

Emailed on 4/9/15

Published 4/17/15

ORDINANCE NO. 5583

ORDINANCE FOR CREATION OF THE GRACELAND TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, Graceland is an internationally known, National Historic Landmark, one of America's premier tourist destinations, a major employer in the Whitehaven community and a key economic driver of the City of Memphis; and

WHEREAS, Elvis Presley Enterprises, Inc. (the "Owner") owns or operates approximately 120 acres of property, including the Graceland Mansion, (the "Graceland Campus")

WHEREAS, the Owner proposes to undertake a series of substantial projects to ensure the continued success of Graceland, including without limitation, the development of the approximately 450 room Guesthouse at Graceland hotel (the "Graceland Project"); and

WHEREAS, the continued success of Graceland will have a significant impact on the tourism industry and other related industries in the city of Memphis; and

WHEREAS, the Convention Center and Tourism Development Financing Act of 1998, which is codified at TCA §7-88-101 et seq., (the "TDZ Act") was enacted to provide a financing mechanism for the development of convention centers, tourist attractions, and other similar public use facilities that would attract and serve as major tourism destinations, thereby fostering economic benefits to the state, as well as to the hosting cities and counties; and

WHEREAS, the Graceland Campus will constitute a "Qualified Public Use Facility" within the meaning of the TDZ Act as codified at TCA § 7-88-103(7); and

WHEREAS, after careful review of the area, and after consultation with various financial and strategic planning professionals, commercial and residential community partners, government officials, neighborhood development groups and other public and private entities, and following the designation of the Graceland Project as a Qualified Public Use Facility by this Council on September 22, 2014, the administration for the City of Memphis filed an Application for the Certification of the Graceland Tourism Development Zone; and

WHEREAS, said Graceland Tourism Development Zone and the Qualified Public Use Facility have been certified, or will soon be certified, by the State of Tennessee Department of Finance and Administration and such certification has been approved, or will soon be approved, by the State Building Commission; and

WHEREAS, TCA §67-4-3003 authorizes the City of Memphis to charge a 5% Tourism Surcharge on goods and services used by visitors to the Graceland TDZ's qualified public use facility and other related facilities (the "Tourism Surcharge"); and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to impose the Tourism Surcharge; and

WHEREAS, to enact the Tourism Surcharge, the City of Memphis administration has proposed the ordinance set forth below (the "Tourism Surcharge Ordinance"); and

WHEREAS, the City administration desires that the Council (i) approve the Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis as follows:

1. Sec. ___ - ___ -1. **Created**

There is created the Graceland Tourism Surcharge District (the "District") in accordance with T.C.A. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the "Act").

Sec. ___ - ___ -2. **District Boundaries**

The District created by this chapter shall be comprised of the area located in the city within the following boundaries:

COMMENCING AT CITY OF MEMPHIS GPS MONUMENT NUMBER 152 (NGS PROJECT ID: GPS1574; PID: FF2165; DESIGNATION: 152; N 275219.58 E 763588.45); THENCE N05°33'29"E ALONG A LINE BETWEEN SAID CITY MONUMENT 152 AND CITY MONUMENT 123 (NGS PROJECT ID: GPS1574; PID: AJ2638; DESIGNATION: 123; N 292646.86 E 765284.36) A DISTANCE OF 8355.06 FEET TO A POINT (N 283535.36 E 764397.69); THENCE N84°26'31"W A DISTANCE OF 572.74 FEET TO A POINT (N 283590.83 E 763827.65), SAID POINT LIES ON THE NORTH LINE OF CRAFT ROAD (40.00 FEET NORTH OF THE CENTERLINE), SAID POINT BEING THE POINT OF BEGINNING; THENCE N87°40'35"W ALONG THE NORTH LINE OF SAID CRAFT ROAD A DISTANCE OF 132.37 FEET TO A POINT ON THE WESTERN MOST EAST LINE OF THE ELVIS PRESLEY ENTERPRISES, INC. PROPERTY AS RECORDED IN INSTRUMENT DW-2934 AT SAID REGISTER'S OFFICE; THENCE S02°37'40"W ALONG THE WESTERN MOST EAST LINE OF THE ELVIS PRESLEY ENTERPRISES, INC. PROPERTY (DW-2934) A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CRAFT MANOR ROAD (20.00 FEET NORTH OF THE CENTERLINE); THENCE N87°40'05"W ALONG THE NORTH LINE OF SAID CRAFT MANOR ROAD (20.00 FEET NORTH OF THE CENTERLINE) A DISTANCE OF 368.65 FEET TO A POINT; THENCE N03°05'43"E A DISTANCE OF 400.00 FEET; THENCE N87°40'05"W A DISTANCE OF 620.00 FEET TO A POINT; THENCE S03°05'43"W A DISTANCE OF 400.00 FEET TO A POINT ON THE NORTH LINE OF CRAFT ROAD; THENCE N86°00'47"E ALONG THE NORTH LINE OF CRAFT ROAD A CALLED AND MEASURED DISTANCE OF 250.43 FEET TO AN ANGLE POINT IN THE NORTH LINE OF CRAFT ROAD; THENCE N79°08'43"E ALONG THE NORTH LINE OF SAID CRAFT ROAD (20.00 FEET NORTH OF THE CENTERLINE) A DISTANCE OF 303.73 FEET TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID CRAFT ROAD ON A BEARING OF N06°49'13"E, PASSING THROUGH A FOUND CROWS FOOT AT THE SOUTHEAST CORNER OF LOT 36 OF THE BLUEBIRD PARK ESTATES – FIRST ADDITION (PLAT BOOK 55, PAGE 60) AT 20.04 FEET AND CONTINUING ALONG THE EAST LINE OF THE SAID BLUEBIRD PARK ESTATES SUBDIVISION FOR A TOTAL DISTANCE OF 1486.00 FEET TO THE NORTHEAST CORNER OF LOT 23 OF THE SAID BLUEBIRD PARK ESTATES SUBDIVISION; THENCE N6°14'39"W ALONG THE EAST LINE OF LOTS

22, 21 AND 20 OF SAID BLUEBIRD PARK ESTATES SUBDIVISION A DISTANCE OF 325.69 FEET TO A POINT; THENCE N83°45'21"E A DISTANCE OF 75.65 FEET TO THE SOUTHEAST CORNER OF THE ALVIN JACKSON PROPERTY AS RECORDED IN INSTRUMENT HF-0495 AT SAID REGISTER'S OFFICE; THENCE N1°18'33"E ALONG THE EAST LINE OF THE SAID JACKSON PROPERTY A DISTANCE OF 224.63 FEET TO A POINT ON THE SOUTH LINE OF LOT 46 OF THE DOGWOOD HILLS SUBDIVISION 2ND ADDITION – REVISED AS RECORDED IN PLAT BOOK 10, PAGE 54 AT SAID REGISTER'S OFFICE; THENCE S89°34'49"E ALONG THE SOUTH LINE OF LOTS 46, 47, 48, AND 49 OF THE SAID DOGWOOD HILLS SUBDIVISION A DISTANCE OF 397.26 FEET TO A FOUND AXLE AT A BREAK POINT IN THE SOUTH LINE OF SAID LOT 49; THENCE S86°14'31"E ALONG THE SOUTH LINE OF LOTS 49-56 OF SAID SUBDIVISION A DISTANCE OF 798.94 FEET TO THE SOUTHEAST CORNER OF THE SAID DOGWOOD HILL SUBDIVISION; THENCE N21°40'48"E ALONG THE EAST LINE OF LOT 57 OF THE SAID DOGWOOD HILLS SUBDIVISION A DISTANCE OF 125.50 FEET TO THE SOUTHWEST CORNER OF THE PEARSON SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 29; THENCE S87°45'53"E ALONG THE SOUTH LINE OF THE SAID PEARSON SUBDIVISION A DISTANCE OF 133.93 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAN FOR PHASE 4 OF THE DOGWOOD HILLS SC-1 SHOPPING CENTER AS RECORDED IN PLAT BOOK 141, PAGE 26; THENCE S2°32'56"W ALONG THE WEST LINE OF SAID PHASE 4 (PLAT BOOK 141, PAGE 26) AND ALONG THE WEST LINE OF PHASE 3 OF THE DOGWOOD HILLS SC-1 SHOPPING CENTER AS RECORDED IN PLAT BOOK 122, PAGE 38 A DISTANCE OF 249.04 FEET TO THE SOUTHWEST CORNER OF SAID PHASE 3; THENCE S87°49'21"E ALONG THE SOUTH LINE OF SAID PHASE 3 A DISTANCE OF 200.23 FEET TO THE SOUTHEAST CORNER OF SAID PHASE 3, SAID POINT ALSO LIES ON THE WEST RIGHT-OF-WAY LINE OF ELVIS PRESLEY BOULEVARD (53.00 FEET WEST OF THE CENTERLINE); THENCE S2°32'56"W ALONG THE WEST LINE OF SAID ELVIS PRESLEY BOULEVARD A DISTANCE OF 1905.23 FEET TO A POINT OF CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 20.98 FEET (CHORD S22°35'00"W 20.56 FEET) TO A POINT; THENCE N42°47'36"W A DISTANCE OF 5.00 FEET TO A POINT; THENCE S47°26'11"W A DISTANCE OF 5.00 FEET TO A POINT; THENCE S42°20'02"E A DISTANCE OF 5.00 FEET TO A POINT; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 20.98 FEET (CHORD S72°17'22"W 20.56 FEET) TO THE POINT OF BEGINNING AND CONTAINING 3,152,699 SQUARE FEET OR 72.376 ACRES.

Sec. ___ - ___ -3 **Surcharge Assessment**

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under T.C.A. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

Sec. ___ - ___ -4 **Surcharge Assessment Rate**

The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act).

Sec. ___ - ___ -5 **Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing**

All persons carrying on Business (as such term is defined by the Act) in the District, and all person who may hereafter carry on Business in the District, shall register with the City Treasurer for the purpose of assessment and collection of the surcharge. All persons so registered shall file a return detailing Sales for the prior month and surcharge collected on account of such Sales on or before the twentieth (20th) day of each calendar month and shall remit all surcharge collected during such month, together with any delinquent payments of surcharge, with such return. Each person who files a return and remits the appropriate amount of surcharge shall be granted a license which such person shall display within their place of Business. The City Treasurer is hereby authorized and directed to develop the forms for registration and filing monthly returns, as well as rules and regulations regarding the filing of the same.

Sec. __ - ____-6 **Delinquent Payments**

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

Sec. __ - ____-7 **Allocation and Use of Revenues**

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of the revenues, shall be designated for, and allocated to the payment of, the cost of the qualified public use facility located in the District, including without limitation all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping by the Economic Development Growth Engine Industrial Development Board of the City of Memphis and Shelby County, Tennessee ("EDGE"), or any other similar instrumentality of the City of Memphis, including principal, interest and other fees and charges.

Sec. __ - ____-8 **Remittance of Revenues**

On or before the fifteenth (15th) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforescribed administrative fee, to EDGE or its assignee. EDGE, or its assignee, are hereby directed to deposit such revenues in accordance with the Act and any agreements governing the debt issued or incurred by EDGE on account of the qualified public facility.

Sec. __ - ____-9 **Termination of Surcharge**

The surcharge shall continue until the area in which the District is located ceases to be a Tourism Development Zone, as defined by T.C.A. title 7, chapter 88, part 103.

2. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

3. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution.

4. This Ordinance shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Sponsor: Wanda Halbert

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Sponsor: Wanda Halbert

THE FOREGOING ORDINANCE
5583 PASSED

1st Reading 4-7-15

2nd Reading 4-21-15

3rd Reading 5-5-15

Approved _____
Chairman of Council

Date Signed: 5/15/15

Approved: _____
Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller