

ORDINANCE 73-2005-06

AN ORDINANCE APPROVING THE CLARKSVILLE CENTER REDEVELOPMENT PLAN

WHEREAS: the Clarksville, Tennessee Housing Authority (“the Authority”) has completed studies and prepared an Plan for redevelopment, entitled "Clarksville Center Redevelopment Plan," (herein referred to as the "Plan") consisting of a text, Redevelopment Plan and Exhibit "A" attached thereto, all dated September 9, 2007, which have been filed with and referred to the City Council of Clarksville, Tennessee and the Montgomery County Commission, Montgomery County, Tennessee (herein referred to as the "Governing Bodies,") for review-and approval; and

WHEREAS, the Authority has examined the area proposed for inclusion in the redevelopment project and determined that, with the exception of those properties presently owned and maintained by Austin Peay State University, it is a blighted area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community and that such conditions should be eliminated to promote the public interest and, the members of these Governing Bodies have been duly apprised and are aware of these conditions; and

WHEREAS: the need for a coordinated effort for the redevelopment of the area proposed for inclusion in the project is further evidenced by the exemplary efforts of residents in the Red River and Brandon Hills neighborhoods, who have seen a similar need for redevelopment efforts in those areas, and have begun work on a revitalization plan which, upon completion, will be incorporated as a valuable resource for implementation of the overall redevelopment Plan; and

WHEREAS, the Plan for redevelopment is to be undertaken by the Authority in accordance with and in furtherance of the objectives of Article 1, Sections 8 and 21 and Article II, Section 28 of the Constitution of Tennessee: The Housing Authorities Law, Chapters 20 and 45; Public Acts of Tennessee of 1935 (1st Extraordinary Session); as amended; Chapter 114 of Public Acts of Tennessee of 1945, as amended; Chapter 181 of Public Acts of Tennessee of 1955 (said statutes now codified in Tennessee Code Annotated Sections 13-20-201 through 13-20-216); and

WHEREAS, the Plan for the area provides for the utilization of the tax increment financing pursuant to Tennessee Code Annotated 13-20-205 in furtherance of redevelopment within the District; and

WHEREAS, the Plan for the area prescribes certain land uses and controls and authorizes the acquisition by negotiation, condemnation or otherwise of certain properties for public use or for resale by a redeveloper or redevelopers; and

WHEREAS, the members of the Governing Bodies have carefully considered and reviewed the proposal for redevelopment, including the relocation of businesses, if any, that may be displaced; and

WHEREAS, in order to implement the Plan, the Governing Bodies must approve and authorize certain actions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

Section 1. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Clarksville Center Redevelopment Plan," dated September 9, 2007, with the exception of those properties presently owned and maintained by Austin Peay State University, is a blighted area as defined in and in accordance with Tennessee Code Annotated Sections 13-20-201 through 13-20-216; further the area is blighted as a result of a relevant findings of blight documented within the Plan; and that conditions existing in the Plan area are detrimental to the safety, health, morals or welfare of the people of Clarksville and Montgomery County, Tennessee, that said area or such portions thereof as deemed necessary for acquisition by the Authority by negotiation, condemnation or otherwise, as provided by Tennessee Code Annotated 13-20-104 and 13-20-202, and so designated pursuant to the Plan, or any amendment or amendments thereto, should be so acquired by the Authority; and that such blighted conditions should be eliminated provided that no such area or portions thereof shall be condemned and/or acquired by eminent domain unless and until the intent to pursue such acquisition is first presented for discussion in a public hearing, after which the acquisition must be approved by ordinance/resolution of the governing bodies.

Section 2. That the Plan entitled "Clarksville Center Redevelopment Plan," consisting of text, a Redevelopment Plan Map, and Exhibit "A" attached thereto, all dated September 9, 2007, as filed with the City Clerk, is hereby in all respects approved.

Section 3. That it is hereby found and determined that the Plan for the project area conforms to the Consolidated Plan for Clarksville as published by the Office of Housing and Community Development of the City of Clarksville.

Section 4. That the use of tax increment funding pursuant to Tennessee Code Annotated, § 13-20-205, is hereby approved for undertaking activities specified in the Plan.

Section 5. That the Clarksville/Montgomery County Industrial Development Board is hereby authorized to negotiate payment in lieu of tax agreements on property owned by the Industrial Development Board pursuant to Tennessee Code Annotated, § 7-53-305 for undertaking redevelopment approved by the Plan;

Section 6. That it is hereby found and determined that, in addition to the elimination of blight from the project area, the undertaking of the project in such area will further promote the public welfare and proper development of the community.

Section 7. That it is hereby found and determined that the Plan for the project area will afford maximum opportunity consistent with sound needs of the locality as a whole, for the redevelopment of the area by private enterprise.

Section 8. That the City Clerk is directed to file this Ordinance together with the Plan referred to herein as a part of the minutes of this meeting.

Section 9. That this Ordinance shall take effect from and after its adoption, the welfare of the City requiring it.

<i>PUBLIC HEARING:</i>	March 20, 2006
<i>FIRST READING:</i>	March 2, 2006
<i>POSTPONED:</i>	April 6, 2006, to July 2006
<i>POSTPONED:</i>	June 29, 2006, to September 2006
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<i>POSTPONED:</i>	October 30, 2006 to December 2006
<i>POSTPONED:</i>	December 7, 2006 to February 2007
<i>TABLED:</i>	February 1, 2007
<i>SECOND READING:</i>	September 6, 2007
<i>EFFECTIVE DATE:</i>	September 9, 2007

CLARKSVILLE, TENNESSEE

CLARKSVILLE CENTER REDEVELOPMENT PLAN

SEPTEMBER 9, 2007

CLARKSVILLE CENTER REDEVELOPMENT PLAN

Preface

The Clarksville Center Redevelopment Plan for Clarksville, Tennessee is to be undertaken by the Clarksville Tennessee Housing Authority, hereinafter referred to as "Authority," in accordance with and in furtherance of the objectives of Article I, Sections 8 and 21, Article II, Section 28, of the Constitution of Tennessee. The Housing Authorities Law Chapters 20 and 45, Public Acts-of Tennessee 1935 (1st Extraordinary Session), as amended; Chapter 114 of Public Acts of Tennessee 1945, as amended; Chapter 181 of Public Acts of Tennessee of 1955; said statutes now codified in Tennessee Code Annotated Sections 13-20-201 through 13-20-216. The City Council of Clarksville, Tennessee, has declared the area to be a blighted area within the scope of Tennessee Code Annotated, Section 13-20-201.

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II. MAPS

Redevelopment Plan Map

III. EXHIBITS

Exhibit "A", Project Boundary Description

B. DESCRIPTION OF PROJECT AREA

The Clarksville Center Redevelopment Project includes the Clarksville Central Business Improvement District (herein "CBID"), the neighborhoods of Red River, Emerald Hill, Dog Hill and part of Brandon Hill, property included within the River District, Austin Peay State University and the industrial area along the Red River. The area is generally bordered on the west by the Cumberland River, the south by the Corman Rail Road, on the east by the Corman Rail Road and on the north by Red River. The general physical condition of the area, with the exception of those properties presently owned and maintained by Austin Peay State University, is blighted based on building surveys, building permits issued, code violations and eligibility of much of the area for Community Development Block Grant funding. The area encompasses about 1346 acres, exclusive of public rights-of-way, and a significant portion of the area is vacant or underutilized.

In January, 1999, a tornado struck downtown Clarksville and destroyed the heart of the Central Business District. Although the greatest impact of the storm was its effect on governmental structures, there was also a great amount of damage to privately owned structures. Significant amounts of insurance coverage as well as local, State and Federal monies were used to rebuild significant structures within the CBD including the historic Montgomery County Courthouse. A number of privately owned structures have also benefited from this effort and either have been rebuilt or restored. The project area includes a number of historic or landmark properties.

In order to assure the long term economic viability of these recently restored properties and proposed projects, the Clarksville Center Redevelopment Plan is proposed as a means of providing for and encouraging compatible and supportive development within the defined area. Coordinated redevelopment efforts will provide for parking and access necessary for any new development. The proposed Plan will provide the impetus for assembling properties for new development and the elimination of underutilized land and deteriorated structures within the Clarksville Center Redevelopment Project Area.

The Clarksville Center Redevelopment Plan is consistent with and implements recommendations of the *Consolidated Plan for Clarksville, Tennessee*, the *Clarksville Land Use Master Plan for the Downtown District Partnership ("CBID Plan")*, the *Austin Peay State University Master Plan*, the *Streetscape Master Plan for the CBID*, and the *Emerald Hill Historic District Design Guidelines*. The Clarksville Center Redevelopment Plan incorporates by reference the preservation and redevelopment goals of those plans and superseding or subsequent plans approved by the governing bodies to include, but not be limited to redevelopment/revitalization plans that may be adopted for the Red River and/or Brandon Hills communities and supports mixed-use development while preserving and promoting new housing opportunities.

1. BOUNDARIES OF THE PROJECT AREA

The boundaries of the Project Area are shown on Redevelopment Plan Map, and are as described in Exhibit "A."

2. REDEVELOPMENT PLAN OBJECTIVES

The specific provisions and actions incorporated in the Plan have been developed and are necessary to achieve the following objectives:

- a. To establish harmonious land use patterns and provide sites adequate for the planned development of new cultural, commercial, educational, mixed use, and residential uses.

- b. To support resident-sensitive, sustainable growth, while preserving the Red River and Brandon Hills neighborhoods as primarily, though not exclusively, residential
- c. To provide for redevelopment of the Project Area, wherein non-conforming or deleterious land uses and the present subdivision and ownership of land precludes the orderly assemblage and desired changes in the use of land.
- d. To eliminate substandard buildings through acquisition and demolition or through a conservation program for the rehabilitation of existing structures where feasible and compatible with the Redevelopment Plan Map.
- e. To clear and provide for redevelopment of portions of the Project Area in which a change in type or intensity of land use is necessary. Within these areas it may be required, and is within the objectives of this Plan; that certain buildings, which are not structurally substandard, be acquired and demolished.
- f. To provide for the temporary or permanent relocation of businesses or residents where necessary to accomplish the objectives of the Plan.
- g. To eliminate and prevent the recurrence of blight.
- h. To eliminate vacant and underutilized land by monitoring development and taking actions necessary to encourage effective and desirable uses of land in accordance with the Plan.
- i. To provide for the layout of new streets, pedestrianways, parking facilities and other public improvements necessary to support the redevelopment of the area.
- j. To enhance the historic resources represented by structures in the Project Area.
- k. To create a range of housing opportunities and choices through non-profit and for profit developers.
- l. To ensure that new homes are affordable and blend with existing housing in the community..
- m. To increase and/or expand economic and employment opportunities for residents.

3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of the Redevelopment Plan is to create an environment conducive to the redevelopment and the long-term economic viability of the Central Business District, Red River, Emerald Hill, [Austin Peay State University](#), Dog Hill and part of the Brandon Hill neighborhoods, the underutilized and underdeveloped industrial area along the Red River, and the property along the Cumberland River. These objectives are to be accomplished through the coordinated and planned redevelopment of the area and the elimination of blighting influences posed by dilapidated buildings and structures, and underutilized land, and incompatible uses. The various provisions of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements in the Project Area and restore the vitality of the area through redevelopment and rehabilitation. The types of actions necessary to achieve this objective are:

- a. The acquisition of land through negotiation, condemnation, or otherwise for public purposes and/or for private infill development, whereby the condition of title, diverse ownership of real property to be assembled, street or lot layouts, or other conditions prevent a proper development of the property in accordance with the Redevelopment Plan.
- b. The acquisition of land for the purpose of removing, preventing, or reducing blight.
- c. Demolition, clearance and relocation as necessary within the Project Area to achieve the objectives of the Plan.
- d. Closing, vacating, or relocating various streets, alleys, pedestrian ways, or utilities.

- e. To provide for and construct improved streets, alleys, public facilities, open spaces, greenways and pedestrian ways and the provision of additional access roads in and through the area are anticipated or provided for herein.
- f. Negotiation of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.
- g. Obsolete or inadequate utilities or other public improvements will be removed. Proposed site improvements and public improvements which are necessary to meet Redevelopment Objectives, such as streets, sewers, gas, water, power, parks, open spaces, playgrounds, drainage improvements, sidewalks, fire alarms, parking facilities, pedestrian ways, public transportation facilities, and other improvements shall be installed by the Clarksville Housing Authority, redevelopers, utility providers, or the City of Clarksville.
- h. Changes in zoning to be consistent with the Consolidated Plan for Clarksville and Montgomery County and the CBID Plan and any updates or addendums thereto.

C. LAND USE PLAN

1. LAND USE MAP

The permitted uses of land within the Project Area are as shown on the Redevelopment Plan Map, and as further described in the following sections. In the event of a conflict between the language pertaining to land uses contained in this Plan, and any other restrictions applicable to the same property, the most restrictive language shall apply.

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

In order to achieve the objectives of this Redevelopment Plan, all redevelopment and use of land within the Clarksville Center Redevelopment District shall be subject to all requirements and restrictions of the *Clarksville Zoning Ordinance*, the *Consolidated Plan for Clarksville and Montgomery County*, the *Clarksville Land Use Master Plan for the Downtown District Partnership* (“CBID Plan”), the *Streetscape Master Plan for the CBID*, the *Austin Peay State University Master Plan*, the *Clarksville River District Master Plan*, the *Dog Hill Design Guidelines*, the *Emerald Hill Historic District Design Guidelines*, and other redevelopment/revitalization plans adopted by the City Council of the City of Clarksville that include territory within the Redevelopment District). The Redevelopment District Board (“RDB”), created pursuant to SECTION I., herein, may recommend the adoption of additional design guidelines regarding appropriate land uses, design, color, setbacks, landscaping, parking, ingress and egress and other restrictions to be adopted by the Governing Body and/or the CBID.

a. **General Land Use Districts:** Within the general land use districts shown on Redevelopment Plan Map, the following represent objectives for redevelopment in accordance with this Plan:

- 1. *Central Business and River District:* This subarea encompasses the majority of the Central Business District, the APSU campus, property bordering the Cumberland River and the Dog Hill Historic District, Emerald Hill Historic District and the Red River Improvement Corporation plan area. It is desirable that some buildings be renovated or demolished as appropriate or necessary and vacant or underutilized land be redeveloped with new development encompassing uses permitted by this Plan. Redevelopment and restoration

projects may involve the assembly of land in order to promote a set of comprehensive yet diverse improvements to the area. The intent is to promote an “Urban” atmosphere within the Central Business District and a mixture of uses that enhance the river front.

Permitted Uses

- General residential
 - Public and private schools and daycare centers
 - Institutional, churches
 - Public parks, plazas and playgrounds
 - Cultural center, fine arts center, museum, theater or assembly facilities
 - Offices - business, governmental, professional, medical, arts, etc. .
 - Convenience retail, general retail and personal services
 - Hotels, motels, or other habitation for transient use
 - Indoor recreation facilities and commercial amusement
 - Club, bar or nightclub, excluding adult entertainment
 - Parking
 - Restaurants and other eating or drinking establishments
 - Warehousing
 - Wholesale sales
 - Light industrial activity as regulated in Section 11-316 of the Official Code of the City of Clarksville
 - Churches and other similar places of worship
 - Financial institutions, including drive-through facilities
 - Accessory uses customarily incidental to any of the above
2. *Mixed Use District:* These areas border the Central Business District. It is desirable that some buildings be renovated or demolished as appropriate or necessary and vacant or underutilized land be redeveloped with new development encompassing uses permitted by this Plan. Redevelopment and restoration projects may involve the assembly of land in order promote a set of comprehensive yet diverse improvements to the area. The intent is to create an “Urban” atmosphere that complements the Central Business District.

Permitted Uses

- General residential
- Public and Private schools and daycare centers
- Public parks, plazas and playgrounds
- Cultural center, fine arts center, museum, theater or assembly facilities
- Offices – business, governmental, professional, medical, arts, etc.
- Convenience retail, general retail and personal services
- Hotels, motels, or other habitation for transient use
- Parking
- Restaurants and other eating or drinking establishments
- Indoor recreation facilities and commercial amusement
- Club, bar or nightclub, excluding adult entertainment

- Churches and other similar places of worship
- Financial institutions, including drive-through facilities
- Accessory uses customarily incidental to any of the above.
- Medical or health care facilities
- Warehousing
- Wholesale sales
- Light industrial as regulated in Section 11-316 of the Official Code of the City of Clarksville

3. *Residential Districts (Dog Hill, Emerald Hill, Red River and a Portion of Brandon Hills neighborhoods):* These areas consist of primarily residential development surrounding the central business district. It is desirable that the existing residential development be preserved and protected from incompatible uses and vacant or underutilized land be redeveloped with new residential development. Development within the Dog Hill and Emerald Hill neighborhoods is governed by the applicable Historic District guidelines. Development/redevelopment within the Red River and portion of Brandon Hills included in the Plan is subject to previously mentioned design controls and procedural regulations (*Clarksville Zoning Ordinance, the Consolidated Plan, the Clarksville Land Use Master Plan, etc.*) and will be further governed by *the Red River – Brandon Hills Revitalization Plan* when it is adopted by the City Council of the City of Clarksville. Redevelopment and restoration projects may involve the assembly of land in order to promote the residential character of these areas. It is further the intent of this district to support affordable housing opportunities proximate to the central business district.

Permitted Uses

- Convenience retail, general retail and personal services
- Country Clubs
- General residential
- Offices
- Public and private schools and daycare centers
- Public parks, plazas and playgrounds
- Churches and other similar places of worship

4. *Industrial District:* This area is bordered by the Red River and the Corman railroad tracks. It is desirable that some buildings be renovated or demolished as appropriate or necessary and that vacant or underutilized land is redeveloped with new development encompassing uses permitted by this plan. Redevelopment and restoration projects may involve the assembly of land in order to promote a set of comprehensive yet diverse improvements to the area. The intent is to encourage a variety of industrial, warehouse, and compatible land uses and the revitalization of vacant and underutilized industrial properties.

Permitted Uses

- Warehousing

- Wholesale sales
- Light manufacturing
- General manufacturing
- Public and private educational facilities
- Offices – business, governmental, professional, medical, arts, etc
- General commercial
- Medical and health care facilities

b. **General Design Regulations and Controls:** In order to achieve the objectives of the Clarksville Center Redevelopment Plan, design controls and procedural regulations of the *Clarksville Zoning Ordinance*, the *Consolidated Plan for Clarksville and Montgomery County*, the *Clarksville Land Use Master Plan for the Downtown District Partnership (“CBID Plan”)*, the *Austin Peay State University Master Plan*, the *Streetscape Master Plan for the CBID*, the *Clarksville River District Commission Master Plan*, the *Dog Hill Design Guidelines* and the *Emerald Hill Historic District Design Guideline*. shall apply, as applicable, to land within the project area developed, redeveloped, or improved subsequent to the recording of this Plan in the Registers Office of Montgomery County. The RDB may recommend the adoption of additional design regulations and controls to be adopted by the Governing Body or the CBID as appropriate. The City Council of the City of Clarksville may adopt additional redevelopment/revitalization plans to control and regulate development within the Redevelopment Plan area.

1) Site Plan

To the extent site plans are required under the general design regulations and controls listed in Section (C)(2)(b), a copy of the site plan shall be submitted to RDB and where the development is to be accomplished in phases, a construction-phasing schedule shall accompany the site plan. The RDB shall review and provide comments to the governmental agencies with the authority to approve such site plan. Development shall conform to the approved site plan.

2) Landscape Plan

To the extent landscape plans are required under the general design regulations and controls listed in Section (C)(2)(b), a copy of the landscape plan shall be submitted to the RDB. The RDB shall review and provide comments to the governmental agencies with the authority to approve such landscape plan. Development shall conform to the approved landscape plan.

3) Exterior Design Control

To the extent design guidelines are required under the general design regulations and controls listed in Section (C)(2)(b), including, but not limited to, building materials, landscaping and paving materials, development shall conform to the approved design guidelines and controls.

4) Historic Preservation

To the extent historic guidelines and controls are required under the general design regulations and controls listed in Section (C)(2)(b), development shall conform to the approved guidelines. A copy of the design plans shall be submitted to RDB. The RDB shall review and provide comments to the governmental agencies with the authority to approve such design plans. The RDB may recommend the adoption of additional guidelines generally consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures to the Governing Body or the CBID as appropriate.

5) Enforcement

In the case of violations of the Redevelopment Plan restrictions, the RDB may send Notice of Violation to the Building Official and/or the Clarksville City Attorney who shall be entitled to seek immediate injunctive and other equitable or legal relief to enforce restrictions of the Redevelopment Plan, including pursuing all remedies available at law or in equity, including without limitation those that are provided by the Official Code of the City of Clarksville.

c. Duration of Land Use Controls.

The provisions of this Plan, specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, shall commence upon approval of the Plan by the City Council for the City of Clarksville, Tennessee, and the County Commission for Montgomery County, Tennessee and, upon being recorded in the Register's Office of Montgomery County, and shall continue in effect until December 31, 2028.

D. LAND ACQUISITION

In order to achieve the objectives of the Plan, it may be necessary to acquire any properties, with the exception of those properties presently owned and maintained by Austin Peay State University, within the Redevelopment Plan Area. Upon the recommendation of the RDB and the Authority, property may be acquired by eminent domain to provide for the redevelopment of vacant and underutilized land; to eliminate structures which, because of poor initial construction, inadequate maintenance, obsolescence or other conditions, are not suitable for rehabilitation; to eliminate non-conforming land uses which are detrimental to the area of the redevelopment of land; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrianways; and to assemble suitable tracts for disposition provided that no such area or portions thereof shall be condemned and/or acquired by eminent domain unless and until the intent to pursue such acquisition is first presented for discussion in a public hearing, after which the acquisition must be approved by ordinance/resolution of the governing bodies.

Parcels may be acquired at the request of the owner; or for such valid public purposes as to provide for necessary adjustments in utility easements or street, alley or pedestrian rights-of-way; to provide for the redevelopment of abandoned railroad rights-of-way; to eliminate dilapidated or deteriorated structures which may be found to exist following subsequent surveys of interior conditions where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from

the date of notice; to bring the structure into compliance with applicable building and housing codes; to provide clear and marketable title for vacant or abandoned properties; to eliminate any non-conforming uses in conflict with the permitted uses listed in Section C.2.a. of this Plan or the Clarksville Zoning Ordinance Montgomery County; if the owner of any said property refuses to comply or reach written agreement with RDB to abide by the design guidelines of Section C.2.b. of this Plan in the development of or planning of any improvements to be made; or to eliminate buildings which may encroach upon existing or planned rights-of-way whether they be totally or only partially located within the Redevelopment Plan Area.

E. REDEVELOPERS OBLIGATION AND LAND USE CONTROLS

A "redeveloper" is an entity selected by RDB to enter into a specific development agreement for the redevelopment of one or more parcels of land within the Redevelopment Plan Area. The Authority, in disposing of the land in the Redevelopment Plan Area to be redeveloped, will, in its contract and deed or other instruments of conveyance, include such terms and condition as in the judgment of the Authority will be necessary or advisable to ensure redevelopment of the Redevelopment Plan Area and its use thereafter, in accordance with this Plan, and to prevent recurrence of the condition of blight or inappropriate land uses in this area. Such provisions will be contained in such contracts, deeds or other instruments of conveyance irrespective of whether they duplicate, in whole or in part, requirements of existing or proposed zoning ordinances or other local laws, ordinances or regulations with respect to the Redevelopment Plan Area, so that such obligations may operate independently of such zoning or other laws, ordinances or regulations. In all instances, the improvements in the Redevelopment Plan Area will be made in accordance with the applicable Clarksville Zoning Ordinance provisions and regulations; building, electrical, plumbing and other local codes and ordinances; the requirements of this Redevelopment Plan; and such other requirements as may be set forth in the contracts between the Authority and the redevelopers.

Any contract or agreement for disposal of Redevelopment Plan Area land by sale, lease or retention, as well as the deed or deeds to the land, shall contain a covenant that the redeveloper and its successors and assigns shall not discriminate upon the basis of race, color, creed, sex, marital status, or national origin in the sale, lease, or rental, or in the use or occupancy of the property or any improvements erected or to be erected thereon. It is intended by this Plan that the Authority is beneficiary of all such covenants and obligations and that it shall be entitled to represent the interests and to act on behalf of the community in enforcing any covenants and obligations as to the redevelopment and continued uses of the Redevelopment Plan Area in accordance with the Plan. Such contracts, deeds, or other instruments of conveyance, in addition to including such other terms and conditions as the Authority may find desirable in order to implement and effectuate the objectives of this Plan, or as are recommended by the RDB, will obligate the purchasers of land in the Project Area and their successors in interest to:

1. Devote the parcels owned by them to, and only to, uses and controls specified in this Plan;
2. Diligently pursue the construction of the improvements as provided in a development agreement, and to begin and complete such improvements within a reasonable time as provided by the contract;
3. Make no changes, additions or alterations in such improvements after completion of their construction that are not approved by RDB as being in conformity with this Plan, or as it may be changed or amended; and
4. Not reassign contract rights, resell or otherwise transfer the land or any part thereof of interests therein purchased by them prior to the completion of the improvements thereon without the approval

of the Authority and except in cases satisfactory with the Authority, and not to speculate in or with respect to such land.

F. RELOCATION ASSISTANCE

The Authority has established plans and procedures and shall provide assistance to individuals and businesses permanently or temporarily displaced by its actions in acquiring land for implementation of this Plan. Assistance will be offered in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended or other applicable federal, State or local laws and regulations that may be in effect at the time even though no State or Federal funds may be involved with a particular project. No residents are expected to be permanently relocated as a part of this Plan. Since many of the planned developments incorporated in this Plan are to occur on vacant land or through the renovation of existing unused or underutilized structures, it is expected that relocation of businesses will be minimal. Business relocations that do occur will be handled in accordance with the Authority's relocation policies and procedures, which reflect Federal, State, and local legislation.

G. TAX INCREMENT

Total property taxes receivable from land and leaseholds in the Clarksville Center Redevelopment Plan Area are currently estimated at around \$4.26 Million based on a total assessed value of approximately \$207 Million. The projected future increase in the value of property developed in conjunction with the Plan on land leased or sold by the Authority is estimated to exceed \$200 Million. The total net annual increase of about \$4.15 Million in property taxes so generated in the Redevelopment Area will not occur without the redevelopment activities of the Authority and the RDB.

Given the conditions of blight as well as the difficulty of development presented by poor access and the diversity of ownership of individual tracts evident in the Redevelopment Area, private investment and redevelopment is unlikely to occur without public assistance. The activities of RDB and the AUTHORITY will make the area conducive to new private development and result in increased tax revenues to the City of Clarksville and Montgomery County. The tax increment backed debt of \$41.5 Million provided for by the Plan will require less than 50% percent of the projected net new property taxes generated by the Redevelopment Area if development can be induced to occur over the life of the Redevelopment Plan. Therefore, the City Clarksville and Montgomery County, as the taxing agencies within the Project Area, will realize substantial revenues from the project and will not be substantially impacted by a tax increment financing provision.

The amount of bonds or other indebtedness backed by the tax increment shall not exceed \$41.4 Million. The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2028. Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for such purpose, all property taxes resulting from the incremental development of the Redevelopment area shall be retained by the: City of Clarksville and Montgomery County. Activities or improvements eligible for tax increment funding shall include planning, engineering and legal expenses; administrative costs; land acquisition; relocation; site clearance; cultural facilities; historic preservation; economic development or other such activities necessary to preserve or create jobs primarily for those of low income; and streets, pedestrianways, utilities, public open spaces, and parking

garages or other structures or public improvements necessary for carrying out the Clarksville Center Redevelopment Plan and amendments thereto.

H. CLARKSVILLE-MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT BOARD-CLARKSVILLE HOUSING AUTHORITY PAYMENT IN LIEU OF TAXES

The Clarksville-Montgomery County Industrial Development Board (“IDB”), pursuant to Tennessee Code Annotated, § 7-53-305, and the Clarksville Housing Authority, pursuant to Tennessee Code Annotated, § ___ are hereby authorized and delegated the authority to negotiate and accept from the corporation’s lessees located within the Redevelopment District area, payments in lieu of ad valorem taxes upon the Board’s finding that such payments further the IDB’s public purposes and the purposes of this Redevelopment Plan. The IDB is requested to establish appropriate and necessary guidelines that will promote redevelopment and further both the public purposes of the IDB and the Redevelopment District.

I. REDEVELOPMENT DISTRICT BOARD (RDB)

There is hereby established a Redevelopment District Board (RDB) with thirteen (13) members as follows:

- one (1) member to be appointed by the County Mayor for an initial 3-year term,
- one (1) member to be appointed by the City Mayor for an initial 3-year term,
- one (1) member of the Clarksville Housing Authority to be appointed by the Housing Authority for an initial 3-year term,
- the Director or one (1) representative of the Clarksville Office of Housing and Community Development to serve for an initial 3-year term,
- the President of the Lincoln Homes Residents Council or one (1) other member who resides in public housing in the Plan project area to be appointed by the Housing Authority as a public housing representative for an initial 2-year term,
- one (1) member of the Downtown District Partnership to be appointed by the Downtown District Partnership for an initial 2-year term,
- one (1) member of the Clarksville/Montgomery County Regional Planning Commission to be appointed by the Clarksville/Montgomery County Regional Planning Commission for an initial 3-year term,
- one (1) voting member as a representative of Austin Peay State University as recommended by the President of the university for an initial 2-year term,
- one (1) member with real estate, financial, and/or development background, appointed by the City Mayor for an initial 2-year term; and
- one (1) member for each of the four residential neighborhoods who resides in the Emerald Hills, Dog Hill, Red River, and Brandon Hills neighborhood for an initial two (2) year term. The four neighborhood members shall be jointly appointed by the City Mayor and County Mayor.

Thereafter, all members shall serve 3-year terms. The Redevelopment District Board shall review redevelopment projects as being in conformance with the Redevelopment District Plan and any applicable design guidelines, and zoning and code requirements, approve developer agreements, approve Tax Increment Finance loans, recommend to the Regional Planning Commission the rezoning of property, if

necessary, recommend the adoption of additional land use regulations, if needed, and recommend acquisition of property by the Housing Authority, if necessary.

Further, the Board, upon their formation, shall create by-laws that will be subject to review by the Clarksville Housing Authority legal counsel.

J. ADMINISTRATION

The City Council/Montgomery County Commission for the City of Clarksville and the Montgomery County Commission hereby authorize the AUTHORITY to enter into inter-local agreements with the City of Clarksville, the Clarksville Office of Housing and Community Development, and the Redevelopment District Board to perform any and all of the administrative functions designated herein including, but not limited to negotiating developer agreements, providing review and comment on proposed development within the Redevelopment Plan area, recommending additional design guidelines or land use controls to the appropriate legislative and administrative bodies, negotiating the acquisition, sale or lease of property and carrying out relocation assistance functions.

K. PROCEDURE FOR AMENDING THE PLAN

This Plan may be modified, changed or amended by the Authority, with the subsequent approval of the City Council for the City of Clarksville and the Montgomery County Commission; provided, however, that in no event will the provisions of this Plan be modified in any manner which will adversely affect any as yet not fully developed land in the Redevelopment Plan Area that has been sold or leased by the Authority, or as to which a sales contract has been entered into by the Authority, except with the written consent of the then owners of such land or of the parties to such contract, or their successors in interest.

L. SEVERABILITY

The invalidation of any one or more of the foregoing provisions of this Redevelopment Plan or Ordinance as approved by the City Council for the City of Clarksville and the Montgomery County Commission or any part thereof by judgment of any Court of competent jurisdiction shall not in any way affect the validity of any other of such provisions of the Plan but the same shall remain in full force and effect.

EXHIBIT "A"

**CLARKSVILLE CENTER REDEVELOPMENT PLAN
PROJECT BOUNDARY DESCRIPTION**

Re-Development Plan Map

April, 2006



