

ORDINANCE 96-2007-08

AN ORDINANCE ADOPTING THE CLARKSVILLE CENTER REDEVELOPMENT AND URBAN RENEWAL PLAN

WHEREAS, the City Council passed on first and second reading Ordinance 73-2005-06, and

WHEREAS, the question was raised and examined as to the proper passage of same with public notice as required by statute; and

WHEREAS, the City Council has engaged in public hearing regarding a proposed redevelopment and urban renewal plan and completed work on the same and wishes to propose the same as a new ordinance and or an amendment of Ordinance 73-2005-06; and

WHEREAS, the City Council desires to delete Ordinance 73-2005-06 in its entirety and amend the same, or replace the same, with the hereinafter Clarksville Center Redevelopment and Urban Renewal Plan.

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

That ORDINANCE 73-2005-06 is hereby replaced in its entirety and/or amended by deleting the existing language in its entirety and by substituting instead the following Clarksville Center Redevelopment and Urban Renewal Plan:

**CLARKSVILLE CENTER REDEVELOPMENT
AND URBAN RENEWAL PLAN**

A. INTRODUCTION

This Clarksville Center Redevelopment and Urban Renewal Plan (this "Plan") is being adopted pursuant to the Housing Authorities Law, being Title 13, Chapter 20 of the Tennessee Code Annotated (the "Act"), and other applicable provisions of law. This Plan is to be undertaken by the Clarksville Housing Authority (the "Authority"), in cooperation with other governmental entities, including the City of Clarksville (the "City") and Montgomery County (the "County"), if this Plan is approved by the County. This Plan shall constitute both a redevelopment plan under Section 13-20-203 of the Tennessee Code Annotated and an urban renewal plan under Section 13-20-211 of the Tennessee Code Annotated.

B. DESCRIPTION OF REDEVELOPMENT AREA

The area that is the subject of this Plan (the "Redevelopment Area") includes the Clarksville Central Business Improvement District (the "CBID"), the neighborhoods of Red River, Emerald Hill and Dog Hill, a portion of the Brandon Hill neighborhood, 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 Railroad, on the east by the Corman Railroad and on the north by Red River. The area encompasses about 1097 acres, exclusive of public rights-of-way.

In January, 1999, a tornado struck downtown Clarksville and destroyed the heart of the CBID. 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 CBID, including the historic Montgomery County Courthouse. A number of privately owned structures have also benefited from this effort and have been either rebuilt or restored. The Redevelopment 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, this Plan will serve as a means of providing for and encouraging compatible and supportive development within the defined area. Coordinated redevelopment efforts should provide for parking and access necessary for any new development. This Plan should help provide the impetus for assembling properties for new development and the elimination of underutilized land and deteriorated structures within the Redevelopment Area.

This Plan is consistent with and implements recommendations of the *Clarksville Zoning Ordinance*, the *City of Clarksville's 5-Year Consolidated Plan for Housing and Community Development*, the *Clarksville Land Use Master Plan for the Downtown District Partnership* ("CBID Plan"), the *Streetscape Master Plan for CBID*, the *Land Use Plan Clarksville-Montgomery Co., TN*, the *Design Guidelines Central Business Improvement District December 1999*, 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*. This Plan incorporates by reference the preservation and redevelopment goals of those plans and superseding or subsequent plans approved by the applicable governmental bodies, including, but not limited to, redevelopment/revitalization plans that may be adopted for the Red River and/or Brandon Hills communities.

While many structures within the Redevelopment Area are used productively, visual inspections by the City and the Authority demonstrate that there are elements of blight within the Redevelopment Area due to dilapidation, obsolescence and deleterious land use that are detrimental to the safety, health or welfare of the community. This conclusion is supported by the incidence of code violations that occur within the

Redevelopment Area and the eligibility of some of the Redevelopment Area for Community Development Block Grant funding. Because of these elements of blight within the overall area, the Redevelopment Area is the proper subject of a redevelopment and urban renewal plan, and the redevelopment activities to be undertaken pursuant to this plan constitute an eligible redevelopment project under Section 13-20-202 of the Tennessee Code Annotated.

1. BOUNDARIES OF THE REDEVELOPMENT AREA

The boundaries of the Redevelopment Area are shown on Redevelopment Plan Map attached to this Plan as Exhibit "A" (the "Plan Map").

2. PLAN OBJECTIVES

The specific provisions and actions incorporated in this 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, Dog Hill, Emerald Hill and Brandon Hills neighborhoods as primarily, though not exclusively, residential.
- c. To provide for redevelopment of the Redevelopment Area, wherein non-conforming, health threatening, hurtful, destructive, noxious, harmful or potentially injurious land uses are present, 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 objectives of this Plan.
- e. To provide for the temporary or permanent relocation of businesses or residents where necessary to accomplish the objectives of this Plan.
- f. To eliminate and prevent the recurrence of blight.
- g. To eliminate vacant and underutilized land by monitoring development and taking actions necessary to encourage effective and desirable uses of land in accordance with this Plan.
- h. To provide for the layout of new streets, pedestrian ways, parking facilities and other public improvements necessary to support the redevelopment of the area.
- i. To enhance the historic resources represented by structures in the Redevelopment Area.
- j. To ensure that new homes are affordable and blend with existing housing in the community.

- k. To increase and/or expand economic and employment opportunities for residents.

3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of this Plan is to create an environment conducive to the redevelopment and the long-term economic viability of the CBID, Red River, Emerald Hill and Dog Hill neighborhoods, a portion of the Brandon Hill neighborhood, Austin Peay State University and 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, underutilized land and incompatible uses. The various provisions of this Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements in the Redevelopment 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, 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 this Plan. The acquisition of land by condemnation or eminent domain is limited as provided herein.
- b. The acquisition of land for the purpose of removing, preventing, or reducing blight.
- c. Demolition, clearance and relocation as necessary within the Redevelopment Area to achieve the objectives of this 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 this 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 Authority, redevelopers, utility providers, or the City of Clarksville.
- h. Changes in zoning to be consistent with *the Clarksville Land Use Master Plan* 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 Redevelopment Area are as shown on the 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 applicable then existing City zoning laws, codes and ordinances will control. The permitted uses of the land as shown on the Plan Map, and as further described in the following sections, provide a vision for future uses and planning and will promote change in an orderly fashion, and this Plan will be used as a tool for appropriate governmental bodies to determine if rezoning requests are consistent with the community vision.

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

In order to achieve the objectives of this 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 *City of Clarksville's 5-Year Consolidated Plan for Housing and Community Development*, the *Clarksville Land Use Master Plan for the Downtown District Partnership* ("CBID Plan"), the *Streetscape Master Plan for CBID*, the *Land Use Plan Clarksville-Montgomery Co., TN*, the *Design Guidelines Central Business Improvement District December 1999*, 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 (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 appropriate governmental bodies and/or the CBID.

- a. **General Land Use Districts:** Within the general land use districts shown on the 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 CBID, the Austin Peay State University 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 CBID 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:* 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 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 create an "urban" atmosphere that complements the CBID.

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 CBID. 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 this Plan is subject to previously mentioned design controls and procedural regulations (*Clarksville Zoning Ordinance, the City of Clarksville's 5-Year Consolidated Plan for Housing and Community Development, the Clarksville Land Use Master Plan for the Downtown District Partnership ("CBID Plan"), the Streetscape Master Plan for CBID, the Land Use Plan Clarksville-Montgomery Co., TN, the Design Guidelines Central Business Improvement District December 1999, 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 will be further governed by the proposed *Red River-Brandon Hills Revitalization Plan* if adopted by the City Council. 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 Plan to support affordable housing opportunities proximate to the CBID.

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

b. **General Design Regulations and Controls:** In order to achieve the objectives of this Plan, design controls and procedural regulations of the *Clarksville Zoning Ordinance*, the *City of Clarksville's 5-Year Consolidated Plan for Housing and Community Development*, the *Clarksville Land Use Master Plan for the Downtown District Partnership* ("CBID Plan"), the *Streetscape Master Plan for CBID*, the *Land Use Plan Clarksville-Montgomery Co., TN*, the *Design Guidelines Central Business Improvement District December 1999*, 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*, shall apply, as applicable, to land within the Redevelopment Area developed, redeveloped, or improved subsequent to the recording of this Plan in the Register's Office of Montgomery County. The RDB may recommend the adoption of additional design regulations and controls to be adopted by the appropriate governmental body. The City Council may adopt additional redevelopment/revitalization plans to control and regulate development within the Redevelopment 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 approved by the Regional Planning Commission as required in Section 11-613.1 of the Clarksville Zoning Ordinance, shall be submitted to the RDB and where the development is to be accomplished in phases, a construction-phasing schedule shall accompany the site plan. Development shall conform to the approved site plan. However, when the development plan includes tax increment financing the RDB shall act in accordance with the terms as stated in Section D, E. and G.

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 approved by the Regional Planning Commission as required in Section 11-613.1 of the Clarksville Zoning Ordinance shall be submitted to the RDB. Development shall conform to the approved landscape plan. However, when the development plan includes tax increment financing the RDB shall act in accordance with the terms as stated in Section D, E. and G.

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. However, when the development plan includes tax increment financing the RDB shall act in accordance with the terms as stated in Section D, E. and G.

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 approved by the Regional Historic Zoning Commission as required in Section 11-315 of the Clarksville Zoning Ordinance shall be submitted to the RDB. 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 such other guidelines as the RDB may deem appropriate. However, when the development plan includes tax increment financing the RDB shall act in accordance with the terms as stated in Section D, E. and G.

5) Enforcement

In the case of violations of the restrictions contained in this Plan, the RDB may send Notice of Violation to the appropriate code or building official of the City and/or the Clarksville City Attorney who shall be entitled to seek immediate injunctive and other equitable or legal relief to enforce restrictions of this 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 for the Redevelopment Area and the requirements and restrictions with respect thereto, shall commence upon approval of this Plan by the City Council, 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 this Plan, it may be necessary to acquire properties within the Redevelopment Area, with the exception of properties owned by Austin Peay State University and other governmentally-owned properties. Upon the recommendation of the RDB and the approval of the Authority, property may be acquired by eminent domain if the further approvals as provided for herein are met. Any property acquired by eminent domain, in whole or in part, will only be acquired pursuant to then existing Tennessee Statutes that allow for evaluation of the fair value of the property to

be determined, and full and fair compensation to be paid to the owner of the property taken, in whole or in part taken. With the stated limitations and further terms provided for herein, then upon the recommendation of the RDB and the approval of the Authority, property may be acquired 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 redevelopment of the Redevelopment Area; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrian ways; and to assemble suitable tracts for disposition. Notwithstanding the foregoing, no property shall be condemned and/or acquired by eminent domain pursuant to this Plan for the purpose of conveying such property to a third party for redevelopment if the owner of that property has submitted a proposal to redevelop such property in the manner described and to the extent permitted herein unless such acquisition is first approved by resolution of the City Council and County Commission (if this Plan is approved by the County).

In addition to the potential acquisitions described in the prior paragraph, parcels may also 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; if the owner of any said property refuses to comply or reach written agreement with the Authority 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 Area.

E. REDEVELOPMENT PROPOSALS AND OBLIGATIONS; LAND USE CONTROLS

The RDB will establish Bylaws for its own operating procedures and practices and will establish redevelopment priorities within the Redevelopment Area and will make recommendations to the Authority as to those areas within the Redevelopment Area that have the most pressing need for redevelopment. The RDB's recommendations for any redevelopment in the area will be limited to parcels/properties that are presented to the RDB with a proposal for redevelopment by the owner or owners jointly of the same; or are either (1) listed on delinquent tax rolls for more than 1 year, (2) listed as having continuing municipal code or safety violations for more than 6 months without correction, or (3) have been declared a dilapidated, unsafe or uninhabitable structure by the municipality for more than 6 months. One of the mandatory redevelopment priorities of the RDB will be to compile, update and maintain a list of all parcels or properties meeting the description found herein. If a particular property is identified for redevelopment by the RDB, the Authority, in consultation with the RDB, will request

redevelopment proposals for such property. If the property to be redeveloped is owned by a single owner, the Authority will first request a redevelopment proposal from such property owner in the manner provided below. If the property to be redeveloped is owned by multiple owners, the Authority will request redevelopment proposals from any interested parties. The entity or person whose proposal is selected to redevelop a particular property is referred to herein as the "redeveloper."

If the RDB and the Authority have identified a particular area for redevelopment that is owned by a single owner, the Authority will request a redevelopment proposal from such owner. Each proposal shall include, in detail, a description of the owner's proposed redevelopment of the property, the improvements to be made to the property, a proposed budget for such improvements and a timetable for construction. In addition, each owner must demonstrate in its proposal its financial ability to complete any proposed redevelopment project, including evidence of the availability of funds to complete the project. The current property owner will be given at least 90 days to submit a proposal after request from the Authority for a proposal.

The RDB will review proposals submitted by property owners. The RDB will advise the Authority in determining whether a proposal is consistent with this Plan and whether the proposal is feasible. The RDB may discuss an owner's proposal with the owner in whatever manner the RDB deems appropriate, and the property owner may resubmit a proposal to the RDB and the Authority based upon such discussions. The ultimate approval or rejection of a proposal shall remain with the Authority, however.

If an owner's proposal to redevelop property is approved by the Authority, the Authority and the owner will enter into a development agreement under which the owner will agree to develop its property as described in its proposal as approved by the Authority. In the event that any such owner fails to redevelop its property in accordance with its development agreement, the Authority may elect to acquire such property and make it available for redevelopment.

If an owner submits a redevelopment proposal, and the Authority does not approve the redevelopment proposal, the Authority shall notify the owner in writing, specifying the reason or reasons why the Authority did not approve the redevelopment proposal. The owner shall have 30 days from receipt of such notification to submit a revised redevelopment proposal responding to the reasons specified in the notification.

If an owner of property identified for redevelopment fails to submit a redevelopment proposal, fails to receive approval of its redevelopment proposal or fails to redevelop its property in compliance with its proposal, the Authority intends to solicit proposals from third parties to redevelop such property and to acquire such property. Responses to such proposals shall also be submitted to the RDB for its review and any recommended proposals shall be submitted to the Authority for approval or disapproval. Such responses shall include at least the same information required of property owners. The Authority will enter into a development agreement with any person or entity whose

proposal is approved by the Authority in order to ensure compliance with the proposal and the requirements of this Plan.

The Authority, in disposing of any land in the Redevelopment Area to be redeveloped or in connection with entering into a development agreement, will, in its contract and deed or other instruments of conveyance and/or the development agreement, include such terms and condition as in the judgment of the Authority will be necessary or advisable to ensure redevelopment of the Redevelopment 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 Area. In all instances, the improvements in the Redevelopment Area will be made in accordance with the applicable zoning ordinances, building, electrical, plumbing and other local codes and ordinances, the requirements of this Plan, and such other requirements as may be set forth in the contracts between the Authority and the redevelopers.

Any contract or agreement for conveyance or redevelopment of property in the Redevelopment Area by the Authority or the City, 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 and the City are the beneficiaries of all such covenants and obligations and that each 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 Area in accordance with this Plan. Such contracts, deeds, or other instruments of conveyance and/or development agreements, 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 and redevelopers of property in the Redevelopment 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

In the event any individuals and businesses are permanently or temporarily displaced by the Authority in connection with the implementation of this Plan, assistance will be offered in accordance with the Tennessee's Uniform Relocation Assistance Act of 1972, 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.

G. TAX INCREMENT FINANCING

Total property taxes receivable from land and leaseholds in the Redevelopment 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 this Plan on land leased or sold by the Authority is estimated to exceed \$200 million, which is the estimated cost of the redevelopment project. The total net annual increase of approximately \$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. This net annual increase would support approximately \$41.5 million of tax increment financing to be issued on one or more series or emissions and secured by all or a portion of the incremental tax revenues generated by the Redevelopment Area, to assist with the financing of redevelopment projects in the Redevelopment Area. By approving this Plan, the City and the County (if the County approves this Plan) are hereby by authorizing the allocation of incremental taxes in the Redevelopment Area as provided in the Act for the purposes provided herein.

Given the blighting elements in the Redevelopment Area 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 the RDB and the Authority will make the area conducive to new private development and result in increased tax revenues to the City and the County. The estimated principal amount of debt payable from incremental tax revenues described above and provided for by this Plan is expected to require less than 50% percent of the projected net new property taxes generated by the Redevelopment Area if redevelopment can be induced to occur as anticipated by this Plan. Therefore, the City and the County, as the taxing agencies within the Redevelopment Area, are expected to realize substantial revenues from the Redevelopment Area and will not be substantially impacted by the tax increment financing authorized by this Plan. However, based upon current property tax rates, the estimated annual impact to the City and the County of applying the approximately \$4.15 million of incremental property tax revenues as provided herein would be \$1.25 million

or 30% to the City and \$2.9 million or 70% to the County. If the County does not approve this Plan, the entire impact would be on the City.

The estimated amount of bonds or other indebtedness backed by tax increment revenues issued pursuant to this Plan is \$41.5 million. The final maturity date on any bonds or other indebtedness backed by the tax increment revenues from the Redevelopment Area shall be on or before 20 years from the date the redevelopment project being financed is expected to be completed. Upon retirement of all bonds 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 development of the Redevelopment Area shall be retained by the City and the County. Activities or improvements eligible for tax increment funding shall include all permitted projects that may be financed as part of a redevelopment project or urban renewal project pursuant to the Act. Sources of revenue to finance the costs of redevelopment projects, in addition to tax increment financing, include private equity and loans.

If this Plan is not approved by County, the tax increment financing provisions contained herein shall still be effective as to incremental City property tax revenues provided the City furnishes to the County an agreement, as permitted by the Act, exempting the County's property tax levy from these tax increment financing provisions.

H. DELEGATION TO NEGOTIATE PAYMENTS IN LIEU OF TAXES

The Clarksville-Montgomery County Industrial Development Board ("IDB"), pursuant to Tennessee Code Annotated, § 7-53-305, is hereby authorized and delegated the authority to negotiate and accept from the IDB's lessees located within the Redevelopment Area, payments in lieu of ad valorem taxes upon the IDB's finding that such payments further the IDB's public purposes and the purposes of this 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 Area. The Authority is also hereby authorized and delegated the authority to negotiate and accept payment in lieu of ad valorem taxes with respect to low-income housing property in accordance with the Act. If this Plan is not approved by the County, the delegation in this Section H shall only apply to City property taxes.

I. REDEVELOPMENT DISTRICT BOARD

Pursuant to the Act, the Authority shall establish an advisory board to assist with the implementation of this Plan, which shall be known as the Redevelopment District Board (the "RDB"). The Chairman of the Authority shall serve as a member and chairman of the RDB and will appoint twelve additional members to the RDB as follows:

- one (1) member to be recommended by the County Mayor for an initial 3-year term (if the County does not approve this Plan, this member shall be recommended by the City Mayor),

- one (1) member to be recommended by the City Mayor 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 Project Area to be recommended by the Authority as a public housing representative for an initial 2-year term,
- one (1) member of the Downtown District Partnership to be recommended by the Downtown District Partnership for an initial 2-year term,
- one (1) member of the Clarksville/Montgomery County Regional Planning Commission to be recommended 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, recommended 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 2-year term. The four neighborhood members shall be jointly recommended by the City Mayor and County Mayor (if the County approves this Plan).

Thereafter, all members shall serve 3-year terms. The RDB shall review redevelopment projects as being in conformance with this Plan and any applicable design guidelines, and zoning and code requirements, approve developer agreements, recommend tax increment financing transactions to the Authority, 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 Authority, if necessary.

J. ADMINISTRATION

The City Council and the County Commission of the County (the "County Commission") (if this plan is approved by the County), on behalf of the City and the County, hereby authorize the Authority to enter into inter-local agreements with the City and/or the County or any division or instrumentality thereof and the RDB 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 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. AMENDMENTS; TERM

This Plan may be modified, changed or amended by the Authority, with the subsequent approval of the City Council and the County Commission (if initially approved by the County Commission) in the same manner as this Plan was originally approved, 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 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.

This Plan shall remain in effect until terminated by appropriate resolution or ordinance of the City and the County (if the County has approved this Plan).

L. SEVERABILITY

The invalidation of any one or more of the foregoing provisions of this Plan 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 this Plan but the same shall remain in full force and effect.

<i>PUBLIC HEARING:</i>	March 20, 2008
<i>FIRST READING:</i>	April 7, 2008
<i>SECOND READING:</i>	May 8, 2008
<i>EFFECTIVE DATE:</i>	May 14, 2008



Redevelopment
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