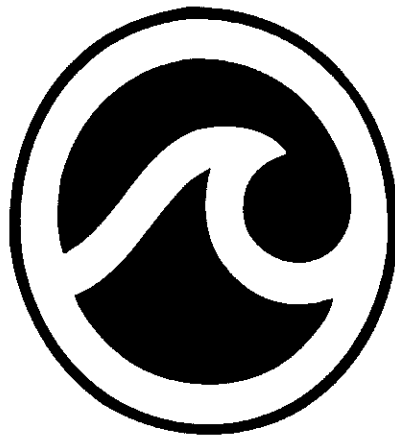


**MARION ROAD/PEARL AVENUE PROJECT
REDEVELOPMENT PLAN
MODIFICATION # 3**



OSHKOSH
ON THE WATER

**CITY OF OSHKOSH
DEPT OF COMMUNITY DEVELOPMENT**

January 2000

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MARION ROAD/PEARL AVENUE REDEVELOPMENT PLAN Modification # 3

I. INTRODUCTION

Located adjacent to the Fox River and between the Central Business District (CBD) and the University of Wisconsin-Oshkosh is the Marion Road Industrial District. The City of Oshkosh Comprehensive Plan, adopted in August 1993, identified the industrial district as a special planning area of the Central City. This industrial district encompasses approximately 44 acres and has been in existence for over 100 years. The district is characterized by a majority of manufacturing uses along with some commercial and residential uses as well as vacant parcels and buildings.

In this project area, the Comprehensive Plan calls for:

- Phasing out of industrial uses in the area.
- Clearance and redevelopment of the Universal Foundry property.
- Targeting the Radford plant site for redevelopment.
- Expansion and improvement of the campus oriented commercial district on Wisconsin Street.
- Realignment of Marion Road.
- Development of new housing.

The City identified a portion of the Central City Planning Area as the Marion Road/Pearl Avenue Planning Area (Map 1), and approved the Phase One Marion Road/Pearl Avenue Redevelopment Plan in August 1998. Additionally, a Tax Incremental Financing District (TID # 13) was approved in September 1998 to help finance project costs in the area. Since that time, the redevelopment plan has been amended twice to include additional properties that had become available for acquisition. Modification # 1 involved the two properties located at the southwest corner of Pearl Avenue and Jackson Street (145 and 161 Jackson Street). Modification # 2 involved six properties along Wisconsin Street between 100 to 144 Wisconsin Street.

This proposed modification is comprised of one property that encompasses a gravel unimproved parking lot. The parking lot had been leased to the Oshkosh Chamber in the past, and due to its proximity to the Bermuda Triangle Tavern at 111 Jackson Street, has also been used as a parking area by patrons of the tavern. The parking lot and tavern are under separate ownership. The property is approximately 3,900 square feet in size.

The inclusion of this proposed modification into the existing redevelopment project plan area is important due in large part to its prominent corner location at the intersection of Marion Road and Jackson Street. Some of the locational features that make this area important, from a redevelopment standpoint, include its:

- location at a signalized intersection;
- proximity to the Central Business District;

- proximity to Park Plaza;
- location along a heavily traveled arterial street with an ADT of 8,700.



A. Intent

It is the intent of this modification of the approved Redevelopment Plan to identify the geographic area of the Marion Road/Pearl Avenue Redevelopment Plan area as well as to identify the proposed area for expansion of the Redevelopment Plan. This modification will also specify the type of redevelopment activities appropriate for this area and the methods in which those redevelopment activities will be carried out.

The implementation of this Plan is consistent with past efforts and constitutes a significant step toward redevelopment of the central city and in particular of the Marion Road Industrial District.

B. Scope

The Plan provides a framework for the acquisition, disposition, and reuse of land within the proposed modification project area. In addition to addressing planning and related concerns, the document outlines a process for implementing a partnership between developers and the City of Oshkosh. Provisions for amendments to the plan are described in Part IV(H). All entities engaged in activities as part of the plan, or its implementation, are obligated to comply

entities engaged in activities as part of the plan, or its implementation, are obligated to comply with the conditions contained herein unless otherwise agreed upon or specified by the City of Oshkosh Common Council.

C. Statutory Authority

The preparation and adoption of this plan, and its implementation are enabled pursuant to Wisconsin Statutes, Section 66.43, as amended. It must be noted the City will only apply the powers granted by this Statute to those properties that have been identified for acquisition in this Plan.

D. Redevelopment Objectives

Recognizing the City's intent as specified in Part I(A) above, and the purpose and scope of Wisconsin Statutes, Section 66.43, the following redevelopment objectives have been identified:

1. Eliminate obsolete and deteriorating or deteriorated buildings, blighting influences, and environmental deficiencies which detract from the functional utility, aesthetic appearance, economic and environmental welfare, and general health and safety of this section of the City of Oshkosh, and to aid in the prevention of blight.
2. Provide for the orderly physical and economic growth of the City of Oshkosh through planned and controlled redevelopment.
3. Encourage coordinated redevelopment of parcels to achieve efficient building design, maximum utilization of sites, beautified off-street parking and service facilities, and integral pedestrian connections and open spaces, giving consideration to high standards of design for new development, rights-of-way, landscaping, and open spaces.
4. Achieve private redevelopment of parcels that will add to the tax base of the City of Oshkosh.
5. Assure that the design of all buildings will be in harmony with adjoining public, and semi-public developments.
6. Assure that any buildings are designed, located, and oriented to serve the area and to capitalize on existing views and open spaces.
7. Maximize utilization of Central City property in a manner consistent with the goals of the Comprehensive Plan.
8. Assemble land into parcels functionally adaptable with respect to shape and size for disposition and redevelopment in accordance with contemporary redevelopment needs and standards.

E. Consistency with Local Plans

The goals of the Comprehensive Plan as they relate to this modification of the redevelopment plan are as follows:

- Maintain a strong economic base in the central city;
- Revitalization of the central city;
- Enhance environmental quality, promote good design, and eliminate or lessen land use conflicts throughout the community;
- Gradually phase out existing industries in the Marion Road Area;
- Expand and upgrade commercial uses fronting on Jackson Street.

As part of the City's annual 1995 submission to the U.S. Department of Housing and Urban Development, the City has also prepared and adopted a Consolidated Plan with the following goals:

- 1) To eliminate blight or blighting influences and conditions which are detrimental to health, safety, and public welfare, and to utilize land and other resources in an efficient manner.
- 2) To promote economic development through physical development and improvements and business assistance, and to create and retain employment opportunities.

The activities proposed in this plan are consistent with goals of the City's Comprehensive Plan and the City's Consolidated Plan.

II. Marion Road/Pearl Avenue Redevelopment Plan Legal Description

A. Project Area Boundaries and Description

A part of Western Addition Blocks C, E, F, G, L, M and N, Libbey's Replat, Warren Road and vacated Warren Road, vacated Bell Place, Radford Place and vacated Radford Place, Dawes Street and vacated Dawes Street, and vacated Hancock Street, Jackson Street, all in the First Ward, City of Oshkosh, Winnebago County, Wisconsin described as follows:

The area is generally located east of Wisconsin Street, west of Jackson Street, north of Marion Road, and south of Pearl Avenue. The parcel commences at a point that is 5 feet northwesterly of the most northerly corner of Lot 7 in the Western Addition Block L as measured along the southwesterly line of Pearl Avenue; thence southeasterly along the southwesterly line of Pearl Street to the most easterly corner of Lot 5 in the Western Addition Block G; thence southwesterly along the southeasterly line of said Lot 5 to the most southerly corner of said Lot 5; thence southeasterly along the southwesterly lines of Lots 6 through 15 and Lot 17 of the Western Addition Block G and along the extended southwesterly line at said Lot 17 to the most easterly corner of Lot 1 in the Western Addition Block C also being on the southeasterly line of Bell Place; thence northeasterly along the northwesterly line at said Lot 1 also being the

Place; thence northeasterly along the northwesterly line at said Lot 1 also being the southeasterly line at Bell Place to the southwesterly line at Pearl Avenue; thence southeasterly along the southwesterly line of Pearl Avenue to the west line of Jackson Street; thence east to the centerline of Jackson Street; thence south along the centerline of Jackson Street to the extended northeasterly line of Marion Road; thence northwesterly along the extended northeasterly line of Marion Road and along the northeasterly line of Marion Road to a point on a line that is 50 feet west of and parallel to the west line of Jackson Street; thence north 87 feet along a line that is 50 feet west thereof and parallel to the west line of Jackson Street ; thence east 50 feet along a line that is 3.3 feet south of and parallel to the south line of Lot 10 in the Libbey's Replat to a point on the west line of Jackson Street; thence north along the west line of Jackson Street to the centerline of vacated Warren Road to the northwest; thence northwesterly along the centerline of vacated Warren Road to the extended northwesterly line of Lot 11 of the Western Addition Block F; thence southwesterly along the extended northwesterly line of said Lot 11, 24.98 feet to the former northerly right-of-way line of the Wisconsin Central Limited R.R.; thence westerly 704.56 feet along the arc of a curve concave to the left of radius 618.11 feet and whose chord bears S.88° 25' 56.4" W., 667.03 feet to the southeasterly line of Dawes Street; thence southwesterly along the southeasterly line of Dawes Street to the northerly line of Marion Road; thence northwesterly to the northwest corner of Dawes Street and Marion Road; thence northwesterly along the northerly line of Marion Road to the easterly line of Wisconsin Street; thence northeasterly along the southeasterly line and extended southeasterly line of Wisconsin Street to the most northerly corner of Lot 1 of C.S.M. 1584 of Winnebago County Records; thence S. 51° 33' 59" E., 177.27 feet along the northerly line of said Lot 1 to the most easterly corner of said Lot 1; thence S.51° 33' 59" E., 179.04 feet along the northerly line of Lots 18, 17, 16, and 15 of the Western Addition Block L; thence N. 38° 50' 26" E., 123.75 along a line 5 feet westerly of the easterly line of Lot 6 of said Block L to a point on the southwesterly line of Pearl Avenue also being the point of beginning.

Said parcel contains approximately 17.86 acres, 0.56 acres of which are the subject of this modification. The boundaries of the redevelopment area are illustrated in Map 2.

B. Historical Land Use

The subject property was used as a service station from the late 1930's to 1958 when the station closed. The property has been vacant since. The structures were razed from the property in 1968 leaving the unimproved gravel lot. During its operating life, the service station was owned by the Tankar Gas Company and most recently by the Avco Gas Company.

C. Existing Land Use and Ownership

The existing land use is shown on Map 3. The subject property encompasses a gravel unimproved parking lot. Due to its location adjacent to the Bermuda Triangle Tavern, and the fact that access to the lot is not blocked off, the lot is used by patrons of the tavern. The property is currently under the ownership of the Alberta Kimball Trust and is assessed at \$16,000. Individual parcels in the project plan area are shown and numbered on Map 4.

D. Existing Structural Conditions

The subject property does not contain a building structure as it was razed in 1968. As previously stated, the property exists as a gravel unimproved lot.

E. Existing Zoning

The subject property is zoned M-2, Central Industrial District. Existing zoning in the area is shown on Map 6.

III. PROPOSED PROJECT AREA ZONING AND LAND USE

A. Proposed Zoning and Land Use

It is proposed that the subject property as well as all properties in the redevelopment plan area be zoned C-3PD Central Commercial with a Planned Development District Overlay. The proposed zoning will allow for a variety of commercial and retail uses. The planned district overlay will allow more flexibility in development designs while providing safeguards to ensure orderly and compatible developments. Map 7 shows the proposed zoning. The proposed land uses in the redevelopment plan area are illustrated in Map 8.

IV. PROJECT IMPLEMENTATION

A. Land Acquisition

After ratification of this plan by the City of Oshkosh Plan Commission and the Oshkosh Common Council, the City will initiate acquisition of the subject property. Parcels to be assembled in the project plan area are identified on Map 9, Land Acquisition.

The City Attorney and the Department of Community Development will facilitate land assembly.

B. Relocation

Where relocation of individuals or business operations would take place as a result of city acquisition activities occurring within the project plan area, relocation will be carried out in accordance with applicable relocation requirements as set forth by State of Wisconsin and Federal regulations. Reference to these regulations is contained in Part IV (F) of this plan.

C. Land Disposition

Once assembled, land will be disposed of by sale in accordance with provisions contained in Wisconsin Statutes, Section 66.43. Properties to be disposed of in the project plan area are shown on Map 10, Land Disposition. In all likelihood, the subject property will not be sold

immediately to a public developer until additional properties can be assembled in the project area to create a larger more developable site.

When the project plan area is to be disposed, in addition to terms and conditions as specified by the Plan Commission and Common Council, the purchasers shall enter into an agreement with the City. Said agreement shall contain all terms and conditions specified by the Plan Commission and the Common Council, and all assurances necessary to insure consistency with the objectives of the Plan.

D. Proposed Site and Public Improvements

There are no immediate plans to construct any site or public improvements to the subject property other than to carry out basic maintenance activity on the property. A portion of the subject property may be retained by the city for future intersection improvements.

E. Performance Standards

Throughout the implementation of this project, and all stages and phases thereof, the developer(s) will be required to comply with the requirements of all sections of this plan, as well as the pertinent sections of municipal codes and ordinances referenced herein. Local codes and ordinances to be complied with are as follows:

1. City of Oshkosh Zoning Ordinance
2. City of Oshkosh Sign Ordinance
3. City of Oshkosh Floodplain Ordinance
4. City of Oshkosh Building Code

Subsequent to the selection of a developer by the Oshkosh Common Council, the following conditions will apply:

1. Execution of a Contract for Sale of Land for Private Redevelopment (prepared in accordance with Wisconsin Statutes, Section 66.43). The contract shall include, while not being limited to, the following provisions: purchase price, conveyance, time and place for deed delivery, apportionment of taxes, options (if applicable), deposits (if applicable), default and reversion, timing of construction and other conditions deemed necessary by the Oshkosh Common Council.
2. The following terms and conditions shall be incorporated into the contract relative to the process for finalizing the construction timetable and construction design elements:
 - a. City Obligation, e.g., construction of any improvements to be provided by the City.

b. Agreements In Principle. The developer(s) shall sign and comply with agreements in principle as needed to facilitate this project. The Common Council shall approve all Agreements.

c. Construction Plans. All development shall be in conformance with the redevelopment plan as approved by the Common Council. In addition, plans shall comply with all contract provisions and agreements in principal. The developer(s) shall submit to the City plans sufficient in detail to allow a determination to be made relative to compliance with the redevelopment plan, contract, and agreement provisions. The City will notify the developer(s) in writing concerning the approval or rejection of the plans. If the City rejects the plans in whole or in part, the developer must submit corrections and/or modifications to the City within a time period to be specified in the contract, and applicable agreements.

d. Changes in Construction Plans. If the developer desires to change or modify the plans once they have been approved, the proposed changes must be submitted to the City. The procedure for approval shall correspond to that prescribed for the submission of original plans.

e. Evidentiary Submittal. Prior to the time specified in the contract, the developer shall submit evidence of financial solvency, e.g., equity capital, mortgage financing, etc. The evidence shall be submitted in a form, manner, and time frame specified in the contract.

f. Actual Construction. After conveyance, the contract shall specify a time frame for the initiation of construction. The developer must notify the city, in writing, of the date upon which construction shall begin. The City may request and the developer shall provide progress reports as the City deems necessary. Once construction is completed, the developer will receive a certificate so stating. However, the Certificate will be issued contingent upon all requirements specified in the contract. The contract shall contain provisions for issuance of the certificate and remedial actions to be taken in the event that construction does not comply with this plan, contract provisions, and applicable local, state, or federal requirements.

F. Compliance with Applicable Local, State, and Federal Regulations

Local codes and ordinances obviously pertinent to this project have been identified in Part IV(E) of this plan. Notwithstanding these references, the developer(s) and the City shall comply with any and all local codes and ordinances that are deemed applicable by the City of Oshkosh.

If funds for this project originate from a federal program (e.g., the Community Development Block Grant program) additional requirements applicable to grantees and subgrantees are in

effect. Most significantly, these requirements relate to real property acquisition, relocation of displacees, environmental protection, equal opportunity and affirmative action, labor standards, and historic preservation. The City will comply with all state and federal regulations applicable under this project.

G. Project Financing

The City anticipates acquiring the property at nominal or no cost from the current property owner.

H. Redevelopment Plan Modification Procedures

This redevelopment plan may be modified or changed at any time, including after sale or lease of property, provided that the lessee or purchaser concurs with the proposed modifications. If the plan is modified, the City must conduct a Public Hearing, and all changes must be recommended for approval by the City Plan Commission and approved by the Oshkosh Common Council.

APPENDIX A

Central City Planning Area

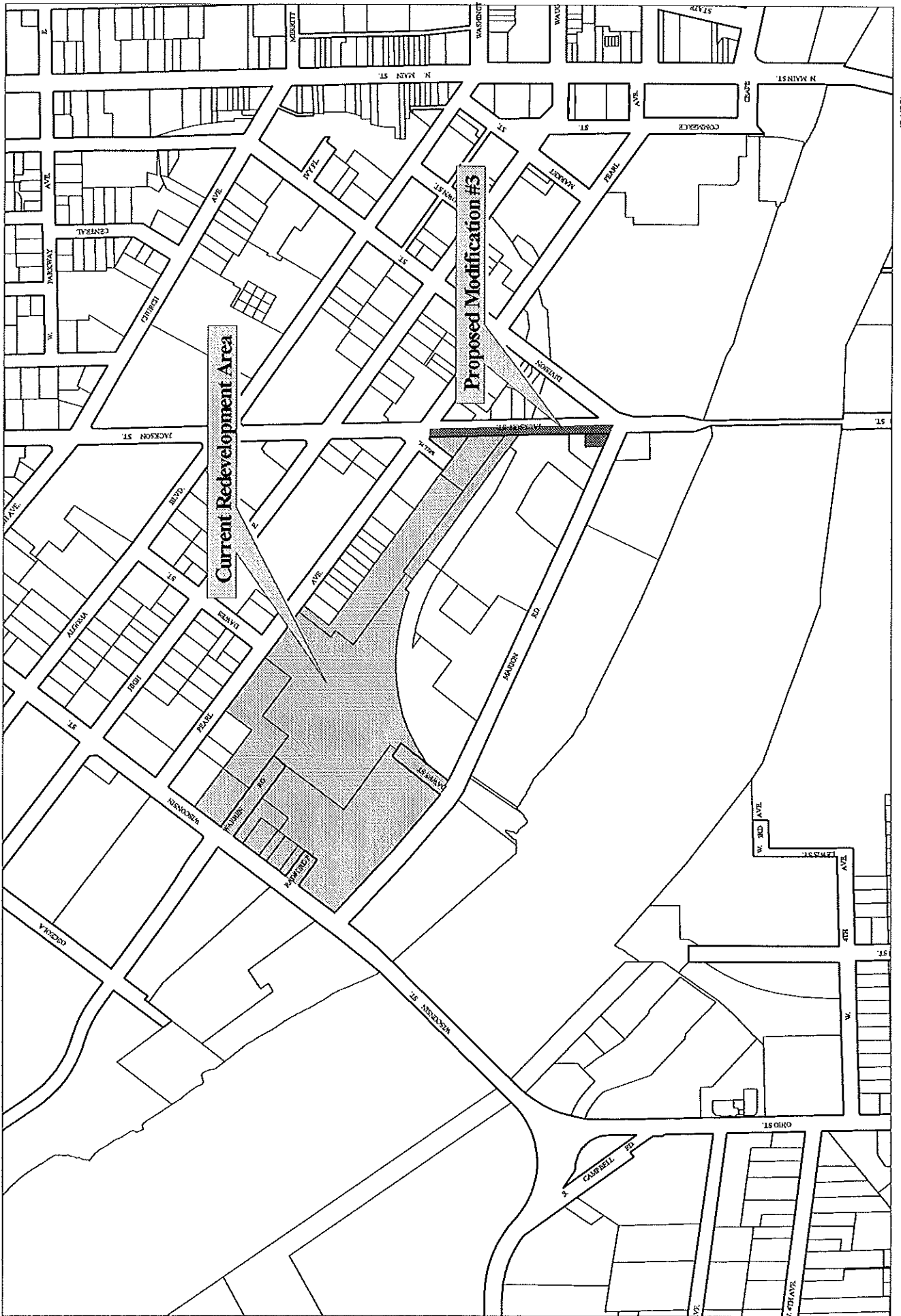


LEGEND

- Current Redevelopment Area
- Proposed Modification #3
- Central City Planning Area

Marion Road / Pearl Avenue Redevelopment Area Modification #3

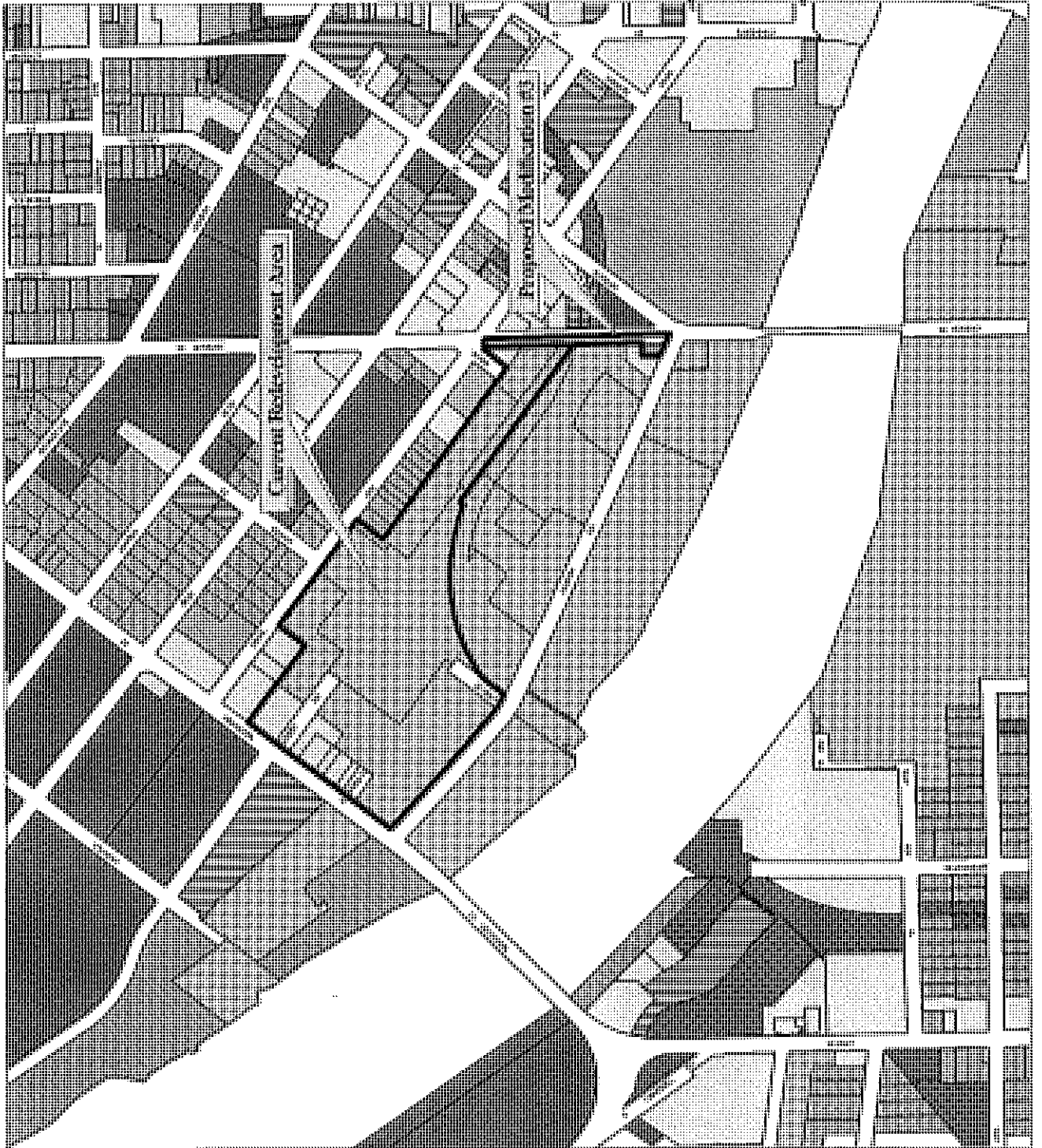
Map 2












(0100)

Marion Road / Pearl Avenue Redevelopment Area Modification #3

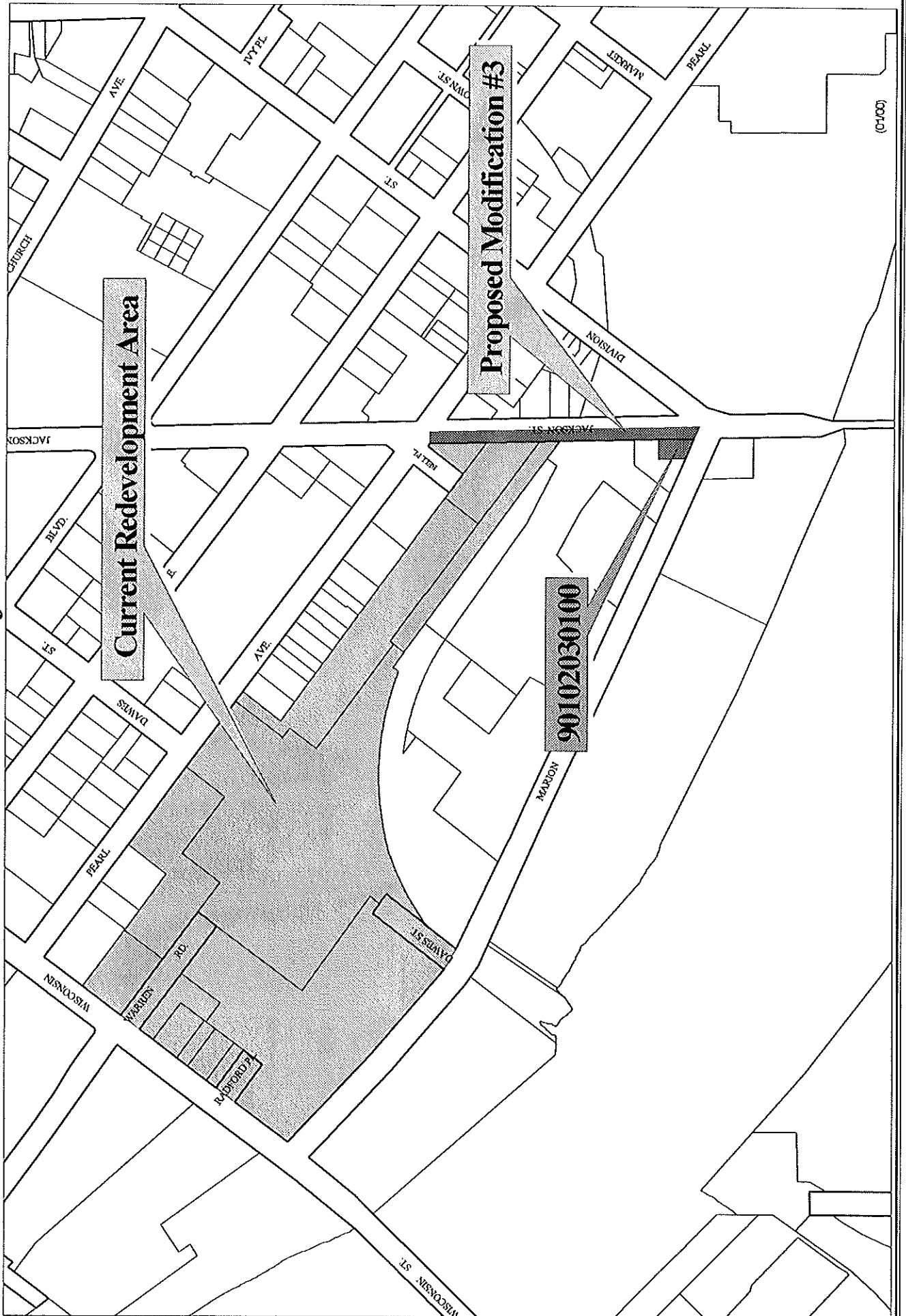
Existing Land Use



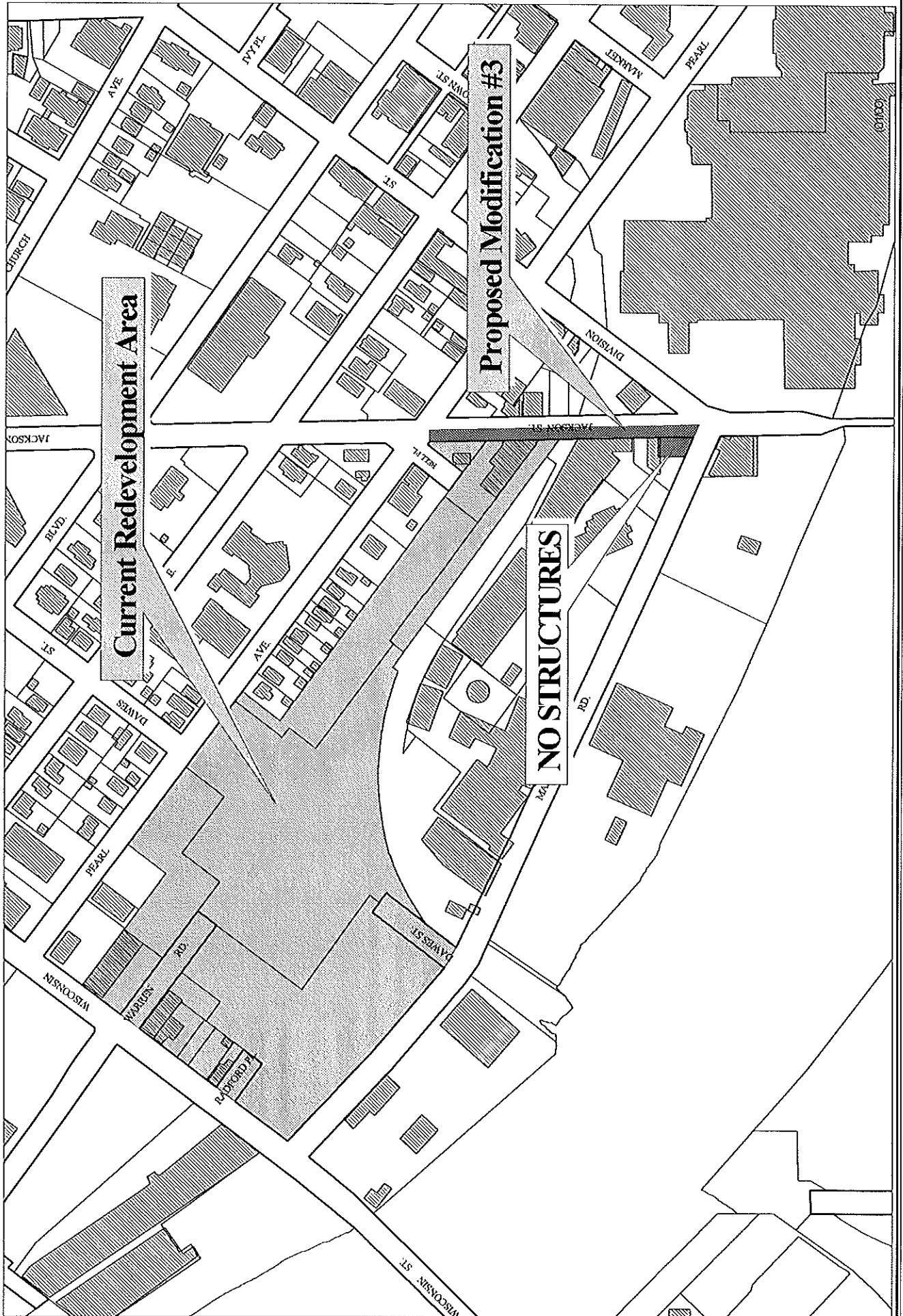
Land Use

-  Parking Lot
-  Parks, Recreation, Open Space Area
-  Commercial
-  Institutional
-  Mixed Use
-  Manufacturing
-  Residential
-  Vacant Land
-  Marion Road / Pearl Avenue Redevelopment Area

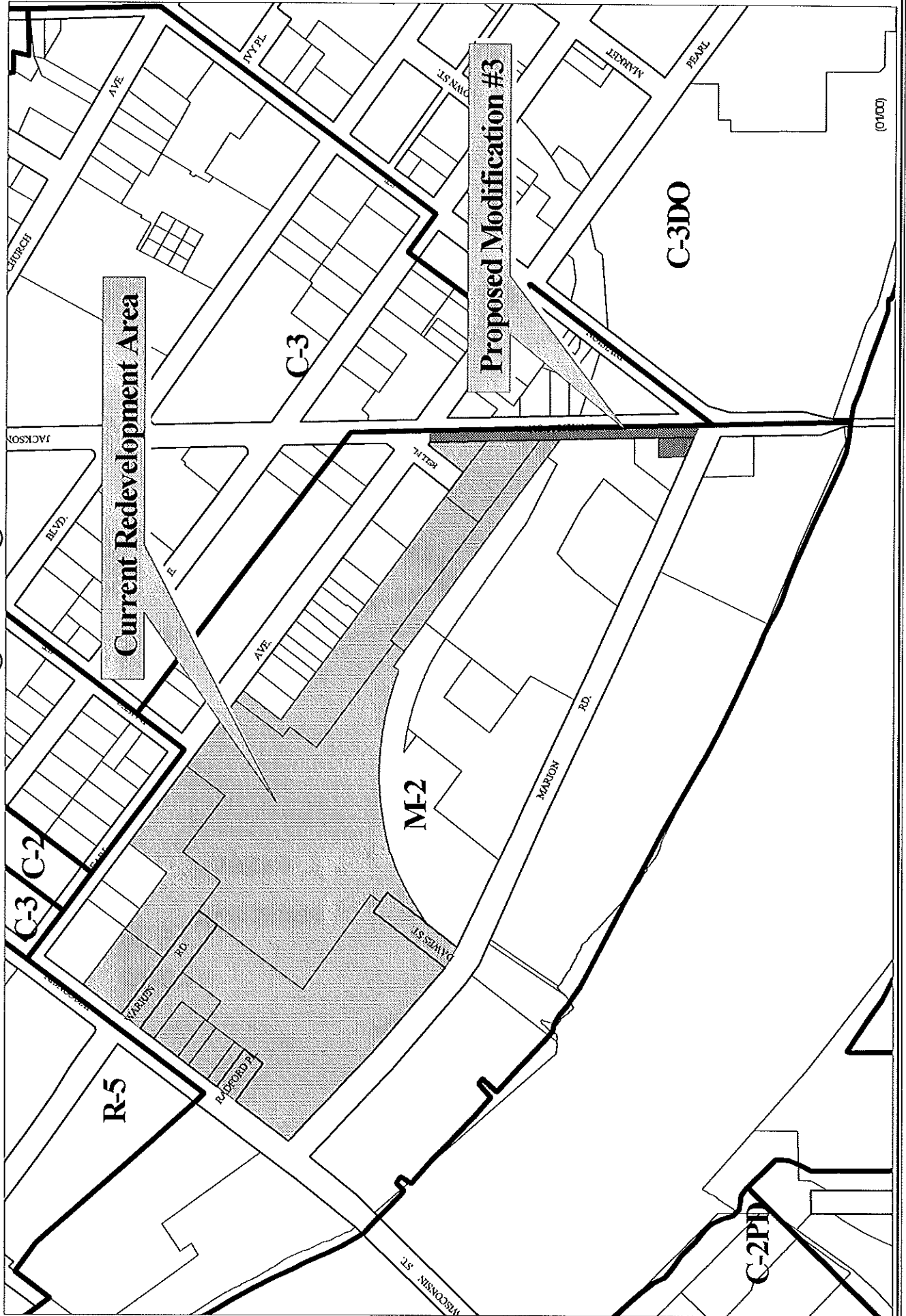
Marion Road / Pearl Avenue Redevelopment Area Modification #3 Parcel Identification



Marion Road / Pearl Avenue Redevelopment Area Modification #3 Structural Conditions



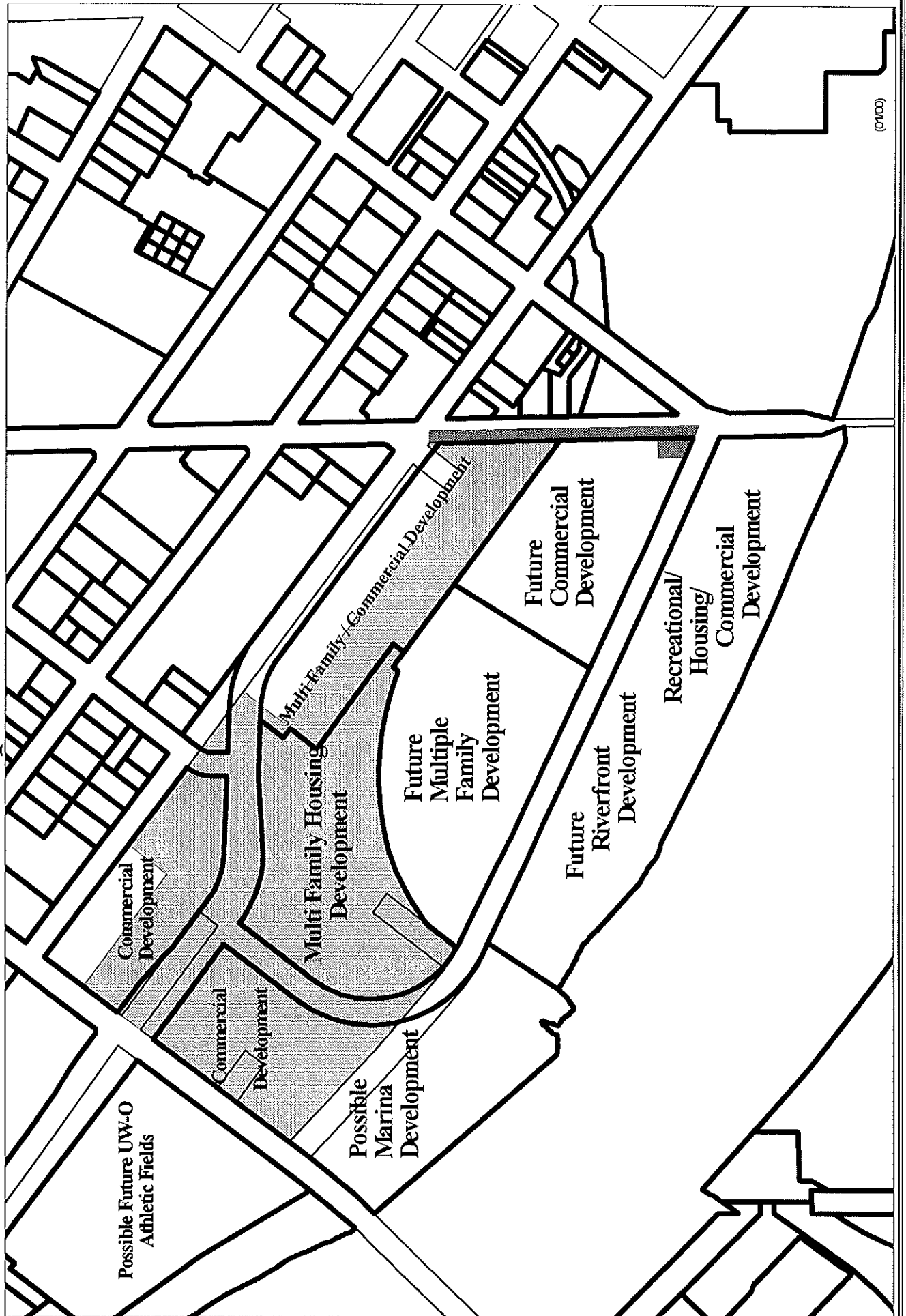
Marion Road / Pearl Avenue Redevelopment Area Modification #3 Existing Zoning



Marion Road / Pearl Avenue Redevelopment Area Modification #3 Proposed Zoning

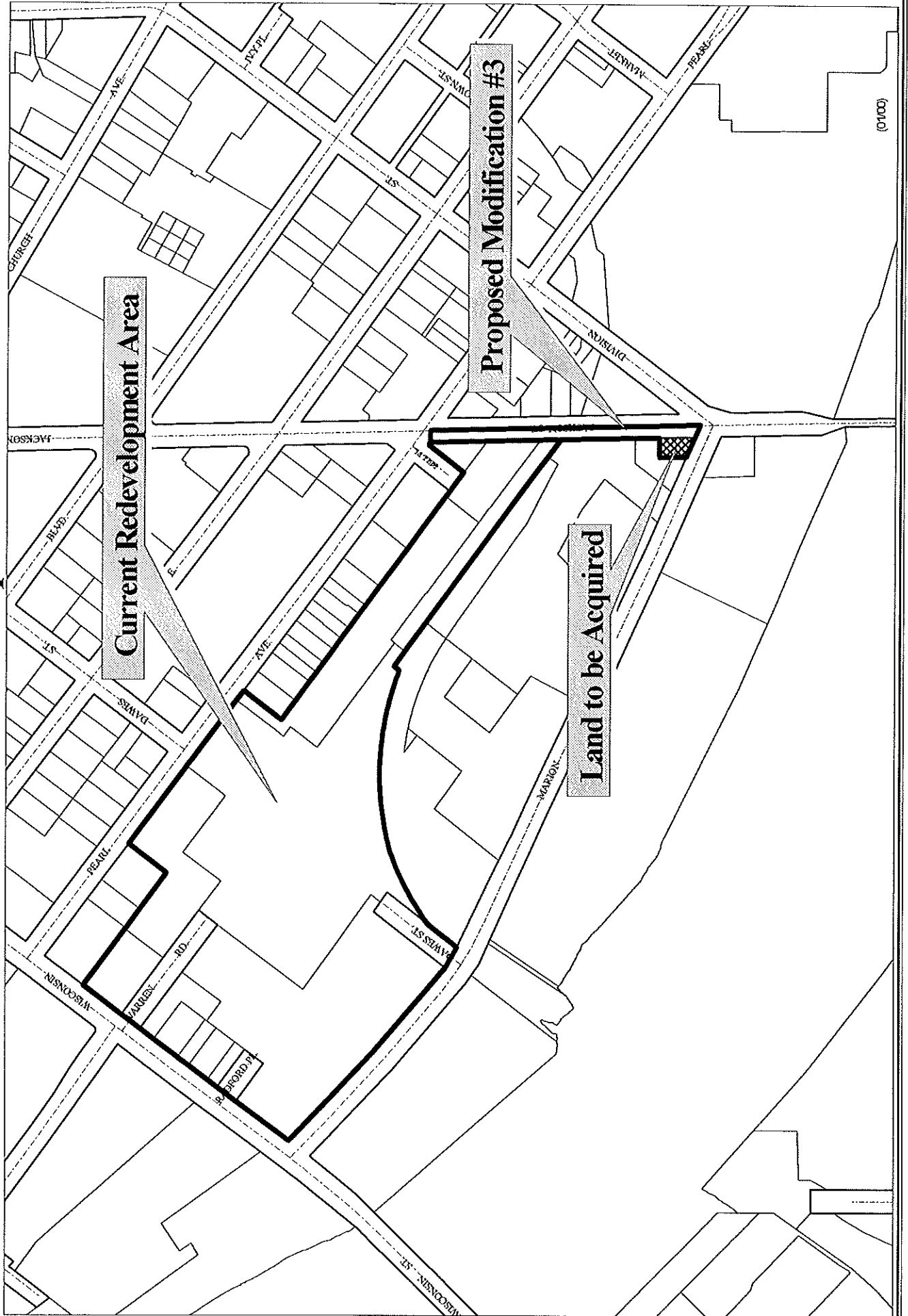


Marion Road / Pearl Avenue Redevelopment Area Modification #3 Proposed Land Use



(01/00)

Marion Road / Pearl Avenue Redevelopment Area Modification #3 Land to be Acquired



Marion Road / Pearl Avenue Redevelopment Area Modification #3 Land to be Disposed



