, (600') to a point; thence south (S 0° 00'00" E ) to the north right-of-way of Interstate 40: thence easterly along the north right-of-way of Interstate 40 to the intersection of the east right-of-way of Garth Brooks Boulevard; thence southerly along the east right-of-way of Garth Brooks Boulevard to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence northerly along the west jurisdictional boundary of the City of Yukon to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence north along the west jurisdictional boundary of the City of Yukon to the **Point of Beginning**.

**Less and Except**, Lots 1, 2-A, 2-C, and 3 of Block 1 of the plat of Yukon Parkway West subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 228; and

**Less and Except**, Lots 1, 2-A2, 3, 5, and 6 of Block 1 of the plat of Yukon Village subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 9, Pages 203 and 204; and

**Less and Except**, Lots 2, and 3 of Block 1 of the plat of Yukon Parkway West Phase IV subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 339; and

**Less and Except**, Lot 3 of the plat of Yukon Parkway West Phase III subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 316.

**SECTION 7.** The boundaries of the Increment District No. 1, City of Yukon (a sales, use, and hotel occupancy tax increment district), are hereby designated and adopted as follows:

Increment District No. 1 is exactly the same as the Project Area and is described as beginning at the intersection of the west jurisdictional boundary the City of Yukon and the north boundary of the southwest quarter (SW ¼) of Section 19 of Township 12 North, Range 5 West. **Point of Beginning**; thence east along the north boundary line of the southwest quarter (SW ¼) of Section 19 of Township 12 North, Range 5 West a distance of six hundred feet, (600') to a point; thence south (S 0° 00' 00" E ) to the north right-of-way of Interstate 40: thence easterly along the north right-of-way of Interstate 40 to the intersection of the east right-of-way of Garth Brooks Boulevard; thence southerly along the east right-of-way of Garth Brooks Boulevard to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence northerly along the west jurisdictional boundary of the City of Yukon to the intersection of the south jurisdictional boundary of the City of Yukon; thence westerly along the south jurisdictional boundary of the City of Yukon to the intersection of the west jurisdictional boundary of the City of Yukon; thence north along the west jurisdictional boundary of the City of Yukon to the **Point of Beginning**.

**Less and Except**, Lots 1, 2-A, 2-C, and 3 of Block 1 of the plat of Yukon Parkway West subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 228; and

**Less and Except**, Lots 1, 2-A2, 3, 5, and 6 of Block 1 of the plat of the Yukon Village recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 9, Pages 203 and 204; and

**Less and Except**, Lots 2, and 3 of Block 1 of the plat of Yukon Parkway West Phase IV subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 339; and

**Less and Except**, Lot 3 of the plat of Yukon Parkway West Phase III subdivision recorded among the land records maintained by the Office of the Canadian County Clerk in Plat Book 8, Page 316.

**SECTION 8.** The City Council hereby finds:

(a) that the Project Area, including Increment District No. 1, is a reinvestment area as defined by the Local Development Act;

(b) that the improvement of the Project Area is likely to enhance the value of other real property in the area and to promote the general public interest;

(c) that the guidelines of paragraphs 1 and 2 of 62 O.S. § 852 shall be followed;

(d) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Local Development Act, 62 O.S. § 862, does not exceed 35% of the total net assessed value of the taxable property within the City;

(e) that the aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to the Local Development Act, 62 O.S. § 862, does not exceed 25% of the total assessed net value of any affected school district located within the City;

(f) that the land within all increment districts within the City does not exceed 25% of the total land area of the City;

(g) that the Frisco Road Economic Development Project Plan is feasible and conforms to the Comprehensive (Master) Plan of the City.

**SECTION 9.** The City is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854

of the Local Development Act; and the City reserves the power to make minor amendments to the Project Plan in accordance with the Local Development Act, 62 O.S. § 858(D).

**SECTION 10.** The Yukon Economic Development Authority shall have the authority to carry out certain provisions of the Project Plan, including the authority to issue tax apportionment bonds and notes, other bonds or notes, or both; incur project costs pursuant to Section VIII of the Project Plan; provide funds to or reimburse the City for the acquisition of redevelopment Project property, payment of project costs and other costs incurred in support of the implementation of the Project; and incur the costs of issuance of bonds and accumulate appropriate reserves, if any, in connection with them.

**SECTION 11.** The sales tax increment is a portion of the City's non-dedicated sales tax attributable to investment and development within the Increment District. The sales tax increment shall be the ninety percent (90%) of the City's two percent (2%) non-dedicated sales tax revenues (resulting in a one and eight-tenths percent (1.8%) effective incremental tax rate), ninety percent (90%) of the City's two percent (2%) non-dedicated use tax (also resulting in a one and eight-tenths percent (1.8%) effective incremental tax rate), and ninety percent (90%) of the City's five percent (5%) hotel occupancy tax (resulting in a four and a half percent (4.5%) effective incremental tax rate) generated by commercial transactions in Increment District No. 1.

**SECTION 12.** The increment of sales taxes generated by Increment District No. 1 may be used to pay or finance eligible project costs authorized pursuant to Section VIII of the Project Plan for a period not to exceed twenty-five (25) years, as provided by law, or the period required for the payment of up to \$37 Million of project costs authorized pursuant to Section VIII of the Project Plan, whichever is less.

**SECTION 13.** Pursuant to Section 6C of Article X of the Constitution of the State of Oklahoma and the Local Development Act, the direction of apportionment shall continue beyond the current fiscal year for the duration of Increment District No. 3, or the period required for the discharge of indebtedness that may be incurred by the Yukon Economic Development Authority or other public entities authorized by Section VII of the Project Plan, whichever is less.

**SECTION 14.** During the period of apportionment, the sales tax apportionment fund (a) shall be available to pay project costs under Section VIII of the Project Plan, (b) shall constitute special funds of the City of Yukon, or, at the direction of the City, the Yukon Economic Development Authority, a public trust, or another public entity designated by the City, and (c) shall not be subject to annual appropriation as a part of the general fund of the City of Yukon.

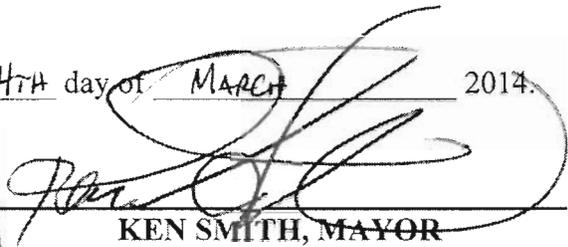
**SECTION 15. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance.

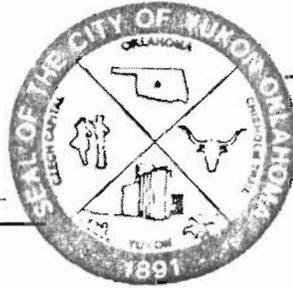
**SECTION 16. EMERGENCY. WHEREAS,** it being necessary for the preservation of the peace, health, safety, and public good of The City of Yukon and the inhabitants thereof, an emergency is hereby declared to exist, and by reason whereof, this ordinance shall take full force from and after its passage, as provided by law.

**INTRODUCED and CONSIDERED** in open meeting of the City Council of the City of Yukon on this 4TH day of MARCH 2014.

**PASSED** by the City Council of the City of Yukon this 4TH day of MARCH 2014.

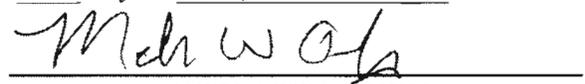
**SIGNED** by the Mayor of Yukon on the 4TH day of MARCH 2014.

  
\_\_\_\_\_  
KEN SMITH, MAYOR



ATTEST:  
  
\_\_\_\_\_  
CITY CLERK

**APPROVED** as to form and legality this 4TH day of MARCH 2014.

  
\_\_\_\_\_  
CITY ATTORNEY

# Exhibit A

## Project Area and Increment District

