

CITY COUNCIL OF DENHAM SPRINGS, STATE OF LOUISIANA

ORDINANCE NO. 13-20

AN ORDINANCE CREATING THE SPRINGS AT RIVERSIDE LANDING ECONOMIC DEVELOPMENT DISTRICT WITHIN THE CITY OF DENHAM SPRINGS, LOUISIANA (THE “DISTRICT”); DEFINING THE BOUNDARIES THEREOF FROM WHICH SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FUND A PORTION OF THE COSTS OF AN ECONOMIC DEVELOPMENT PROJECT AS DESCRIBED HEREIN, ALL IN ACCORDANCE WITH AND AS AUTHORIZED BY CHAPTER 27 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; DESIGNATING THE GOVERNING AUTHORITY OF THE DISTRICT; REQUIRING THE BASELINE SALES TAX COLLECTION RATE IN THE DISTRICT TO BE CERTIFIED; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

WHEREAS, Blue Marble, LLC (the “*Developer*”), intends to develop property (the “*Property*”) located in the City of Denham Springs, State of Louisiana (the “*City*”), through the construction of a mixed use development that will include approximately three hundred and fifty five thousand (355,000) square feet of commercial space, and to thereby stimulate the local economy and facilitate the continuing effort to develop the City (the “*Project*”);

WHEREAS, the total cost of the Project is estimated to be approximately sixty five million dollars (\$65,000,000) and additional sources of funds are needed in order to complete the Project;

WHEREAS, the Project is expected to create construction jobs during the development phases of the Project and permanent jobs following construction related to the operation of the Project, the majority of which jobs will be entry-level jobs in the retail and commercial market created for lower-income workers, and will thereby be a driving force behind economic development, job creation and growth in the City, and a direct benefit to currently unemployed and low-income residents of the City;

WHEREAS, Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, specifically La R.S. 33:9038.31 through 9038.42, inclusive (the “*Act*”), allows local governmental subdivisions to create economic development districts (the “*Economic Development Districts*”) and also allows them and other tax recipient entities to use certain of their incremental sales tax receipts attributable to new retail development within the boundaries of the Economic Development Districts in excess of receipts received from within such Economic Development Districts over a base year’s tax collections (collectively, the “*Tax*”

Increment”) for the development of economic development projects (as defined in the Act), which includes projects that assist commercial, retail and other related industries, as well as any and all projects suitable to any industry determined by the City or an Economic Development District created by the City to create economic development;

WHEREAS, the Act also authorizes Economic Development Districts to levy up to two percent (2%) of sales and use taxes within the boundaries of the Economic Development District to assist in financing a project creating economic development;

WHEREAS, the Property currently produces no sales tax revenue for the City;

WHEREAS, the Developer intends to use tax increment financing in accordance with the Act to provide a portion of the additional funds and act as a source of secure for revenue bonds to be issued by the economic development district created by this ordinance needed to complete the Project;

WHEREAS, in order to help accomplish financing of the Project, it is necessary for the City to create an Economic Development District and define its boundaries as hereinafter provided, from which the Tax Increment will be determined;

WHEREAS, this Council proposes to create an Economic Development District within the City to be known as the “Springs at Riverside Landing Economic Development District” (the “*District*”), which District shall levy a new sales and use tax in an amount of one percent (1%) and issue up to twenty million dollars (\$20,000,000) in revenue bonds pursuant to the Act, the proceeds of which shall be made available to finance drainage and drainage related activities, parking and lighting improvements for the Project and provide for the construction and development of other public infrastructure in connection with the Project;

WHEREAS, in accordance with the Act, prior to the adoption of this Ordinance, a notice describing the boundaries of the District has been published two (2) times in the *Livingston Parish News*, the official journal of the City;

WHEREAS, pursuant to the Act, the City desires to designate the City Council of the City of Denham Springs (the “*Council*”) as the governing authority of the District (the “*Board*”); and

WHEREAS, the City also desires to designate the chairman of the board of directors of the Gravity Drainage District No. 1 of the Parish of Livingston, State of Louisiana (the “*Drainage District*”), to be chosen by the Drainage District, to serve as an *ex officio* non-voting member of the Board;

WHEREAS, this Council desires to authorize the President of the Livingston Parish School Board, as the sole designated sales and use tax collector of the City, to certify the baseline sales tax collection rate and the monthly baseline sales tax collection rate within the District’s boundaries by executing the Springs at Riverside Landing Economic Development District Baseline Sales Tax Collection Rate Certificate, and, pursuant to the requirements of

Section 33:9038.34(C) of the Act, publish the certification in the *Livingston Parish News*, a newspaper of general circulation in the City and the official journal of the City (the “*Official Journal*”), said certificate being attached hereto and made a part hereof as Exhibit C (the “*Baseline Sales Tax Certificate*”).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Denham Springs that:

SECTION 1. The development of the Property to stimulate the continuing effort to develop the City, to provide a significant number of jobs to unemployed and low-income residents of the City and to increase the sales tax and ad valorem tax revenues to be collected from the development on the Property is declared to be an economic development project as set forth in the Act.

SECTION 2. Pursuant to the Act, this Council does hereby create an economic development district within the City, to be named “Springs at Riverside Landing Economic Development District,” having the geographical boundaries set forth in Exhibit A attached hereto and hereby incorporated in and made a part of this Ordinance, and as thus created and established, said District shall constitute a political subdivision of the State of Louisiana and shall have all the powers granted by the Constitution, the Act, and all other laws of the State of Louisiana.

SECTION 3. The Council is hereby designated, pursuant to the Act, as the governing authority of the District.

SECTION 4. In addition to designation in Section 3, the Council hereby designates the chairman of the Drainage District as a non-voting *ex officio* member of the governing authority of the District.

SECTION 4. In accordance with the requirements of the Act, there has been published two (2) times in the *Livingston Parish News*, the official journal of the City, a notice describing the boundaries of the District, as well as a notice of introduction of this Ordinance, in the form attached hereto as Exhibit B.

SECTION 5. The Livingston Parish Sales Tax Collector is hereby requested to take any and all further action and to sign any and all documents and instruments as may be necessary to carry out the purposes of this Ordinance, including the execution of the Springs at Riverside Landing Economic Development District Baseline Sales Tax Collection Rate Certificate.

SECTION 6. The Springs at Riverside Landing Economic Development District Baseline Sales Tax Collection Rate Certificate shall also be published once in *Livingston Parish News*, the official journal of the City.

SECTION 7. The Mayor and his staff are hereby authorized to do any and all things necessary and incidental to carry out the provisions of this Ordinance.

This Ordinance, having been submitted to a vote of the City Council of the City of Denham Springs, acting as the governing authority of the City, the vote thereon was as follows:

Council Member	YEAS	NAYS	ABSENT	NOT VOTING
Christopher Davis	√			
Annie Fugler	√			
Lori Lamm-Williams			√	
Arthur Perkins	√			
John Wascom	√			

THUS DONE, APPROVED, AND ADOPTED by the City Council of the City of Denham Springs, at a meeting of said public body duly held and conducted on November 7, 2013 in the Municipal Building in the City of Denham Springs.

James E. Durbin, Mayor

ATTEST:

Joan LeBlanc, City Clerk

EXHIBIT A

DESCRIPTION OF THE BOUNDARIES OF THE SPRINGS AT RIVERSIDE LANDING ECONOMIC DEVELOPMENT DISTRICT

The Springs at Riverside Landing Economic Development District (the “*District*”) will encompass approximately 33 acres in the City of Denham Springs, Livingston Parish, Louisiana generally described as follows:

A CERTAIN TRACT OR PARCEL OF GROUND CONTAINING APPROXIMATELY 33 ACRES OF LAND LOCATED IN SECTION 12 AND 42, TOWNSHIP 7 SOUTH, RANGE 2 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY LINE OF LA 1034 (VINCENT ROAD) WITH EASTERN LINE OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 2 EAST SAID POINT ALSO BEING LOCATED ON THE CORPORATE LIMIT LINE AND POINT OF BEGINNING.

THENCE, IN A WESTERLY DIRECTION ALONG THE NORTHERN RIGHT OF WAY LINE OF LA 1034 (VINCENT ROAD) ALSO THE CORPORATE LIMITS LINE TO THE EAST PROPERTY LINE OF TRACT “Y” (NOW OR FORMERLY THE TED BACOT PROPERTY), THENCE IN THE NORTHERLY DIRECTION ALONG THE EAST PROPERTY LINE OF TRACT “Y” AND CORPORATE LIMIT LINE TO THE EXISTING SOUTHERN BOUNDARY OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT ALSO BEING THE SOUTHERN BOUNDARY LINE OF TRACT “B-2”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “B-2” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE SOUTHWEST CORNER OF TRACT “Z”, THENCE ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “Z” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE INTERSECTION OF WESTERN BOUNDARY LINE OF TRACT “C-4-B” ALSO BEING THE BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT, THENCE IN A SOUTHERLY DIRECTION ALONG SAID PROPERTY LINE TO THE SOUTHWEST CORNER OF SAID TRACT “C-4-B”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “C-4-B” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE SOUTHEAST CORNER OF SAID TRACT “C-4-B”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF BACK YARD BURGER (NOW OR FORMERLY) TO THE RIGHT OF WAY LINE OF LA 3008 (SOUTH RANGE AVENUE), THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY LINE OF LA 3008 (SOUTH RANGE AVENUE) TO THE NORTHEAST CORNER OF PARCEL “B” BEING A 1.605 ACRE PARCEL, THENCE SOUTH 72 DEGREES 58 MINUTES 24 SECOND WEST A DISTANCE OF 285.47 FEET TO A POINT AND CORNER ALSO BEING THE NORTHWEST CORNER OF PARCEL “B” AND THE NORTHEAST CORNER OF PARCEL

“A” BEING A 1.075 ACRE PARCEL, THENCE SOUTH 72 DEGREES 58 MINUTES 24 SECOND WEST A DISTANCE OF 90.98 FEET TO A POINT AND CORNER, THENCE NORTH 79 DEGREES 14 MINUTES 36 SECONDS WEST A DISTANCE OF 56.80 FEET TO A POINT AND CORNER, THENCE NORTH 52 DEGREES 12 MINUTES 06 SECONDS WEST A DISTANCE OF 224.00 FEET TO A POINT AND CORNER, THENCE SOUTH 00 DEGREES 11 MINUTES 06 SECONDS EAST A DISTANCE OF 191.52 FEET BACK TO THE POINT OF BEGINNING.

EXHIBIT B

OFFICIAL NOTICE OF THE INTRODUCTION OF AN ORDINANCE CREATING AN ECONOMIC DEVELOPMENT DISTRICT, DESCRIBING THE BOUNDARIES OF THE PROPOSED DISTRICT IN THE CITY OF DENHAM SPRINGS, AND PROVIDING FOR THE CERTIFICATION OF THE BASELINE SALES TAX COLLECTIONS THEREIN

The public is hereby notified that pursuant to the provisions of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, the City Council of the City of Denham Springs (the “*City*”), Louisiana (the “*Council*”) is in the process of considering the creation an economic development district in the City on property located in the City to be called the “Springs at Riverside Landing Economic Development District” (the “*District*”). The purpose of the District will be to provide funds to assist in the cost of construction of a retail and commercial development, and to thereby stimulate the local economy and facilitate the continuing effort to develop the City (the “*Project*”). The City intends to cause the District to pledge incremental increases in sales taxes resulting from the levy of a new sales and use tax by the District over sales taxes generated within the District in the fiscal year immediately preceding the creation of the District to finance a portion of the costs of the Project. The baseline sales tax collection rate shall be certified by the Livingston Parish Sales Tax Collector and published in *Livingston Parish News*, the official journal of the City. If the amounts of the initial annual baseline collection rates and the monthly baseline collection rates are not contested within thirty days after said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rates or the monthly baseline collection rates.

The Springs at Riverside Landing Economic Development District (the “*District*”) will encompass approximately 33 acres in the City of Denham Springs, Livingston Parish, Louisiana generally described as follows:

A CERTAIN TRACT OR PARCEL OF GROUND CONTAINING APPROXIMATELY 33 ACRES OF LAND LOCATED IN SECTION 12 AND 42, TOWNSHIP 7 SOUTH, RANGE 2 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY LINE OF LA 1034 (VINCENT ROAD) WITH EASTERN LINE OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 2 EAST SAID POINT ALSO BEING LOCATED ON THE CORPORATE LIMIT LINE AND POINT OF BEGINNING.

THENCE, IN A WESTERLY DIRECTION ALONG THE NORTHERN RIGHT OF WAY LINE OF LA 1034 (VINCENT ROAD) ALSO THE CORPORATE LIMITS LINE TO THE EAST PROPERTY LINE OF TRACT “Y” (NOW OR FORMERLY THE TED BACOT PROPERTY), THENCE IN THE NORTHERLY DIRECTION ALONG THE EAST PROPERTY LINE OF TRACT “Y” AND CORPORATE LIMIT LINE TO THE EXISTING

SOUTHERN BOUNDARY OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT ALSO BEING THE SOUTHERN BOUNDARY LINE OF TRACT “B-2”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “B-2” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE SOUTHWEST CORNER OF TRACT “Z”, THENCE ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “Z” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE INTERSECTION OF WESTERN BOUNDARY LINE OF TRACT “C-4-B” ALSO BEING THE BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT, THENCE IN A SOUTHERLY DIRECTION ALONG SAID PROPERTY LINE TO THE SOUTHWEST CORNER OF SAID TRACT “C-4-B”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF TRACT “C-4-B” ALSO BEING THE SOUTHERN BOUNDARY LINE OF THE BASS PRO ECONOMIC DEVELOPMENT DISTRICT TO THE SOUTHEAST CORNER OF SAID TRACT “C-4-B”, THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY LINE OF BACK YARD BURGER (NOW OR FORMERLY) TO THE RIGHT OF WAY LINE OF LA 3008 (SOUTH RANGE AVENUE), THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY LINE OF LA 3008 (SOUTH RANGE AVENUE) TO THE NORTHEAST CORNER OF PARCEL “B” BEING A 1.605 ACRE PARCEL, THENCE SOUTH 72 DEGREES 58 MINUTES 24 SECOND WEST A DISTANCE OF 285.47 FEET TO A POINT AND CORNER ALSO BEING THE NORTHWEST CORNER OF PARCEL “B” AND THE NORTHEAST CORNER OF PARCEL “A” BEING A 1.075 ACRE PARCEL, THENCE SOUTH 72 DEGREES 58 MINUTES 24 SECOND WEST A DISTANCE OF 90.98 FEET TO A POINT AND CORNER, THENCE NORTH 79 DEGREES 14 MINUTES 36 SECONDS WEST A DISTANCE OF 56.80 FEET TO A POINT AND CORNER, THENCE NORTH 52 DEGREES 12 MINUTES 06 SECONDS WEST A DISTANCE OF 224.00 FEET TO A POINT AND CORNER, THENCE SOUTH 00 DEGREES 11 MINUTES 06 SECONDS EAST A DISTANCE OF 191.52 FEET BACK TO THE POINT OF BEGINNING.

The public is further notified that the Council plans to consider the adoption of an ordinance introduced at the October 28, 2013 meeting of the Council creating the proposed District and related matters at the regular Council meeting scheduled to be held at the Municipal Building, 941 Government Drive, Denham Spring, Louisiana 70726 on November 7, 2013 at 6:00 p.m. at which time the public will be afforded an opportunity to comment upon the creation of the District and related matters.

EXHIBIT C

SPRINGS AT RIVERSIDE LANDING ECONOMIC DEVELOPMENT DISTRICT BASELINE SALES TAX COLLECTION RATE CERTIFICATE

For purposes of this RIVERSIDE LANDING ECONOMIC DEVELOPMENT DISTRICT BASELINE SALES TAX COLLECTION RATE CERTIFICATE, the following definitions apply:

“Annual District Tax Collection” means the District Sales and Use Tax collected within the geographic area comprising the District attributable to the fiscal year of the City ending December 31, 2012.

“City” means the City of Denham Springs, State of Louisiana.

“District” means the Springs at Riverside Landing Economic Development District created pursuant to an ordinance adopted by the City on November 7, 2013.

“Drainage District” shall mean Gravity Drainage District No. 1 of Livingston Parish, State of Louisiana.

“District Tax” shall mean, the new sales and use tax to be levied and collected by the District in an amount of one percent (1%) pursuant to Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, specifically La. R.S. 33:9038.31 through 9038.42, inclusive, and constitutional and statutory authority supplementary thereto.

“Drainage District Tax Collection” shall mean forty percent (40%) of the Drainage Districts one-half of one percent sales and use tax.

“Monthly District Tax Collection” means the Annual District Tax Collection divided by twelve.

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I, the undersigned Livingston Parish Sales Tax Collector, have examined the District Tax revenue data for the fiscal year ending December 31, 2012 within the boundaries of the District. I and the Drainage District Tax hereby certify that the Annual District Tax and Annual Drainage District Tax Collection and Monthly District Tax and Annual Drainage District Tax Collection for the fiscal year ending December 31, 2012 were each zero dollars (\$0). In accordance with La. R.S. 33:9033.3(C), I hereby certify the initial annual baseline collection rate for the District as zero dollars (\$0) and the monthly baseline collection rate for the District as zero dollars (\$0).

PARISH OF LIVINGSTON
STATE OF LOUISIANA

Dated: _____, 2013

Sales Tax Collector
Parish of Livingston