PROPERTY TAX INCENTIVE APPLICATION FOR ENCLAVE DEVELOPMENT

(Jim Gilmour)

SUGGESTED MOTION:

Move to participate in the request for a Tax Increment Finance (TIF) District in the City of Fargo submitted by Enclave Development for new housing on property located southeast of Oak Street and 6th Avenue North for up to a fifteen-year period.

OR

Move to **NOT** participate in the request for a Tax Increment Finance (TIF) District in the City of Fargo submitted by Enclave Development for new housing on property located southeast of Oak Street and 6th Avenue North for up to a fifteen-year period.



September 28, 2020

RECEIVED CASS COUNTY COMMISSION

SEP 3 0 2020

Chad Peterson, Chairman Cass County Commission 211 9th Street South Fargo, ND 58103

Mr. Peterson,

According to N.D.C.C. Chapter 40-05-24, if the City of Fargo anticipates granting a property tax incentive for more than five years, the Chairman of the County Commission must be notified by letter. Within thirty days of receipt of the letter, the County Commission shall notify the City of Fargo whether they intend to participate in the incentive.

The City of Fargo has received an application from Enclave Development for Tax Increment Financing (TIF) incentives for new housing on property that would be in a renewal plan. The property is located southeast of Oak Street and 6th Avenue North.

The incentive would be granted in the form of a TIF note that would repay the developer from TIF property taxes for approved TIF costs. The TIF request is for extraordinary costs to make the site suitable for development. These include:

- Soil Correction and Remediation
- Public Infrastructure
- Land Acquisition/Write Down
- Flood Associated Levee Design and Construction
- Building Demolition
- Access road
- Legal and TIF Fees

Tax Increment Financing costs have been estimated at a present value of \$3,589,204. The maximum period of the TIF district would be 15 years. The property has a value now of \$1,278,900. The value of the completed project is estimated at more than \$21 million.

Please respond at your earliest convenience with the determination made by the County Commission regarding the participation.

Thank you.

Jim Gilmour

CC: Robert Wilson



MEMORANDUM

TO:

TAX EXEMPT REVIEW COMMITTEE

FROM:

JIM GILMOUR, STRATEGIC PLANNING DIRECTOR

DATE:

SEPTEMBER 15, 2020

SUBJECT: REQUEST FOR TAX INCREMENT FINANCING - RIVER LOFTS

The Fargo City Commission authorized a financial review of a proposed housing project at 505 Oak Street North. The developer is requesting Tax Increment Financing. Preparation of the renewal plan and development agreement are dependent on the recommendation of the Tax Exempt Review Committee. I have attached the following information for your review.

- 1. Request for TIF, City Commission memo and project location map.
- 2. Application for TIF and site plans.
- TIF Program "But-For" Report prepared by PFM.
- 4. Statement from Engineering Department on proposed levee.

The proposed development would include about 117 apartments and 14 condominiums. Several factors make it very expensive to develop the site. The factors include very poor soils, demolition costs, public infrastructure costs, land acquisition costs and the need for a flood protection levee.

Some key aspects of the project include:

- Project cost of \$25 million
- 131 housing units, including 14 condos
- Project completion in 2022
- \$3.2 million TIF costs
- TIF district needs to last for 15 years
- Developer takes on debt for TIF costs and is repaid from TIF income
- Flood protection benefits
- Potential to encourage investment in the neighborhood

PFM, the City's financial adviser, concluded, "The project would not be feasible without public assistance."





<u>MEMORANDUM</u>

TO:

FARGO CITY COMMISSION

FROM:

JIM GILMOUR, STRATEGIC PLANNING DIRECTOR

DATE:

JULY 22, 2020

SUBJECT: REQUEST FOR TAX INCREMENT FINANCING

The City of Fargo received a request for Tax Increment Financing (TIF) for a proposed project to be located southeast of 6th Avenue North and Oak Street. A copy of the request is attached.

The block is mostly vacant. There is one 4-unit apartment building and a single-family rental house that are occupied. Three vacant houses are in poor condition and not suitable to occupy. Two houses and a small apartment building were demolished 3 or 4 years ago because of their poor condition, and that land has remained vacant.

The proposed project would redevelopment of the site, demolishing the existing buildings and preparing the site for redevelopment. The plan is to construct a building of about 130 housing units, with the top floor being about 14 condominiums.

The site appears to have blighted conditions, need for infrastructure and the need to remove debris prior to redevelopment. Tax Increment Financing may be needed for the redevelopment of this site. The property is zoned DMU that allows high-density residential.

Fargo TIF policy calls for the City Commission to review the request to determine if staff should proceed to work with the developer on a renewal plan, and forward an application to the City financial advisors for review.

RECOMMENDED MOTION: Authorize staff to submit a TIF application to the financial advisor for review, prepare a renewal plan and a development agreement for redevelopment of property southeast of 6th Avenue North and Oak Street.

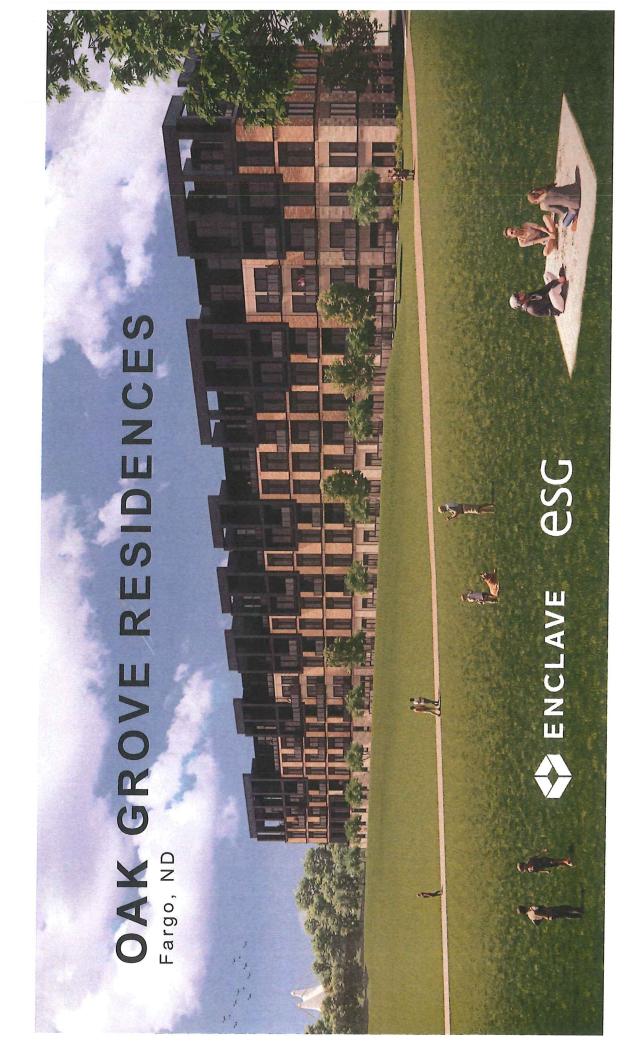
Attachments

1,278,900	21,592,000	20,313,100
❖	\$	⋄
Current Value	New Value	Incremental Increase

					[₹]	Annual Tax Increment Financing	ent	Financing			
Year		City of Fargo		Fargo Parks		Cass County	Œ	Fargo Schools	Other		TOTAL
П	↔	51,138.23	\$	27,662.89	Ş	47,278.74	\$	148,956.98 \$	7,130.41 \$	40	282,167.24
2	❖	51,905.30	\$	28,077.83	ş	47,987.92	ς٠	151,191.33 \$	7,237.36 \$	40	286,399.75
က	❖	52,683.88	ς٠	28,499.00	Ş	48,707.74	s	153,459.20 \$	7,345.92 \$	40	290,695.75
4	❖	53,474.14	ş	28,926.48	\$	49,438.36	\$	155,761.09 \$	7,456.11 \$	40	295,056.18
5	↔	54,276.25	δ.	29,360.38	\$	50,179.93	❖	158,097.51 \$	7,567.95 \$	40	299,482.02
9	❖	55,090.40	ς,	29,800.79	\$	50,932.63	ς٠	160,468.97 \$	7,681.47 \$	40	303,974.25
7	❖	55,916.75	\$	30,247.80	❖	51,696.62	ᡐ	162,876.00 \$	\$ 69.962,7	٠.	308,533.87
∞	❖	56,755.50	δ.	30,701.51	Ş	52,472.07	ς,	165,319.14 \$	7,913.64 \$	40	313,161.88
6	ب	57,606.84	₹>	31,162.04	\$	53,259.15	ب	167,798.93 \$	8,032.35 \$	٠.	317,859.30
10	❖	58,470.94	ς,	31,629.47	ς,	54,058.04	ئ	170,315.92 \$	8,152.83 \$	40	322,627.19
11	❖	59,348.00	\$	32,103.91	ş	54,868.91	ş	172,870.65 \$	8,275.13 \$	40	327,466.60
12	❖	60,238.22	ئ	32,585.47	❖	55,691.94	ب	175,463.71 \$	8,399.25 \$	40	332,378.60
13	٠	61,141.80	ئ	33,074.25	ş	56,527.32	ş	178,095.67 \$	8,525.24 \$	٠.	337,364.28
14	❖	62,058.92	\$	33,570.36	Ş	57,375.23	❖	180,767.10 \$	8,653.12 \$	40	342,424.74
15	❖	62,989.81	ب	34,073.92	Ş	58,235.86	s	183,478.61 \$	\$,782.92 \$	40	347,561.12

	2019 Mill Levy	evy	Continuing Taxes	z Taxes
Fargo Schools		154.38	\$	9,378.24
City of Fargo		53.00	Ş	3,219.63
Fargo Parks		28.67	\$	1,741.64
Cass County		49.00	\$	2,976.64
Other		7.39	\$	448.93
	Total 2	292.44 \$		17,765.07

Assumens 1.5% Per Year Growth in TIF income



PROJECT HIGHLIGHTS

Downtown Fargo. The property borders the Wildflower Grove Park offering convenient access to the Riverwalk trails Located in the historic Oak Grove neighborhood, The River Lofts apartment and condominium is blocks from and scenic views of Downtown Fargo.

- Carefully planned site to maximize riverscape setting and connectivity to area parks
- Artfully designed to fit within the context of the neighborhood
- 117 apartment units 14 top floor condo units
- 220 onsite parking spaces including 145 underground to fully accommodate all residents
- Clubroom, fitness center, roof top patio, bike storage and pet spa
- Distinctive interiors, stainless steel appliances and central heating/cooling
- Construction is expected to start spring of 2021

SITE HISTORY

TIMELINE

First development project proposed; 3-story apartment – zone change from MR-2 to DMU 2003

New owner/development proposal – no movement

2015

New owner; 42-plex apartment proposal – zone change from MR-2 to DMU with CO New developer; townhome project proposal – zone change, PUD 2016

2018

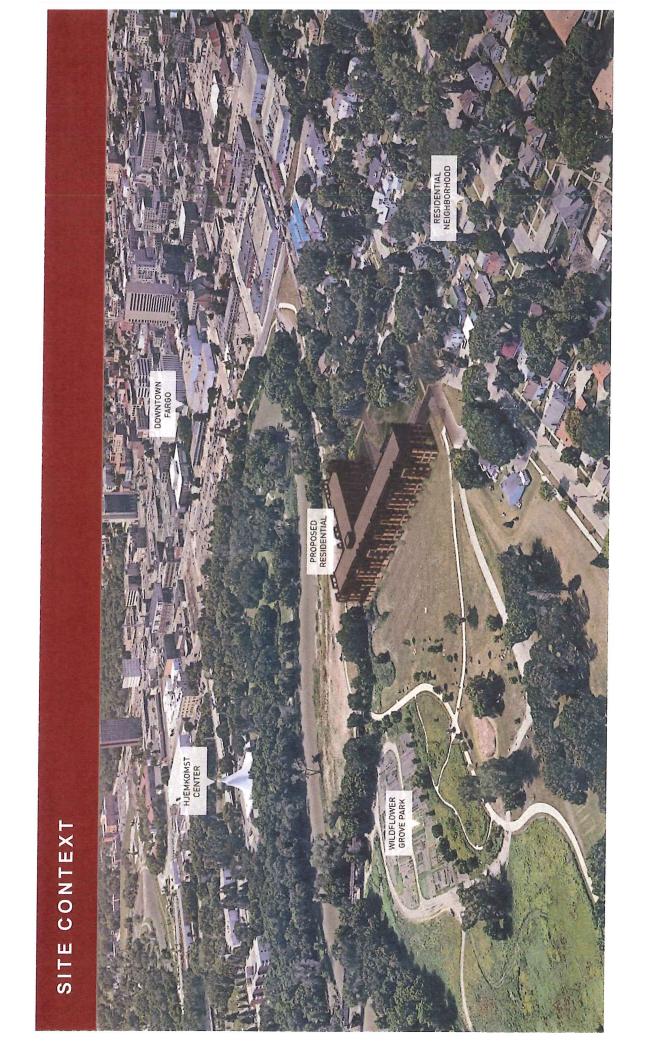
Condominium project proposal, start of intentional neighborhood collaboration

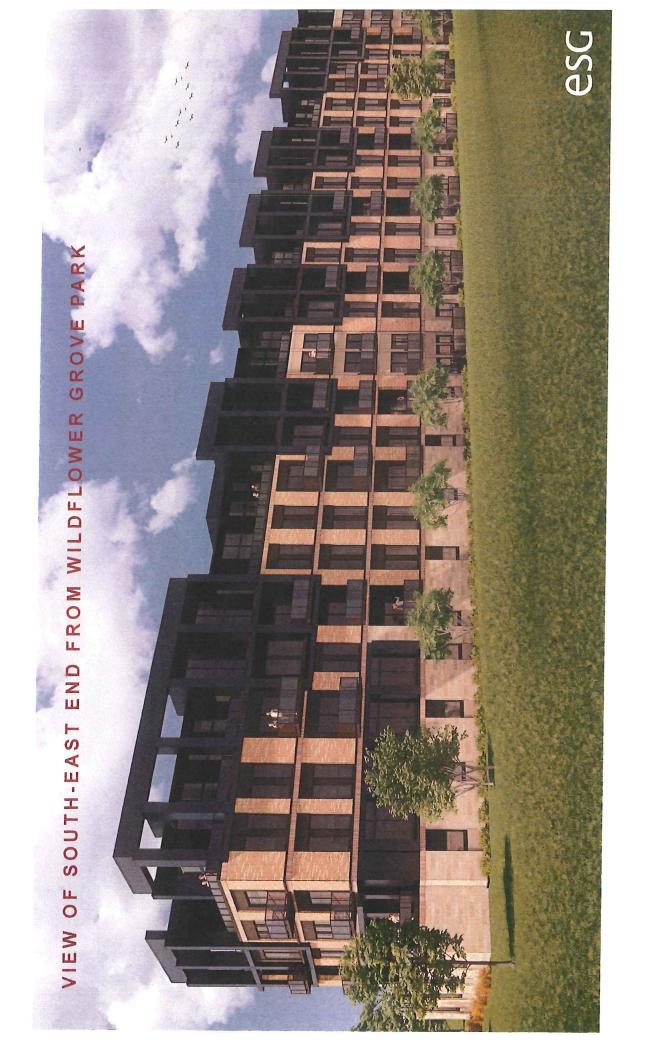
Apartment project proposal; no traction

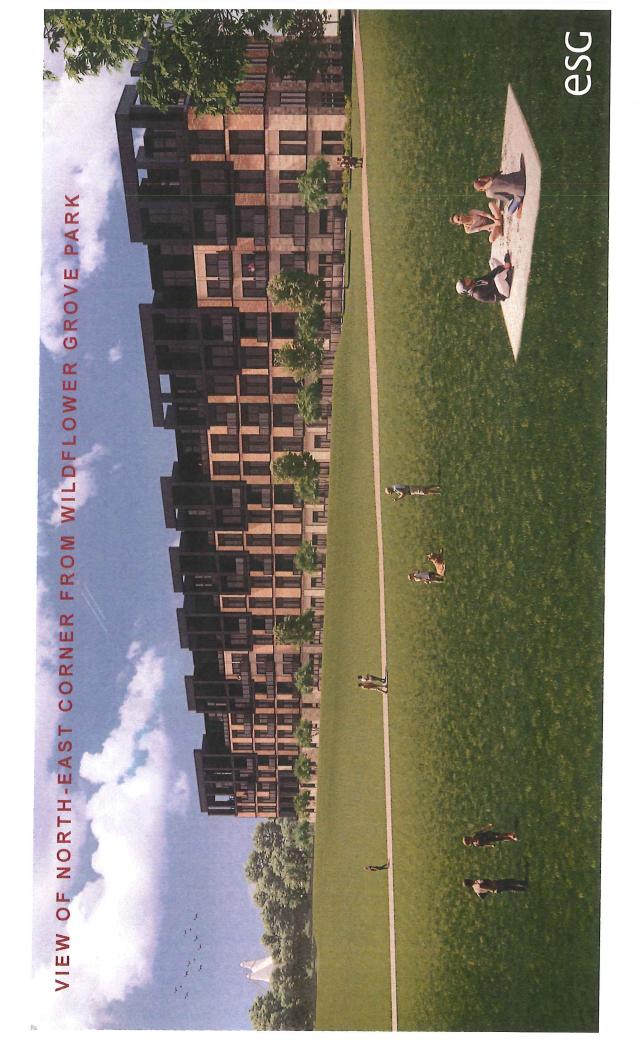
2020

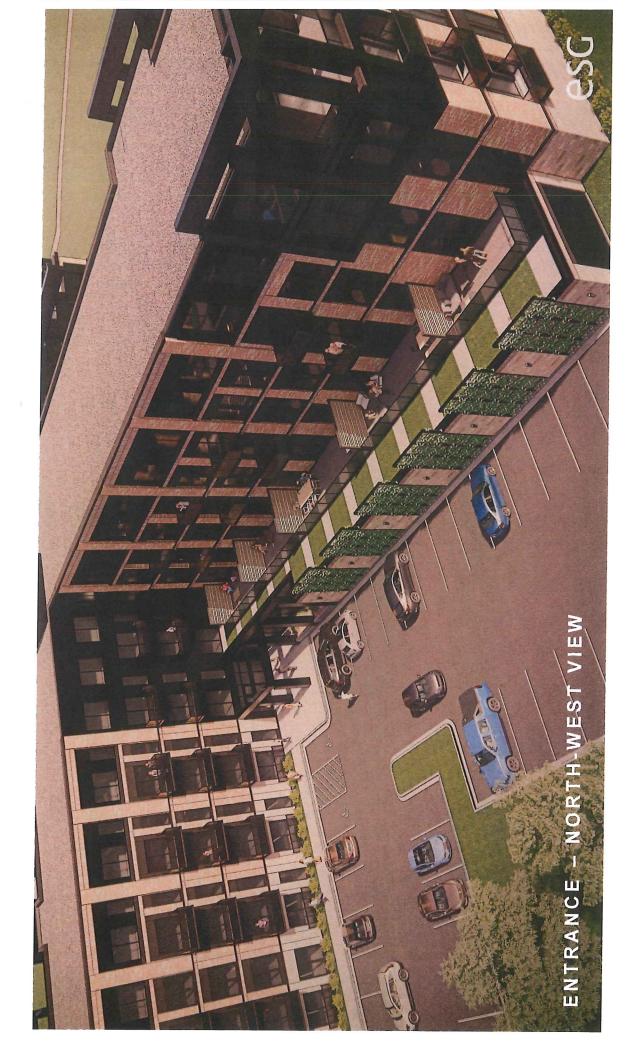
New partnership with Enclave; Zone change to extend DMU;

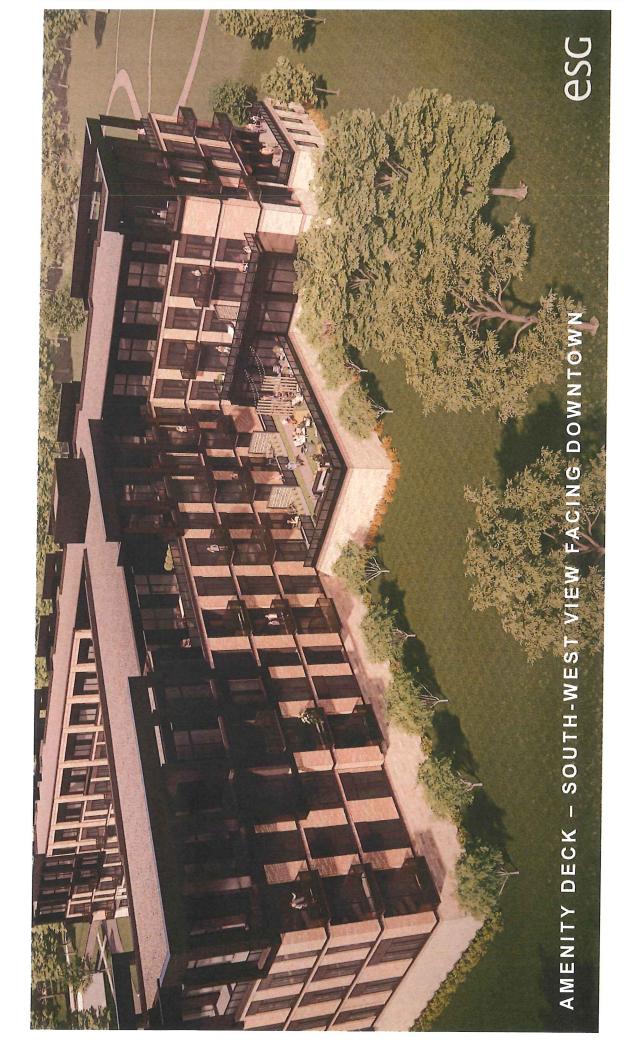
14 condominium units with 117 apartment units















1 2ND STREET N STE. 102 FARGO, ND 58102

enclavecompanies.com

City of Fargo

Application for TIF

Contact Information

Primary Contact: Austin Morris, Enclave Development

1 2nd St N #102 Fargo, ND 58102

(701) 478-4300; austin@enclavecompanies.com

General Information

Project Location 505 Oak St N Fargo, ND 58102

Project Description with conceptual plans See attached

Propose Schedule Construction start contingent on TIF determination

Estimated Completion Spring 2022

Project Financials and Financing

Name of Developer Enclave Development, LLC & Craig Development, LLC

Ultimate owner of development Craig Enclave OG, LLC

Type of Exemption Tax Increment Financing

Dollar request of TIF assistance See Pro Forma for Delta

Term of request property tax payments Fifteen (15) year property tax increment exemption

Minimum of a 10-Year Proforma See Confidential Pro Forma provided to third party consultant

Total project cost See Confidential Pro Forma

Hard Capital Costs per Policy & Guidelines See Confidential Pro Forma

Contributed equity See Confidential Pro Forma

Loan amount(s) with terms See Confidential Pro Forma. 5 Year Term.

Number of housing units by type 117 Multifamily Rental Units, 14 Condominium Units

Square footage of commercial space None

Proposed rents by housing unit types See Confidential Pro Forma

Detailed assumptions for any other revenues See Confidential Pro Forma

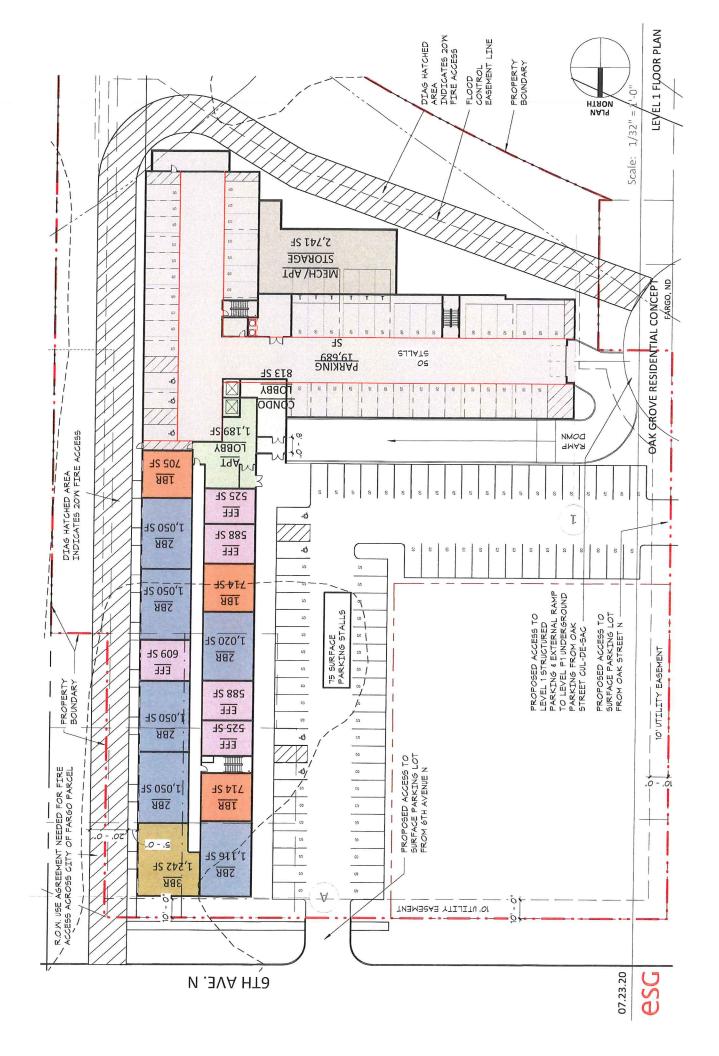
Expenditures broken out by category See Confidential Pro Forma

Extraordinary Costs per Policy & Guidelines See Confidential Pro Forma

OAK GROVE RESIDENTIAL CONCEPT FARGO, ND

LEVEL P1 PARKING PLAN

07.23.20



esc

07.23.20

LEVEL 3 FLOOR PLAN

OAK GROVE RESIDENTIAL CONCEPT FARGO, ND

LEVEL 4 FLOOR PLAN

07.23.20

Property Ownership	River Lofts Craig Enclave OG, LLC												
Revision Note:	8/6/20 PUPM for \$ and % of GPR unless otherwise noted	ioted											
uw CON	MULTIFAMILY	Y1 - Mı	Y1 - Multi Stabilized Y2 - Condos Sold	- Condos Sold	43	74	4.5	Ye	7	λ8	6X	V10	£,
	Gross Potential Rent Total Operating Income	ဟ ဟ	1,722,000 \$	1,739,220 \$	1,756,612 \$	1,774,178 \$	1,791,920 \$	1,809,839 \$	1,827,938 \$	1,846,217 \$	1,864,679 \$	1,883,326 \$	1,902,159
EXPENSES Maintenance Expenses												\$ 6/2'200'.	1,62,028,1
Admin & Utility Expenses		ю	78,403 \$	79,187 \$	\$ 626'62	80,779 \$	81,587 \$	82,403 \$	83,227 \$	84,059 \$	84,900 \$	85,749 \$	86.606
	Total Admin & Utility Exp. Total Operating Exp.	69	573,510 \$ 651,914	579,245 \$ 658,433	585,038 \$ 665,017	590,888 \$ 671,667	596,797 \$ 678,384	602,765 \$	608,793 \$	614,881 \$	621,029 \$	627,240 \$	633,512
Net Operating Income			995,978	1,005,938	1,015,997	1,026,157	1,036,419	1,046,783	1,057,251	1,067,823	1.078.501	1 089 286	1 100 179
	Less: Cap Project Reserves Debt Service		11,700	11,700 984,848	11,700	11,700	11,700 984,848	11,700	11,700	11,700	11,700	11,700	11,700
Net Cash Flow			(141,692)	9,390	19,449	29,609	39,871	50,235	60,703	71,275	81.954	957.39	304,040
	Cash on Cash Return Multifamily		-2.19%	0.14%	0.30%	0.46%	0.62%	0.77%	0.94%	1.10%	1.26%	1.43%	1.60%
ошо	CONDO SALES Condo Sales		2,838,325										
	Condo HOA (covers expenses below)		27,300	50% Sold D	Juring Lease-Up; 50%	50% Sold During Lease-Up; 50% Sold Year 1 after Multifamily Stabilization	mily Stabilization						
Gross Condo Income	Garabage, Water, Sewer, Heat, Lawn, Snow, Internet, Insurance, Reserves Unsold Condo Shell RE Taxes		(54.600) (33.338) 2,777,687										
	Condo Sales Total ROI (2.5 year Investmen Net Condo Profit	nen	12.53%										

Return Statistics River Lofts 8/6/2020

River Lofts	2021		117 Multifamilv	1000
	Year Built	# of Buildings	# of Units	# of Units

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		פספר מוומ בסמו	- Details		
l otal Cost	25,931,798				
Down Payment	6,482,949	25.00%	Monthy Payment w/o Condo Sales	109 864	
Loan Amount	19,448,848	75.00%	Annual P&I	1318370	
Rate	4.55%)	
Amortization (Years)	25				

	Constri	Construction & Development Cost River Lofts
		0/0/2/020
		Construction Costs
Total Construction Cost	20,305,250	97 Per Gross SF
		Land Costs
Land Cost Specials Buy Down	2,850,000	13.58 Per Gross SF
Total Land Cost	2,850,000	13.58 Per Gross SF
		City Costs
Total City Fees	15,000.00	0.07 Per Gross SF
		Consultant Costs
Total Consultant Costs	523,000	2.49 Per Gross SF
		Funding Costs
Total Financing Costs	49,563	0.24 Per Gross SF
	_	Financing Costs
Total Financing Costs	748,610	3.57 Per Gross SF
		Other Sort Costs
lotal Other Soft Costs	1,440,375	6.86 Per Gross SF
Total Development Cost	25,931,798	123.58 Per Gross SF

City of Fargo, North Dakota

Tax Increment Financing Program "But-For" Report

505 Oak Street North





September 11, 2020



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Purpose

The purpose of this report is to establish and determine the allowable value of the tax increment financing (TIF) for 505 Oak Street North, a development by Enclave Development (the "Developer").

PFM first reviewed the application to ensure that appropriate assumptions regarding property value, rent, condo sales, vacancy, expenses, and debt were used by the Developer. Based on those assumptions, PFM projected a 15-year cash flow, calculating an internal rate of return ("IRR"). We also made sure the Developer followed the City of Fargo's (the "City") Tax Increment Financing Policy (the "Policy") including the allowable costs and the Developer's calculations for determining the amount of allowable subsidy financing. The following report details PFM's analysis and conclusions concerning the viability of the proposed project without the subsidy.



Project

The project being proposed by the Developer includes the development of an 117-unit rental apartment building and 14 condos located at Oak Street North and 5th Avenue North. The intent of the Developer is to sell the condos upon completion.

The Developer estimates the construction will be completed in the Spring of 2022 with occupancy immediately following. The Developer has requested TIF assistance in the amount of approximately \$4,450,000 to complete the project.



Assistance Request

The Developer is requesting assistance in the form of tax increment financing under the City's Tax Increment Financing Policy. The Policy provides public assistance to a development through tax increment financing for private development. According to Policy #3, the maximum TIF assistance is 15 years and the Developer is asking for a 15-year exemption.

Requested Reimbursement

Below is the detailed requested cost of the proposed project to be reimbursed.

Soil Correction and Remediation	\$1,125,000
Public Infrastructure	425,000
Land Acquisition/Write Down	1,650,000
Flood Associated/Levee Design & Construction	625,000
Building Demo, Clearing, Tree Removal	275,000
Site Constraints/Access Road	265,000
Legal and TIF Fees	85,000
Total Requested Cost to be Reimbursed	\$4,450,000

The Developer is requesting a total of approximately \$4,450,000 of costs to be reimbursed.

Policy #8

Policy #8 limits the TIF assistance to 15% of hard construction costs, including the costs of acquisition. Based on total hard construction costs of \$21,625,081 the Developer can receive up to \$3,243,762. The Developer is requesting \$4,450,000 which is well above the maximum allowed. Policy #8 also states that the Developer must provide at least 10% of total capital costs as Developer's equity in the project. It is estimated the Developer will contribute \$6,482,949 as equity which is 25% of the total capital costs.

Land Cost

The Developer states the purchase price to acquire the property for the project is \$2,850,000 including the land value at \$952,300. The price is based on the actual purchase agreement of the property. Land acquisition is reimbursable under the Policy. The Developer is requesting to be reimbursed \$103,199 for the land acquisition which complies with Policy #5.

Policy #6

The Policy states that the maximum eligible land costs to be recouped by the Developer should be limited to the lesser of:

1.) The total acquisition cost for the property, provided that the acquisition cost is no more than 150% of the assessor's market value of the property. The Developer's cost to acquire the property is \$2,850,000. The assessor's market value for the property totals \$1,278,300. The eligible amount for reimbursement is 150% of \$1,278,300 which totals \$1,917,450. The Developer's reimbursement request of \$1,650,000 is within the allowable reimbursable amount under this policy.



2.) The difference between what was paid by the Developer for the property less the assessor's market value for the land (as opposed to land and buildings). The current assessor's land value is \$952,300. Based on an acquisition price of \$2,850,000 the maximum reimbursement is \$1,897,700.

The lesser of the two tests detailed above is \$1,897,700. The requested reimbursement for land acquisition of \$1,650,000 is allowable under Policy #6.

Policy #3

Policy #3 states the length of the term will be limited to 15 years or less. The Developer is requesting the full 15-year term.

TIF Estimate

PFM estimates that \$4,984,046 of TIF will be generated over the 15 years assuming a 1.50% market growth rate. Based on a discount rate of 4.55%, the present value of the estimated TIF cash flow is \$3,589,204.



Project Financing

The Developer is investing 25% equity, or \$6,482,949, and will be privately financing \$19,448,848. The Developer expects to pay down the loan principal with the condo profits in the estimated amount of \$4,926,650. The Developer is additionally requesting annual TIF assistance in the total amount of approximately \$4,450,000. The private financing is estimated to be a 25-year loan with an estimated interest rate of 4.55% resulting in an annual principal and interest payment of \$981,955, after the principal paydown. The application states the project will be completed by the Spring of 2022.



Return Analysis

In calculating the internal rate of return, PFM first analyzed the Developer's assumptions including expected monthly rent, vacancy rate, operating expenses, and the sale of the condos. The Developer is proposing rents of \$925 for studio, \$1,125 for a one-bedroom unit, \$1,450 for a two-bedroom unit and \$1,850 for a three-bedroom unit. The Developer has proposed a reasonable amount for rent for the current market and location. The Developer also provided estimates of sale prices and fit up allowances for the condos which range from a sale price of approximately \$360,000 with a \$60,000 fit up allowance for a 1,240 square foot condo to approximately \$765,000 with a fit up allowance of \$105,000 for a 2,470 square foot condo. Annual estimates of operating expenses for the 117-unit rental development were provided, as follows; Maintenance Costs - \$39,602, Utilities - \$133,861, Miscellaneous fees - \$52,138, Real Estate Taxes -\$215,558 (apartments), \$33,338 (seven unsold condos), and Administration Costs - \$210,985. The total expenses are approximately 34% of gross operating income, excluding the real estate taxes for the unsold condos and the revenue gained from selling the condos.

The second step in determining the internal rate of return is to determine the earned incremental value of the property over a 10- and 15-year period. That value, along with the net operating income cash flows. was used to calculate the internal rate of return. PFM determined that without TIF assistance the Developer would have about a 9.00% internal rate of return based on 15 years and 10.04% for a 10-year internal rate of return. The Developer would have about a 12.52% internal rate of return for 15 years and 13.91% for 10 years. if it received the public assistance. In addition, PFM also looked at the internal rate of return if Cass County was excluded from the property tax exemption starting in Year 6. In that case, the 15-year IRR is estimated to be 12.22% while the 10-year IRR is estimated to be 13.67%. A reasonable rate of return for the proposed project is 13% - 20%.

Another measure of feasibility and project viability is the debt coverage ratio. PFM has projected a maximum debt coverage ratio (not accounting for the one-time revenue from the condo sales) in Year 15 of 1.22x without assistance, with a Year 6 coverage of 1.06x. If the City provided assistance to the project the maximum debt coverage is projected to be 1.59x in Year 15, with a Year 5 coverage of 1.39x. The maximum debt coverage ratio if the County did not participate after Year 5 would be 1.53x in Year 15, with a Year 6 coverage of a 1.34x

Using PFM's "without assistance" cash flow as the base scenario, PFM ran sensitivity analyses in order to determine if the project would be likely to occur without public assistance. For the first sensitivity analysis, PFM analyzed how much project funds would have to decrease in order to produce a reasonable internal rate of return. We also looked at how much the rental rates would have to fluctuate in order to achieve a reasonable internal rate of return. Lastly, we looked at a combination of the two scenarios. For the sensitivity analyses, we assumed a reasonable internal rate of return of 16.50%.

Sensitivity Scenario 1 - Project Costs

The project would have to be reduced by \$4,160,000 or 16.0% in order for the project to become viable without assistance. This reduces the amount to be financed from \$16,610,523 to \$13,490,523 and reduces the annual payment from \$981,955 to \$914,476 for the loan. It is unlikely that a reduction in project costs of this magnitude would occur at this stage in the development.

Sensitivity Scenario 2 - Rental Rates

In order for the project to be viable without public assistance, the rental rates would have to increase by 30.5%. PFM believes this is a high increase to the Developer's proposed rents. This increases annual rental revenue from \$1,644,900 to \$2,140,139. PFM believes the proposed rents are reasonable rental rates and does not believe an increase this large would occur.



Sensitivity Scenario 3 - Combination of Project Costs and Rental Rates

The final scenario looks at both a reduction of project costs and an increase in rental rates. The analysis showed that project costs would have to be reduced by \$2,000,000 or 7.7% and rental rates would have to increase by about 16%. While either of these events could occur, PFM does not believe they are likely to occur, especially together.

The above scenarios show the circumstances in which the project would become viable without public assistance. PFM has determined that the project is unlikely to occur "but-for" the public assistance.

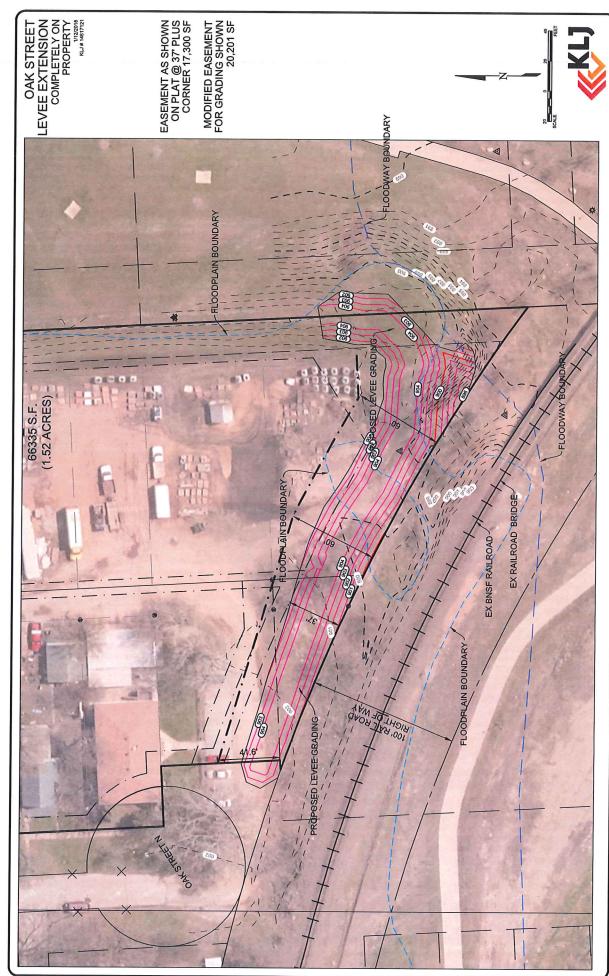


Conclusion

The Developer will bear all the risk involved with the project. The Developer is dependent on a number of factors before and after the project is completed, including project costs, occupancy of the buildings, the rental market, monthly expenses, and the ability to sell the condos at the projected sales price. The base scenario without assistance along with the sensitivity analyses demonstrates that the project would be unlikely to be feasible without assistance.

PFM has calculated that with public assistance, and based on the assumptions outlined in this report, a 10year internal rate of return is estimated to be 13.91%. In addition, the coverage ratio in Year 10 is estimated to be 1.48x. The estimated internal rate of return is low given the risk level for this type of project. Based on the internal rate of return and the coverage requirements, PFM concludes the project would not be feasible without public assistance.





Jan 12, 2018 - 8:28am - PAPrivateNVD/City/Fargo/14617121-OakSiLeveelCAD/14617121-grading.dwg (Layout3)

