

RESOLUTION



A RESOLUTION ADOPTING ORDINANCE NO. 27-87
WHICH WAS INTRODUCED DECEMBER 8, 1987
FOR THE PURPOSE OF AMENDING THE TAX
INCREMENT FINANCING AND DEVELOPMENT PLAN

NO. 539

APPROVED

*COPY: Planning
Assessor*

BATTLE CREEK MICH., 12/15/87

Resolved by the Commission of the City of Battle Creek:

THAT Ordinance No. 27-87 which was introduced on
December 8, 1987, entitled:

AN ORDINANCE TO AMEND THE TAX INCREMENT FINANCING
AND DEVELOPMENT PLAN OF THE BATTLE CREEK DOWNTOWN
DEVELOPMENT AUTHORITY, DEVELOPMENT PLAN NO. 1

be adopted.

*In City Manager's
Book
dzo*

AN ORDINANCE TO AMEND THE TAX INCREMENT
FINANCING AND DEVELOPMENT PLAN OF THE BATTLE
CREEK DOWNTOWN DEVELOPMENT AUTHORITY,
DEVELOPMENT PLAN NO. 1

539
F2
Introduction
12-8-87

ORDINANCE NUMBER _____

THE CITY OF BATTLE CREEK ORDAINS:

Section 1. The Tax Increment Financing and Development Plan of the Battle Creek Downtown Development Authority is hereby amended pursuant to Michigan Compiled Laws Section 125.1669, by amendments entitled: REVISED 1987 AMENDMENTS TO THE TAX INCREMENT FINANCING AND DEVELOPMENT PLANS FOR THE BATTLE CREEK DOWNTOWN DEVELOPMENT AUTHORITY, and does specifically find that said Plan constitutes a public purpose, and approves said Plan based on the considerations found in Section 19(1) (a-h).

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances, in conflict with any of the provisions of this Ordinance, are hereby repealed.

Section 4. This Ordinance shall take effect ten (10) days from the date of its adoption, in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter. Said Amendments are on file in their entirety in the Office of the City Clerk.

1987 Amendments
to the

**TAX INCREMENTAL FINANCING AND
DEVELOPMENT PLANS**

for the

**BATTLE CREEK
DOWNTOWN DEVELOPMENT AUTHORITY**

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INTRODUCTION

The proposed amendments to the Battle Creek Downtown Development and Tax Incremental Plans have three goals:

First, to eliminate the requirement of a Development Area Citizen's Council;

Second, to change the Development Area boundaries as shown in Attachments 1 and 2, and;

Third, to change the Development Plan to provide for more and varied uses of the tax increment financing and increase the pass-through of funds to certain taxing units.

I. The elimination of the requirement of the Development Area Citizen's Council requires a petition from not less than 20% of the adult resident population of the development area. A public hearing is then held, the notice for which is given in the same manner as the notice for the public hearing on the amendment to the Development Plan. After the hearing, the City Commission may adopt an ordinance by a 2/3rds vote for the Development Area to eliminate the necessity of a Development Area Citizen's Council.

II. The change in the boundaries of the downtown district requires a resolution of intent from the City Commission setting a date for the holding of a public hearing on the proposed ordinance designating the boundaries of the district.

The following resolution of the Downtown Development Authority is recommended:

WHEREAS, it appears that it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible, to amend the boundaries of the Downtown Development District to eliminate the causes of deterioration and to promote economic growth of the business district and;

WHEREAS, the City Commission has the power to amend the boundaries of the Downtown District, now, therefore;

BE IT RESOLVED, that the Board of Directors recommends to the City Commission that it adopt a resolution of intent setting a public hearing on the proposed amendment to the boundaries of the Downtown District as set forth in Attachments 1 and 2.

The City Attorney's Office will develop an ordinance for adoption after the public hearing. The ordinance requires adoption by a majority of the members of the City Commission.

III. The change in the Development Area Plan requires the City Commission to hold a public hearing and adopt an ordinance approving the amendments to the approved Development Plan. The following amendments are proposed to the Tax Increment Financing and Development Plan:

I. INTRODUCTION

A. Purpose of the Downtown Development Authority Act.

Act 197, Public Acts of Michigan, 1975, commonly referred to as The Downtown Development Authority Act was created in part to correct and prevent deterioration in business districts, to authorize the acquisition and disposal of interests in real and personal property, to authorize the creation and implementation of development plans in the districts, to promote the economic growth of the districts, to authorize the issuance of bonds and other evidence of indebtedness and to authorize the use of tax increment financing. The full Act in its entirety is set forth in Attachment 6. The Act seeks to reverse historical trends which have led to a loss of population, jobs, and business in our cities, notably in the downtown areas. It accomplishes that goal by providing city planners, through a downtown development authority, with tools to revitalize downtown areas. Those tools may be used by downtown development authorities in different ways depending on the problems facing a particular downtown district and the particular plan which has been developed to benefit such a district. The Battle Creek Downtown Development Authority will show, through this document, how the tools given it by the Act will be creatively used to revitalize the downtown Battle Creek area.

B. Creation of the Battle Creek Downtown Development Authority and the Battle Creek Downtown District

On March 6, 1979, the City Commission of the City of Battle Creek adopted Ordinance Number 479 which created the City of Battle Creek Downtown Development Authority. A copy of that Ordinance is reproduced in full in Attachment 7. The Authority was given all of the powers and duties described for a downtown development authority pursuant to Act 197 of the Public Acts of 1975 for the State of Michigan, except the Authority was prohibited from levying and collecting all or any part of the tax referred to in Section 12(1) of the Act. The City Commission also designated the boundaries within which the Downtown Development Authority may legally work. These boundaries were amended on July 26, 1983, on December 21, 1984, and again on _____, 1987. A legal description of the Downtown District can be found in Ordinance No. _____ adopted on _____.

C. Activities of the Battle Creek Downtown Development Authority

This plan represents the second major activity of the Battle Creek Downtown Development Authority. The first major activity has been completed with development far exceeding the original plan. This included construction of the Washington Avenue Overpass, the Kellogg Center Arena, the Commons Area/Atrium and expanded parking facilities. Private development included the 248-room Stouffer Hotel, the 50,000 square foot McCamly Place retail and entertainment center (the Commons Area/Atrium), and the 510,000 square foot, \$65 million Kellogg Company World Headquarters. Additional public improvements, resulting largely from a \$10.5 million Urban Development Act Grant (UDAG), Kellogg Foundation funds, Kammer Land Trust funds, and City of Battle Creek funds included the following: A 762-car parking ramp, additional parking lots, "reopening" and beautifying of the Battle Creek River, street improvements, downtown beautification, Festival Park construction, and the downtown portion of the Linear Park.

The Plan Amendment will outline how the Authority will continue its efforts to rehabilitate and revitalize the entire Downtown District and how to maintain and operate public facilities and improvements. These activities of the Downtown Development Authority will also continue to facilitate the construction of additional private facilities. The overall effect of this coordinating activity will continue the dramatic positive impact upon the entire Downtown District.

D. Purpose of this Tax Increment Financing Plan for Battle Creek Downtown Development Area

The purpose of this Tax Increment Financing Plan, including the Development Plan for the Development Area, is to provide the legal authority and procedures for public financial participation necessary to assist in the construction and operations of the Kellogg Center Arena, expanded parking facilities, Washington Avenue Overpass, major and local streets improvements, storm sewer, sanitary sewer and water main improvements, bridge improvements, park and recreation improvements, and other necessary public improvement projects. With the financing of those projects, it will also assist in making possible the construction of the private facilities closely connected with the Downtown Development Authority's plans.

This Tax Increment Financing and Development Plan will first designate the Development Area, then present the Development Plan, and finally present the Tax Increment Financing Plan.

II. DEVELOPMENT AREA

Because of the dramatic impact which the Development Plan will have on the entire downtown area, the Development Area will encompass the entire Downtown District. A map of the Downtown District and the original Development Area is contained in Attachment Number 1 and a legal description of the Downtown District and Development Area is contained in Attachment Number 2.

III. DEVELOPMENT PLAN

Section 17 of the Act reproduced in Attachment 6 requires that when tax increment financing is used to finance a development, a development plan must be prepared containing all of the information required by Section 17(2). Therefore, this Development Plan will closely follow the requirement mandated by Section 17 and each lettered paragraph will seek to supply the information required in the corresponding lettered paragraph of Section 17(2).

A. Designation of Boundaries of the Development Area in Relation to Highways, Streets, and Streams.

Attachment 1 contains a map of the Downtown District/Development Area and shows the relationship of the Development Area to highways, streets, and streams. Attachment No. 2 is a description of the Downtown District/Development Area.

B. Location and Extent of Existing Streets, Public Facilities, and Present and Future Categories of Public and Private Land Use.

Attachment 1 fully shows the location and extent of existing streets in the Development Area. The Development Area is primarily zoned for commercial and industrial use. Attachment 3 is a map of the Development Area showing the zoning. Attachments 4 and 5 are maps showing the location of public facilities and land use within the Development Area. The Development Area also includes the necessary public utilities to service commercial and industrial uses. This Development Plan envisions no zoning changes. The Development Plan envisions the construction of facilities which are fully described hereinafter to be used for commercial, recreational, and educational purposes.

C. A Description of Existing Improvements in the Development Area to be Demolished, Repaired, or Altered and Time for Completion.

All of the proposed projects in the Development Area are listed in Section IV, D.

Capital Improvements will be completed according to a schedule outlined in the City's Capital Improvement Program.

D. The Location, Extent, Character, Estimated Cost and Time for Completion of Improvements.

The location of proposed projects are generally identified in Attachment 8. The character and estimated costs are described in Section IV, D., beginning on page 9 of this document.

Capital Improvements will be completed according to a schedule outlined in the City's Capital Improvement Program.

E. Construction Stages and Completion Time.

It is anticipated that the projects and activities outlined on Page 13 of this document would begin to occur in 1988.

An annual review of projects and available funding by the DDA would determine the following years projects and activities, except for ongoing maintenance or support activities, would be completed by 1988.

F. Use of Open Spaces.

This plan proposes to increase the amount of open space in the creation of additional park and riverfront recreational opportunities through the expanded DDA boundaries.

This effort is intended to continue the efforts for public use and enjoyment as evidenced by recent similar Central Business District improvement.

G. Lease of Portion of Development Areas.

There is no change in this element of the original plan.

H. Zoning, Street and Utility Changes.

There is no change in this element of the original plan.

I. Costs and Proposed Financing.

Projects and activities outlined in this Plan are proposed to be funded through tax increment revenues generated from within the DDA boundaries.

J. Portion of Development to be Conveyed.

There is no change in this element of the original plan.

K. Procedures for Bidding.

Projects requiring the taking of bids will utilize existing policies of the City of Battle Creek regarding bidding procedures.

L. Estimate of the Number of Persons Residing in the Development Areas and the Number of Families and Individuals to be Displaced.

The estimated number of persons residing in the amended Development Area is 2,755. Of this number, 1,650 are individuals over 18 years of age. No occupied residences are designated for acquisition or clearance by the Authority.

M. Plan for Establishing Priority for the Relocation of Persons Displaced by the Development in any New Housing in the Development Area.

There is no plan to displace any persons by the development.

N. Provision for Costs for Relocating Displaced Persons.

There is no plan to displace any persons by the development.

O. Plan for Compliance with Act No. 227 of the Public Acts of 1972.

There is no plan to displace any persons by the development.

P. Private Construction.

There is no change in this element of the original plan.

IV. TAX INCREMENT FINANCING PLAN FOR BATTLE CREEK DOWNTOWN DEVELOPMENT AREA.

A. Introduction.

This Tax Increment Financing Plan is established to make possible the financing, operation, and maintenance of the public improvements necessary or desirable for the development of the Downtown Development Area in accordance with the Development Plan for that area.

B. Tax Increment Financing Procedure.

The tax increment financing procedure as outlined in the Act requires the adoption by the City, by Ordinance, of a development and a tax increment financing plan. Following the adoption of that Ordinance, the municipal and county treasurers are required by law to transmit to the Downtown Development Authority that portion of the tax levy of all taxing bodies paid each year on the "Captured Assessed Value of all real and personal property located in the Development Area". The amounts so transmitted are hereinafter referred to as "Tax Increment Revenue". The "Captured Assessed Value" is defined as the amount in any year by which the current assessed value of all real and personal property in the development area (including the assessed value that appears on the tax roles under Act 198 of the Public Acts of 1974 or Act 255 of the Public Acts of 1978) exceeds the assessed value of all the real and personal property in the development areas as determined on the assessment roles of the City then in effect on the date of the approval of this Ordinance, i.e., December 31, 1978, or on December 31 immediately preceding the date of the approval of the change in the district boundaries. Attached hereto as Attachment 9 is a schedule of the current assessed value of all real and personal property in the new development area. Attached hereto as Attachment 10 is an estimate of the increase in the assessed value of existing real and personal property based upon the experience of the City Assessor. The total assessed value stated in Attachment 9, less the assessed value in Attachment 10, is the estimated captured assessed value in the new development area. The total captured assessed value in the entire development area is \$ 50,789,667.00.

The tax levy of all taxing jurisdictions is currently \$ 3,396,588.00. Consequently, under this Tax Increment Financing Plan the estimated annual tax increment revenue to be paid by the County for municipal treasurers to the Downtown Development Authority will be the sums set forth in Attachment 11, less any pass through. Under this Tax Increment Financing Plan, the captured assessed value is to be utilized by the Authority in the amounts for the purposes and for the period as hereinafter set forth.

C. Bonded Indebtedness to be Incurred.

The total amount of bonded indebtedness to be incurred under the existing development plan is unchanged.

D. Expenditures of Tax Increment Revenue.

The tax increment revenue paid to the Authority by the municipal and county treasurers are to be disbursed by the Authority from time to time in such manner as the Authority may deem necessary and appropriate in order to carry out the purposes of the Development Plan.

The Downtown Development Authority proposes to construct public improvements in the Development Area, financed through the Tax Increment Financing Plan and other available sources of funds authorized by law, including, but not limited to any available federal, state or local grants or funds. These improvements will stimulate the Development Area's economy by removing substantial obstacles to development and encourage new private capital investment, thus increasing the tax base and creating additional jobs. The proposed expenditures and improvements along with their estimated costs are described below.

- (1) The principal and interest payment on a debt.
- (2) The payment of costs for marketing and promoting events in the Central Business District through the offices of the Cereal City Development Corporation. The entire CBD boundary is encompassed within the Development Area.
- (3) The payment of costs for maintaining the Central Business District. Costs would include the normal annual maintenance requirements associated with the Michigan Mall and CBD parking facilities.
- (4) The payment of costs for installing and maintaining street lighting in the Development Area.
- (5) The payment of costs for construction/reconstruction of streets in the Development Area.

The 1986 Engineering Study indicated a need to improve major and local streets throughout the City of Battle Creek. Of the total Improvement Program, the following are costs of the improvements that are located within the Development Area.

Major Streets \$ 7,500,000

Local Streets 4,000,000

TOTAL \$11,500,000

(6) The payment of costs for constructing sidewalks. In the course of major and local street reconstruction, sidewalks would be either repaired or replaced as needed.

(7) "The Storm Drainage Study - 1986", prepared by the City Engineering Department has identified drainage improvements necessary and appropriate to be accomplished in conjunction with major and local street reconstruction. The primary storm drainage project would involve the reconstruction of the Capital Avenue SW system from Dickman Road to Columbia Avenue.

The costs for these drainage improvements have been estimated by the City Engineering Division to be \$400,000.

(8) The payment of costs for constructing sanitary sewers and water mains. These improvements would also occur in conjunction with the major and local street reconstruction.

(9) The payment of costs for bridge repairs and improvements. At least one bridge has been identified for potential Federal Critical Bridge funding (State Street at W. Michigan). The City's share for this project, as well as continued maintenance and repair of other bridges within the Development Area have been estimated to cost \$400,000.

(10) The payment of the City's share of the construction of the I-94 Business Loop extension.

The estimated City share for this Michigan Department of Transportation project to connect Dickman Road with E. Michigan Avenue is \$200,000.

(11) The payment of cost for public improvements to encourage the continued redevelopment of Goguac Lake area property. Street and utility improvements have been identified in the Bumble Bee Hollow Future Land Use Plan to be \$500,000.

(12) The payment of costs for constructing parking structures and lots. Estimated at \$2,000,000 these parking facilities would not only be located in the Central Business District, but also at strategic locations within commercial areas such as Capital Avenue SW (Lakeview Business District) and E. Michigan Avenue.

(13) The payment of costs to construct an Olympic sized swimming pool and recreational facility to replace the Youth Building.

A new facility in cooperation with the Battle Creek Public School system is needed to replace the outdated Youth Building facility. This new facility, complete with an Olympic sized swimming pool and located in the same general vicinity as the Youth Building, could accommodate large school and community recreational events.

(14) The payment of costs for improving the Battle Creek River and adjacent public lands, and the Linear Park. The Development Area includes large segments of the Battle Creek River and Linear Park. An estimated \$1,500,000 in improvements have been identified to continue the riverfront utilization efforts that add to the quality of life and encourage development of this resource.

(15) The payment of costs for economic development and revitalization of the West End.

The West End Redevelopment Association, a non-profit business association, is currently working to organize businesses and property owners in the West End to revitalize the area. Public cooperation in this effort in the form of public infrastructure improvements, land assembly and demolition of deteriorated structures would be utilized.

(16) Payments for the acquisition, demolition, and redevelopment of property for economic development including establishment of business and/or industrial incubator facilities, as well as acquisition of additional right of way as may be necessary for public purposes.

In addition to the efforts identified above, some public participation is identified as desirable in the creation of a business/industrial incubator facility to provide a climate for start-up businesses at a low overhead cost

through space and services sharing. The creation of such a facility within the Development Area would offer long-standing benefits to the entire community.

(17) The payment of costs for the construction of the Emmett Street overpass.

Identified as a potential project in previous capital improvement programs, this grade separation would provide relief and safety to one of the most congested railroad crossings in the metropolitan area.

(18) The payment of costs for constructing or improving public buildings.

This activity would include the potential improvement to public facilities located within the Development Area, such as the No. 1 Fire Station on E. Michigan Avenue or the Public Safety Building adjacent to City Hall.

(20) The payment of costs for repairing and improving the Michigan Mall. Activities may include, but is not limited to, the repair/replacement of brick work or paving, and the repair of fountains, lighting, and landscaping improvements.

The Downtown Development Authority may modify its priority of payments at any time if within its discretion such modification is necessary to facilitate the Development Plan then existing.

PROPOSED USE OF DOWNTOWN DEVELOPMENT AUTHORITY
T.I.F.A. FUNDS FOR CAPITAL IMPROVEMENT

<u>PROJECT</u>	<u>COST</u>
Street Improvements	
Major	\$ 7,500,000
Local	\$ 4,000,000
Sidewalks	\$ 2,000,000
Storm Drainage Improvements	\$ 400,000
Bridge Improvements	\$ 400,000
BL-I94 Extension (City Share)	\$ 200,000
Bumble Bee Hollow Improvements	\$ 500,000
West End Redevelopment & Revitalization	\$ 2,000,000
Parking Structures/Surface Lots	\$ 1,500,000
Swimming Pool/Recreation Facility	\$ 1,500,000
Park & River Improvements	\$ 1,500,000
Property Acquisition and Demolition For Economic Development, Neighborhood Revitalization, Rights Of Way, and other public purposes	<u>\$ 2,000,000</u>
	\$23,500,000

E. Annual Surplus of Tax Increment Revenues

The following Tax Incremental Revenues shall pass through or revert to the taxing jurisdiction:

To the extent that the tax increment revenues of the Authority in any year exceed the sum necessary for the Authority to meet the commitments and payments as set forth above, said surplus funds shall revert proportionately to the respective taxing bodies as provided in Section 15(2) of the Act.

F. Duration of Plan.

The Tax Increment Financing Plan shall last thirty (30) years except as the same may be modified from time to time by the City Commission of the City of Battle Creek upon notice and upon public hearing and agreements as required by the Act.

G. Impact on Assessed Values.

The overall impact of the Development Area is anticipated to generate increased economic activity in the Development Area and throughout the County causing an increase in assessed values of all taxing jurisdictions in the Development Area and throughout the County. The actual projected impact is set forth in Attachment 11.

H. Use of the Captured Assessed Value.

The Development and Tax Increment Financing Plan provides for the use of all of the captured assessed value by the Downtown Development Authority for the purpose herein set forth except that the following Tax Incremental Revenues shall pass through or revert to the taxing jurisdiction:

1. All revenues derived from voted millages which are passed after July 1, 1985, and which are not replacement of prior millages, for Kellogg Community College, Intermediate School District, the County, or the City of Battle Creek.
2. All revenues derived from voted millages for debt service including the building and site improvement millage for Battle Creek Public Schools and Lakeview Schools.
3. Twenty-five percent (25%) of the Tax Increment Revenues of the Authority to taxing jurisdictions other than Battle Creek Public Schools and Lakeview Public Schools.

4. Effective with the 1989-90 Fiscal Year, 100% of the Tax Increment Revenues of the Authority to taxing jurisdictions other than Battle Creek Public Schools, Lakeview Public Schools, and the City of Battle Creek this shall be reviewed and reconsidered in a timely manner upon request of Battle Creek Public Schools or the Lakeview Public Schools.
5. If the Battle Creek or Lakeview School Districts suffer income loss from this plan:
 - a. due to a change in the membership formula for State Aid -
 - b. which will change the Equalization of the Gross Allowance Per Pupil
 - The Battle Creek City Commission, upon request of Lakeview or Battle Creek Schools Boards of Education, agrees to make whole the district's Per Pupil Membership Loss by appropriate dollar pass through to the school district.

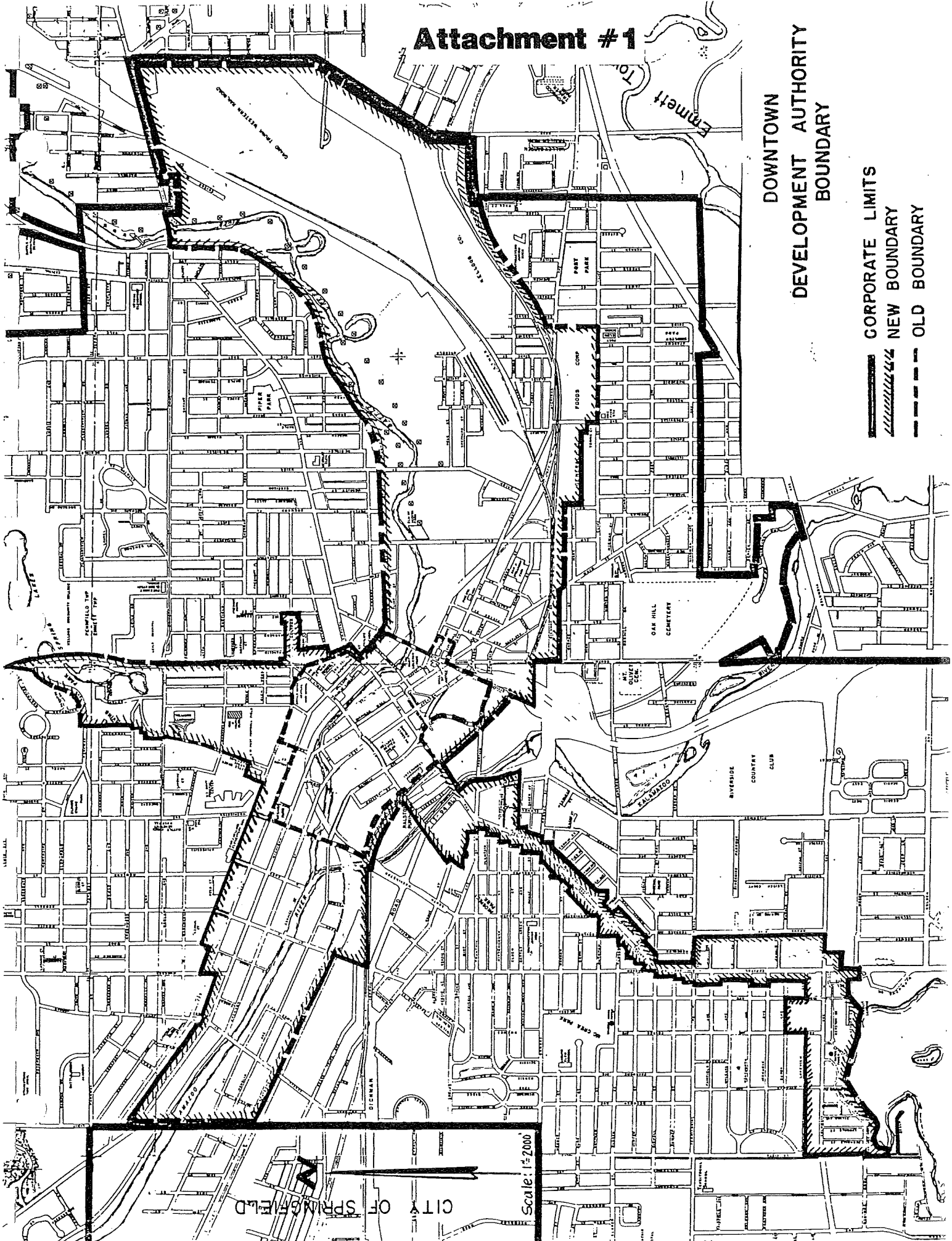
I. Reports.

The Downtown Development Authority shall submit annually to the Battle Creek City Commission a report on the status of the tax increment financing account. Such report shall comply with the requirements of Section 15(3) of the Downtown Development Authority Act as set forth in Attachment 6.

Attachment #1

DOWNTOWN DEVELOPMENT AUTHORITY BOUNDARY

- CORPORATE LIMITS
- NEW BOUNDARY
- OLD BOUNDARY



PROPOSED DDA BOUNDARY

Beginning at the point of intersection of the southeasterly line of Capital Avenue NE and the northeasterly line of East Van Buren Street in the southwest 1/4 of Section 6, Town 2 South, Range 7 West, City of Battle Creek, Calhoun County, Michigan, and running thence southeasterly and easterly along the northerly line of VanBuren Street to point of intersection with the west line of Union Street; thence easterly to the northeast corner of Union Street and Wagner Drive; thence easterly and northerly along the northerly and westerly lines respectively of Wagner Drive to the north line of Emmett Street; thence easterly along the north line of Emmett Street to the north and south quarter line of Section 5, Town 2 South, Range 7 West; thence south along said quarter line to the northwest corner of Lot 17 of the Supervisor's Plat of Box Company Plat Number 1 (Liber 11 of Plats, Page 01); thence easterly 150 feet along the northerly line of said Lot 17 to the northeast corner thereof; thence south 6 feet along the east line of said Lot 17 to the southeast corner thereof; thence easterly 200 feet to the southwest corner of Lot 16 of said Plat; thence north 238 feet to the north corner of said Lot 16; thence northerly 33 feet at right angles to Emmett Street, to the center line of Emmett Street; thence easterly along the centerline of Emmett Street to the centerline of Raymond Road; thence southerly 6,057.5 feet more or less along the center line of Raymond Road to the northerly right-of-way line of Consolidated Rail Corporation (formerly New York Central Railroad Company) as situated in and appurtenant to the annexation of lands to the City of Battle Creek by Election of April 2, 1956; thence westerly 1,347 feet more or less along said annexation line to the north and south quarter line of Section 8, Town 2 South, Range 7 West; thence south along said quarter line to the south line of said Railroad right-of-way; thence westerly along the southerly right-of-way of said Railroad as shown in Assessor's Plat of Clark's Addition (Liber 7, Page 32), Assessor's Plat of Stiles Farm (Liber 7, Page 40), Colvin's Addition (Liber 3, Page 20), and Emmett Park (Liber 1, Page 18) Plats respectively, to the east line of Lot 72 of Emmett Park; thence south along said east line of Lot 72 and the southerly prolongation thereof to the centerline of East Michigan Avenue, thence west along the center of East Michigan Avenue to the centerline of Caine Street; thence south along the center of Caine Street to the center line of Cliff Street; thence west along the center of Cliff Street to the west line of vacated Grenville Street; thence north along the west line of vacated Grenville

Street to the north line of Lot 8 of Beardsley Addition (Liber 1, Page 25) extended easterly; thence west along said line to the northwest corner of Lot 7; thence north to the northeast corner of Lot 38 of Assessor's Plat of Post's Third Addition (Liber 9A, Page 15); thence west along the north line of Lots 9, and 14 through 38 inclusive of said plat and the westerly prolongation of said line, to the centerline of Mott Street; thence north along the center of Mott Street to the easterly extension of the south line of Lot 10 of Mott's Addition (Liber D34, Page 461); thence west along South line of lots 3 through 10 of Mott's addition to southwest corner of said lot 3, thence North 49.5 feet; thence west 57.75 feet; thence south 49.5 feet; thence westerly to southwest corner of lot 1 of Mott's Addition; thence southwesterly to a point on easterly line of Main Street lying 12 ft southeasterly of northwest corner of lot 90 of Mott's 2nd Addition; thence northwesterly to a point on the westerly line of Main Street lying 24 feet northerly of northeast corner of lot 84 of Mott's 2nd Addition; thence southwesterly to a point 33 feet south of northeast corner of lot 30; thence west parallel with north line of lots 30 and 31 to west line of lot 31 all in Mott's 2nd Addition; thence north 33 feet to southeast corner of lot 26; thence west along southerly line of lots 2, 17 through 26 inclusive of Mott's 2nd Addition and extension of said line, to the centerline of South Ave; thence north along the centerline of South Avenue to easterly extension of south line of lot 85 of Coleman's Addition; thence westerly along south line of lot 85 and 107 of said Addition to centerline of Division Street; thence northeasterly along the said centerline to the centerline of the mainline of the Grand Trunk Western Railway; thence northwesterly along said mainline centerline to the southeasterly line of Capital Avenue SW; thence southwesterly along the southeasterly line of Capital Avenue SW to the center of Dickman Road; thence southerly along centerline of Dickman Road to the easterly extension of the center of Bluff Street; thence westerly on centerline of Bluff Street to northerly extension of the westerly line of lot 184 of the Assessor's replat of Caldwell's Addition (Liber 9A,); thence southerly to the southwest corner of Lot 193 of said plat; thence west 35.3 feet along the north line of Baker Court; thence southerly along the easterly lines of Lots 177 through 180 of said Plat, and the southerly extension thereof, to the center of East Goguac Street; thence west along the center of Goguac Street to the northerly extension of the east line of Lot 59 of said Assessor's Replat of Caldwell's Addition; thence south to the southeast corner of said Lot 59; thence west 50.88 feet along the south line of Lots 59 and 58 of said Plat; thence southwesterly along the northwesterly line of the

alley as shown in said Plat and along the southerly lines of Lots 1 and 2 of Assessor's Replat of Fountain Head Park (Liber 9A, Page 19) and the southwesterly extension thereof to the center line of Janoah Avenue; thence northwesterly 52 feet along said centerline to the northeasterly extension of southeasterly line of Lot 19 of said Plat; thence southwesterly along the southeasterly line of Lot 19 of said Plat to the southernmost corner of said Lot 19; thence southeasterly to the southeasterly corner of Lot 20 of said Plat; thence south along the easterly lines of Lots 20 and 21 of said Plat to the southernmost corner of said Lot 21; thence northwesterly to the southeasterly corner of Lot 1 of the Plat of Hall Brother's Addition (Liber 2, Page 38); thence southwesterly to the southwesterly corner of said Lot 1; thence northwesterly to the southeasterly corner of Lot 2 of said Plat; thence southwesterly to southwesterly line of E. Burnham Street; thence southeasterly along southwesterly line of Burnham Street 16.5 feet; thence southwesterly parallel with southeasterly line of Lot 5 of said Plat 66 feet; thence northwesterly 16.5 feet to southerly most corner Lot 5; thence southwesterly to the southwesterly corner of Lot 6 of said Plat; thence southeasterly to the southeasterly corner of Lot 3 of the Plat of Gray's Addition (Liber 2, Page 34); thence southwesterly to the southwesterly corner of Lot 1 of the Plat of Allen's Addition (Liber 1, Page 46); thence northwesterly to the easternmost corner of Lot 13 of the Plat of Phelp's Addition (Liber 5, Page 14); thence southwesterly along the southeasterly lines of Lots 13 through 18 inclusive of said Phelp's Addition and the southwesterly prolongation thereof to the centerline of Bidwell Street; thence west along the center of Bidwell Street to the northerly extension of the east line of Lot 1 of the Plat of Spring Grove Addition (Liber 3, Page 6); thence south along the east lines of Lots 1 through 9 inclusive of said Plat and extensions thereof, to the centerline of Territorial Road; thence east along said centerline of Territorial Road to the west line of Grand Boulevard; thence south along said west line of Grand Boulevard to the north line of East Columbia Avenue; thence west along the north line of Columbia Avenue to a point which lies 322.5 feet east of the east line of Capital Avenue SW; thence south 462 feet parallel with Capital Avenue SW to the east and west 1/4 line of Section 13, Town 2 South, Range 8 West; thence west along said 1/4 line to the center of Capital Avenue SW; thence south along the center of Capital Avenue SW being the east line of Section 14, Town 2 South, Range 8 West, to a point 132 feet south of the east 1/4 post of said Section 14; thence west 165 feet, thence north 132 feet to the east and west 1/4 line of said Section 14 at a point 165 feet

west of said east 1/4 post thereof; thence west along said east and west 1/4 line to the northeasterly extension of the southeasterly line of Highland Avenue as shown in the Plat of Lakeview Terrace (Liber 4, Page 38); thence southwesterly along said southeasterly street line to the waters edge of Goguac Lake; thence westerly along the waters edge of Goguac Lake to the point of intersection with the north and south 1/4 line of said Section 14; thence north along said line to the centerline of Wah Wee Nork Drive; thence west 228.5 feet along the center of said Wah Wee Nork Drive; thence south 74.25 feet; thence east 80 feet; thence south to the waters edge of Goguac Lake; thence westerly along the waters edge of Goguac Lake to the south line of Block D of the Plat of White and Hunt's Addition (Liber 4, Page 25); thence west along the south line of Block D and westerly extension thereof to the west line of LaVista Boulevard; thence north along said west line to the centerline of Wah Wee Nork Drive; thence east along said centerline to the southerly extension of west line of LaVista Boulevard; thence north along said west line of LaVista Boulevard to the westerly extension of north line of Lakeview Avenue; thence east along the north line of Lakeview Avenue to the west line of Foster Avenue, thence north along said west line of Foster Avenue to the north line of Surby Avenue; thence east along said north line Surby Avenue to east line of Highland Avenue; thence south along said east line of Highland Avenue to the north line of Lakeview Avenue; thence east along said north line of Lakeview Avenue to the southwest corner of Lot 192 of the Plat of Foster Park (Liber 3, Page 40); thence north along the west lines of Lots 192, 191, 162, 161, 160, 159, 130 and 129 of said Plat to the center of Iroquois Avenue; thence west 50 feet; thence north along the west lines of Lots 126 and 99 of said Plat to the center of Wentworth Avenue; thence east 50 feet; thence north along the west lines of Lots 96, 95, 66, 65, 64 and 63 of said Foster Park to the southeast corner of Lot 35 of said Plat; thence west 100 feet to the southwest corner of Lot 36 of said Plat; thence north along the west lines of Lots 36, 29 and 4 of said Plat to the center line of Territorial Road; thence east along said center line of Territorial Road to the southerly extension of a point 4 feet east of the west line of Lot 26 of the Plat of Highland Park (Liber 3, Page 27); thence north to the north line of said Lot 26; thence east 29 feet to the southwest corner of Lot 10 of said plat; thence north along the west line of said Lot 10 to the center line of Summer Street; thence east along the center of Summer Street to the southerly extension of the west line of Lot 29 of said Highland Park; thence north along the west line of Lots 29 through 32 of said Plat to the northwest corner of Lot 32; thence west 3

feet; thence north parallel with east line Lot 37 to the centerline of Bidwell Street; thence east along the center of Bidwell Street to the centerline of Meachem Avenue; thence north along the center of Meachem Avenue to the northwesterly extension of the northeasterly line of Lot 17 of Assessor's Replat of Triora Addition (Liber 8, Page 38); thence southeasterly along the northeasterly line of said Lot 17 to the northwesterly corner of Lot 18 of said Plat; thence northeasterly along the northerly lines of Lots 18 through 25 inclusive of said Plat to the southeast corner of Lot 1 of said Plat; thence north along the east line of said Lot 1 to the center line of Eldred Street; thence east along the center of Eldred Street to the southerly extension of the west line of Lot 3 of Amended Plat of Rice's Addition (Liber 4, Page 21); thence north along the west lines of Lots 3 and 16 of said Plat to the centerline of Burnham Street; thence east along the center of Burnham Street to the centerline of Washington Avenue; thence north along the center of Washington Avenue to the southwesterly extension of the northwest line of Lot 2 of the Amended Plat of C. H. Mill's Addition (Liber 2, Page 8); thence northeasterly along the northwesterly lines of Lots 2, 3 and 4 of said Plat and the northwesterly line of Lot 1 of Assessor's Plat of Goguac Addition (Liber 8, Page 13) to the northernmost corner of said Lot 1; thence southeasterly 12.6 feet along the northeasterly line of said Lot 1; thence northerly to northwest corner of Lot 5; thence easterly to the southeast corner Lot 14 of Phelps-Webber Plat; thence northeasterly to northerly most corner of Lot 6 of Goguac Addition; thence southeasterly 17 feet along the northeasterly line of said Lot 6; thence northeasterly 56.5 feet parallel with the northwesterly line of Lot 7 of said Plat; thence southeasterly along the southwesterly line of Lot 12 of said Plat to the southernmost corner thereof; thence northeasterly to the northernmost corner of Lot 8 of said Plat; thence southeasterly to the westernmost corner of Lot 9 of said Plat; thence northeasterly along the northwesterly lines of Lots 9 and 10 of said Plat to the centerline of Webber Street; thence westerly along centerline of Webber Street to the southerly extension of westerly line of Lot 14 of Goguac Addition; thence north to northwest corner of said Lot 14; thence east parallel with Goguac Street to southeast corner of Lot 29 of said Plat; thence northeasterly, to northernmost corner of Lot 20 of said Plat; thence southeasterly to westerlymost corner of Lot 21 of said Plat; thence northeasterly to the northernmost corner of Lot 23 of said Plat; thence northwesterly along the southwesterly line of Lot 24 of said Plat to the westernmost corner of said Lot 24; thence north to the centerline of Goguac Street; thence east along the center

of Goguac Street to the southerly extension of the west line of Lot 205 of the Plat of Meachem's Addition (Liber D40, Page 001); thence north along said west line of Lot 205 to the centerline of Sumac Street; thence east 132 feet along the center of Sumac Street to south extension of west line of lot 204 of said Plat; thence north along the west line of Lot 204 of said Plat to the centerline of Battle Creek Avenue; thence east 66 feet along the center of Battle Creek Avenue to south extension of west line of Lot 142 of said Plat; thence north along the west line of Lot 142 of said Plat to the centerline of Elder Street; thence east 66 feet along the center of Elder Street to south extension of west line of Lot 141 of said Plat; thence north along the west lines of Lots 141 and 80 of said Meachem's Addition to the center line of Plaintain Street; thence east 198 feet along the center of Plaintain Street to south extension of west line of Lot G of said Plat; thence north along the west line of Lot G of said Plat to the centerline of Fountain Street; thence westerly along the extended center of Fountain Street to the extended centerline of Atwood Street (now vacated) as shown in Assessor's Plat of S. M. Allen's Addition (Liber 8, Page 26); thence north along said centerline of said street to the southeast corner of Lot 18 of the Urban Renewal Replat Number 1 (Liber 16, Pages 42-44); thence westerly along the south line of said Lot 18 to the westernmost corner thereof; thence northeasterly along the westerly line of said Lot 18 to the northeasterly corner of Lot 17 of said Plat; thence northwesterly to the point of intersection of the north line of Grove Street and the westerly line of McCamly Street; thence northeasterly along the northwesterly line of McCamly Street to easterly most corner of Lot 297 of A. C. Hamblin Addition; thence northwesterly along northeasterly line of Lots 297 and 300 and through 304 of said Plat to southerly line of Grand Trunk Western Railroad right of way; thence westerly along said right-of-way to centerline of the Kendall Street; thence northeasterly along said centerline to northerly line of Consolidated Rail Corporation's Mainline right-of-way as shown in the Plat of A. C. Hamblin's Subdivision (Liber 1, Page 27); thence westerly along said right-of-way to the north and south 1/4 line of Section 2, Town 2 South, Range 8 West; thence north along said north and south 1/4 line of Section 2 to the northwesterly extension of the north line of Lot 16 of the Plat of Welch's Fifth Addition (Liber 2, Page 23); thence southeasterly along the northeasterly lines of Lots 2 through 16 inclusive of said Plat, to east line of Grand Avenue; thence northeasterly to northwest corner lot 9 of Welch's Fourth Addition; thence southeasterly to northeasterly corner of said lot; thence southwesterly to the southeasterly corner said Lot;

thence southeasterly along the northeasterly lines of Lots 1 through 6 inclusive of Welch's Fourth Addition (Liber 2, Page 21) and the northeasterly lines of Lots 1 through 8 inclusive of the Plat of Jordan's Addition (Liber 2, Page 15) extended to the easterly line of Jordan Street; thence southerly along the east line of Jordan Street to a point which lies 80 feet north of the southwest corner of Lot 9 as shown in said Jordan's Addition; thence easterly, parallel with the southerly line of said Lot 9 to the easterly line thereof; thence northerly along the east line of said Lot 9 to a point 132.25 feet from the north line of West Michigan Avenue as measured along said east line; thence easterly to a point in the westerly line of Turner Street which lies 137.77 feet north of the northerly line of West Michigan Avenue, as measured along said line; thence northeasterly to the northwest corner of Lot 9 of the Plat of River's Addition (Liber D41, Page 490); thence southeasterly along the northerly lines of Lots 3 through 9 inclusive of said Plat; thence southeasterly 22.5 feet; thence northeasterly 45 feet; thence southeast 167.08 feet to the centerline of Hubbard Street; thence north along the centerline of Hubbard Street to the centerline of VanBuren Street; thence east along centerline VanBuren Street to centerline of Wood Street; thence northerly along centerline of Wood Street to the north line of Champion Street; thence southeasterly along north line Champion Street to the SW corner of Lot 5 of Assessor's Plat of Simpson's Addition (Liber 8, Page 22); thence northerly along the westerly line of Lot 5 to the northwest corner thereof; thence easterly to the northeast corner of said Lot 5; thence northerly along the westerly line of Brook Street to the southwest corner of Brook Street and Emmett Street; thence northerly to the southeast corner of Lot 9 of the Plat of Rice and Weston's Addition (Liber 3, Page 21); thence north along the east lines of Lots 9, 8, 7, 6, 5 and 4 of said Plat to a point 25.5 feet north of the southeast corner of said Lot 4; thence east 66 feet; thence north 66 feet; thence east 66 feet; thence north 181.5 feet to the north line of Walter Avenue; thence east to the southeast corner of Lot 34 of the Plat of Walter's Addition (Liber 1, Page 41); thence north along the east line of said Walter's Addition to the north line of Parkway Drive; thence easterly along the north line of Parkway Drive to the southeasterly corner of Lot 47 of Northside Hills; thence easterly along southerly line of Plat of Northside Hills to west line of Lot 98 of Supervisors Plat of Irving Park; thence north along west line Lot 98 of said Plat to Intersection of said Lot and west line of North Avenue; thence south along west line North Avenue to northerly line of Parkway Drive; thence east to easterly line North Avenue; thence southerly along the east line of North Avenue to the

northwest corner of Lot 99 of Assessor's Replat of Merritt's Supplement of Block 2 (Liber 8, Pages 31-33); thence east to the northeasternmost corner of Lot 101 of said Plat; thence south to the southwest corner of Lot 78 of said Plat; thence east along the south line of said Lot 78 to the centerline of Franklin Street; thence south 8.46 feet along the center of Franklin Street; thence east to southwesterly corner Lot 72 of said Plat; thence east along the south line of Lot 72 of said Plat, to the southeast corner thereof; thence north 8.59 feet to the southwest corner of Lot 51 of said Merritt's Supplement of Block 2; thence east along the south line of said Lot 51 to the center of Harvard Street; thence north 6.59 feet; thence east 93.39 feet along the south line of Lot 41 of said Plat; thence north 23.43 feet; thence east 65.16 feet to the northeast corner of Lot 45 of said Plat; thence north to the northwest corner of Lot 46 of said Plat; thence east to the northeast corner of said Lot; thence south to the northwest corner of Lot 21 of said Plat; thence east along the north line of said Lot 21 to the center line of Rose Street; thence south along the center of Rose Street to the easterly extension of the north line of Lot 170 of said Plat; thence west to the northwest corner of said Lot 170; thence south to the southeast corner of Lot 156; thence west along the south line of said Lot 156 to the centerline of Harvard Street; thence north to the easterly extension of the north line of Lot 139 of said Merritt's Supplement to Block 2; thence west 90.12 feet along the north line of said Lot 139; thence southwesterly 17.3 feet along said lot line; thence south 37.5 feet along said Lot 139 to the southwest corner thereof; thence west to the southwest corner of Lot 145 of said Plat; thence north to the southeast corner of Lot 146 of said Plat; thence west to the southwest corner of said Lot 146; thence south to the southwest corner of Lot 118 of said Plat; thence east 8.25 feet along the south line of said Lot 118; thence south along the east line of Anderson Court to the south line of Frelinghuysen Avenue; thence westerly along the south line of Frelinghuysen Avenue to the east line of North Avenue; thence south along the east line of North Avenue to the south line of Capital Avenue NE; thence southwesterly along the southeasterly line of Capital Avenue NE, to the northeasterly corner of said Capital Avenue NE and VanBuren Street which is the point of beginning.

ZONING DISTRICT MAP



Attachment #4

GENERALIZED EXISTING LAND USE

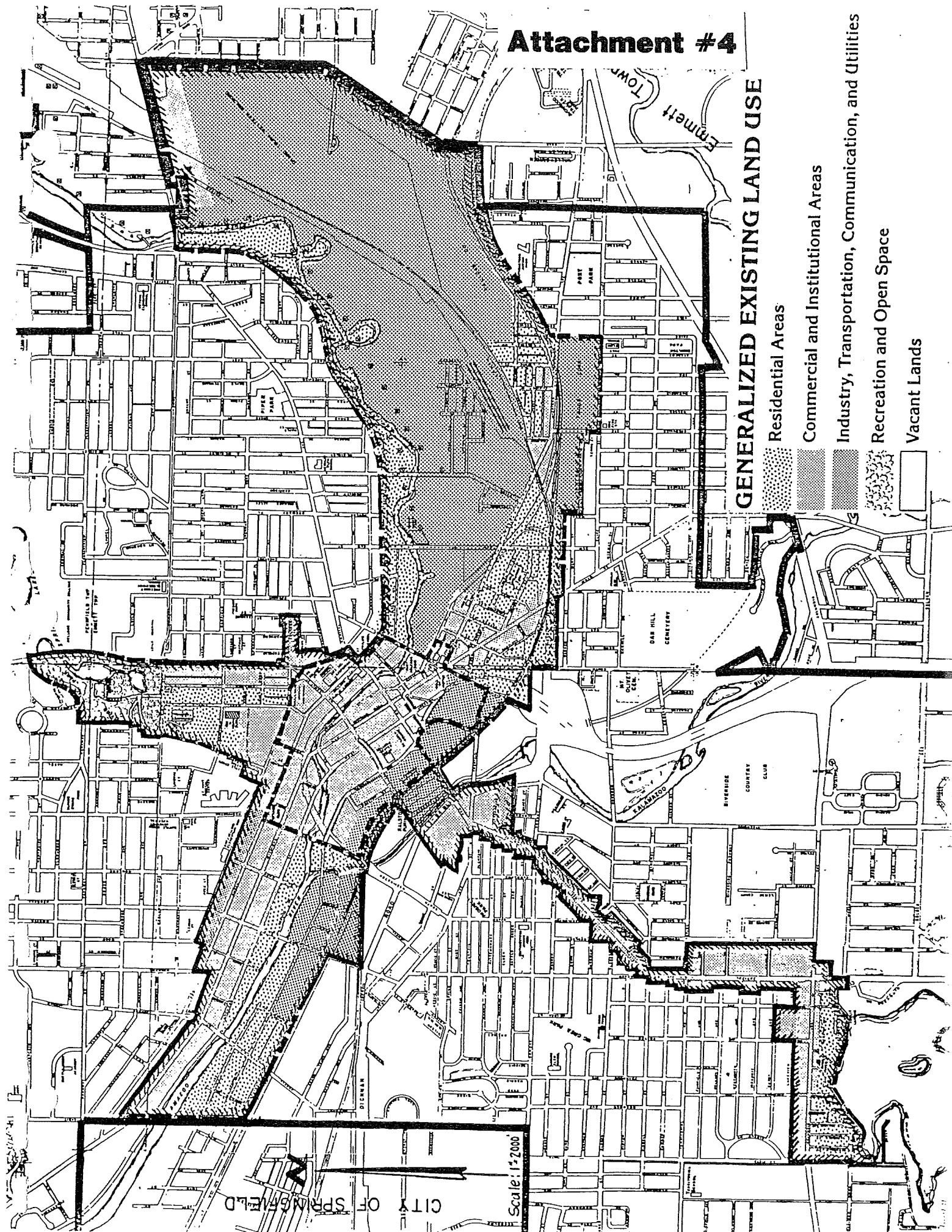
Residential Areas

Commercial and Institutional Areas

Industry, Transportation, Communication, and Utilities

Recreation and Open Space

Vacant Lands



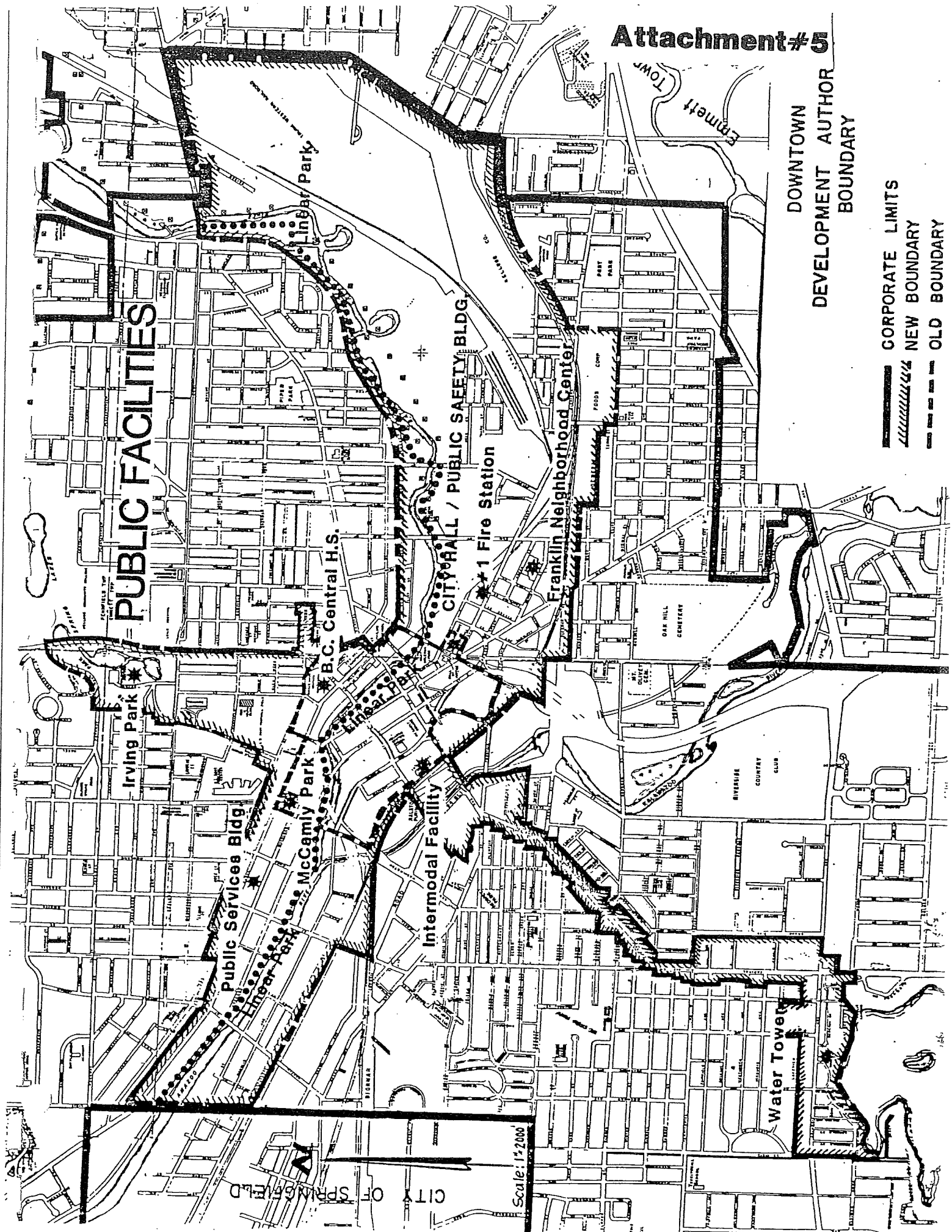
CITY OF SPRINGFIELD

Scale: 1"=2000'

Attachment#5

DOWNTOWN
DEVELOPMENT AUTHOR
BOUNDARY

CORPORATE LIMITS
NEW BOUNDARY
OLD BOUNDARY



CITY OF SPRINGFIELD

Scale: 1" = 2000'

DOWNTOWN DEVELOPMENT AUTHORITY

Act 197, 1975, p. 435; Imd. Eff. Aug. 13

125.1636

PLANNING, HOUSING, AND ZONING

Historical Note

Source:
P.A.1974, No. 338, § 36, added by P.A.
1976, No. 175, § 1, Imd. Eff. June 29,
1976.

DOWNTOWN DEVELOPMENT AUTHORITY

Cross References

Economic development projects, housing or neighborhood improvement programs in blighted or redevelopment areas, see § 125.1603.
School aid act of 1979, computations, see § 398.1626.
Shopping area redevelopment projects, see § 125.981 et seq.
Tax increment finance authority board, trustees of board of downtown development authority as members, see § 125.1804.
Technology park districts, land included, see § 207.705.
Urban land assembly act, loan applications, see § 125.1856.

Library References

M.L.P. Municipal Corporations § 132.

P.A.1975, No. 197, Imd. Eff. Aug. 13

AN ACT to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing.

The People of the State of Michigan enact:

125.1651. Definitions

Sec. 1. As used in this act:

- (a) "Authority" means a downtown development authority created pursuant to this act.
- (b) "Board" means the governing body of an authority.
- (c) "Business district" means an area in the downtown of a municipality zoned and used principally for business.
- (d) "Chief executive officer" means the mayor or city manager of a city, the president of a village, or the supervisor of a township.
- (e) "Development area" means that area to which a development plan is applicable.
- (f) "Development plan" means that information and those requirements for a development set forth in section 17.¹

con.

DOWNTOWN DEVELOPMENT AUTHORITY

125.1652

(g) "Development program" means the implementation of the development plan.

(h) "Downtown district" means an area in a business district which is specifically designated by ordinance of the governing body of the municipality pursuant to this act.

(i) "Governing body of a municipality" means the elected body of a municipality having legislative powers.

(j) "Municipality" means a city, village, or township.

(k) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.

(l) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, park, parking facility, recreational facility, right of way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building, and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency. Public facility includes an improvement to a facility used by the public or a public facility as those terms are defined in section 1 of Act No. 1 of the Public Acts of 1966, being section 125.1851 of the Michigan Compiled Laws, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws. Amended by P.A.1985, No. 221, § 1, Imd. Eff. Jan. 10, 1986.

¹ Section 125.1667.

Historical Note

Source:
P.A.1975, No. 197, § 1, Imd. Eff. Aug. 13.
C.L.1970, § 125.1651.
The 1985 amendment in subd. (d), inserted a comma following "village"; and, in subd. (l), in the first sentence, substituted "to a street, plaza, or pedestrian mall" for "thereto", and added the second sentence.

Notes of Decisions

1. In general

An undeveloped parcel of land that is remote from a downtown business district but attached to it by means of a corridor composed of land which has been zoned for residential purposes, does not qualify for redevelopment under § 125.1651 et seq., governing the downtown development authority. Op.Atty.Gen.1984, No. 6212, p. 263.

125.1652. Establishment and powers; property includable; public corporate body

Sec. 2. (1) Except as otherwise provided in this subsection, a municipality may establish 1 authority. If, before November 1, 1986, a municipality establishes more than 1 authority, those authorities may continue

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to exist as separate authorities. Under the conditions described in section 3a,¹ a municipality may have more than 1 authority within that municipality's boundaries. A parcel of property shall not be included in more than 1 authority created by this act.

(2) An authority shall be a public body corporate which may sue and be sued in any court of this state. An authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act shall not be construed as a limitation upon the general powers of an authority.

Amended by P.A.1985, No. 159, § 1, Imd. Eff. Nov. 15.

¹ Section 125.1653a.

Historical Note

Source:
P.A.1975, No. 197, § 2, Imd. Eff. Aug. 13.
C.L.1970, § 125.1652.
The 1985 amendment also, in subsec. (2), substituted "an authority" for "the authority" throughout.
"A municipality may establish an authority. No parcel of property shall be included

Library References

Municipal Corporations § 3.
C.I.S. Municipal Corporations § 6.

125.1653. Procedure for creating authority; downtown district boundary changes

Sec. 3. (1) When the governing body of a municipality determines that it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible in its business district, to eliminate the causes of that deterioration, and to promote economic growth, the governing body of that municipality may, by resolution, declare its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall set a date for the holding of a public hearing on the adoption of a proposed ordinance creating the authority and designating the boundaries of the downtown district. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 nor more than 40 days before the date of the hearing. Notice shall also be mailed to the property taxpayers of record in the proposed district not less than 20 days before the hearing. Failure to receive the notice shall not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed downtown district. A citizen, taxpayer, or property owner of the municipality has the right to be heard in regard to the

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DOWNTOWN DEVELOPMENT AUTHORITY

125.1654

establishment of the authority and the boundaries of the proposed downtown district. The governing body of the municipality shall not incorporate land into the downtown district not included in the description contained in notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.

(3) After the public hearing, if the governing body of the municipality intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members, an ordinance establishing the authority and designating the boundaries of the downtown district within which the authority shall exercise its powers. The adoption of the ordinance is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of an ordinance over his veto. This ordinance shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

(4) The governing body of the municipality may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district in accordance with the same requirements prescribed for adopting the ordinance creating the authority.

Historical Note

Source:
P.A.1975, No. 197, § 3, Imd. Eff. Aug. 13.
C.L.1970, § 125.1653.

125.1653a. Annexation or consolidation of downtown district; effect

Sec. 3a. If a downtown district is part of an area annexed to or consolidated with another municipality, the authority managing that district shall become an authority of the annexing or consolidated municipality. Obligations of that authority incurred under a development or tax increment plan, agreements related to a development or tax increment plan, and bonds issued under this act shall remain in effect following the annexation or consolidation.

P.A.1975, No. 197, § 3a, added by P.A.1985, No. 159, § 1, Imd. Eff. Nov. 15, 1985.

125.1654. Governing board of authority or authorities

Sec. 4. (1) An authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and not less than 8 or more than 12 members as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. Not less than a majority of the members

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ty in the manner authorized by this act. The director shall attend the meetings of the board, and shall render to the board and to the governing body of the municipality a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the authority as the board requires.

(2) The board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform such other duties as may be delegated to him by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such other duties delegated by the board.

(4) The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the authority in actions brought by or against the authority.

(5) The board may employ other personnel deemed necessary by the board.

Historical Note

Source:
P.A.1975, No. 197, § 5, Imd. Eff. Aug. 13.
C.L.1970, § 125.1655.

Library References

Municipal Corporations § 128 et seq.
C.J.S. Municipal Corporations § 468 et seq.

125.1656. Employees' retirement and insurance programs

Sec. 6. The employees of an authority shall be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees except that the employees of an authority are not civil service employees.

Historical Note

Source:
P.A.1975, No. 197, § 6, Imd. Eff. Aug. 13.
C.L.1970, § 125.1656.

Cross References

Municipal employees' retirement system, see § 38.1501 et seq.

Library References

Municipal Corporations § 220(g).
C.J.S. Municipal Corporations § 727.
M.L.P. Municipal Corporations § 65.

125.1657. Powers of governing body

Sec. 7. The board may:

(a) Prepare an analysis of economic changes taking place in the downtown district.

(b) Study and analyze the impact of metropolitan growth upon the downtown district.

(c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.

(d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

(e) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(f) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.

(g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(h) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.

(i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable ap-

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purtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(j) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(k) Lease any building or property under its control, or any part thereof.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

Amended by P.A.1985, No. 221, § 1, Imd. Eff. Jan. 10, 1986.

Historical Note

Source:

P.A.1975, No. 197, § 7, Imd. Eff. Aug. 13.
C.L.1970, § 125.1657.

The 1985 amendment, in subd. (c) deleted "the" preceding "renovation"; inserted

subd. (d); and redesignated former subds. (d) to (l) as subds. (e) to (m).

Library References

Municipal Corporations ¶167.
C.J.S. Municipal Corporations § 542.

125.1659. Authority as instrument of political subdivision

Sec. 9. The authority shall be deemed an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

Historical Note

Source:

P.A.1975, No. 197, § 9, Imd. Eff. Aug. 13.
C.L.1970, § 125.1659.

125.1660. Eminent domain

Sec. 10. A municipality may take private property under Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, for the purpose of transfer to the authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it deems appropriate, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

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Historical Note

Source:
P.A.1975, No. 197, § 10, Imd. Eff. Aug. 13.
C.L.1970, § 125.1660.

Library References

Eminent Domain ¶9.
C.J.S. Eminent Domain § 23.
M.L.P. Municipal Corporations § 103.

125.1661. Financing; deposits

Sec. 11. (1) The activities of the authority shall be financed from 1 or more of the following sources:

(a) Donations to the authority for the performance of its functions.
(b) Proceeds of a tax imposed pursuant to section 12.¹

(c) Money borrowed and to be repaid as authorized by section 13.²

(d) Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(e) Proceeds of a tax increment financing plan, established under sections 14 to 16.³

(f) Proceeds from a special assessment district created as provided by law.

(g) Money obtained from other sources approved by the governing body of the municipality.

(2) Money received by the authority and not covered under subsection (1) shall immediately be deposited to the credit of the authority, subject to disbursement pursuant to this act. Except as provided in this act, the municipality shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than money received by the municipality pursuant to this section, for or on account of the activities of the authority.

Amended by P.A.1981, No. 34, § 1, Imd. Eff. May 11.

¹ Section 125.1662.

² Section 125.1663.

³ Sections 125.1664 to 125.1666.

Historical Note

Source:
P.A.1975, No. 197, § 11, Imd. Eff. Aug. 13.
C.L.1970, § 125.1661.
The 1981 amendment substituted "money" for "moneys" throughout the section; in subsec. (1) inserted a new subd. (f) and redesignated former subd. (f) as subd. (g).

Library References

Municipal Corporations ¶866.
C.J.S. Municipal Corporations §§ 1856, 1857.

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125.1662. Taxation; borrowing; tax anticipation notes

Sec. 12. (1) An authority with the approval of the municipal governing body may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 1 mill if the downtown district is in a municipality having a population of 1,000,000 or more, or not more than 2 mills if the downtown district is in a municipality having a population of less than 1,000,000. The tax shall be collected by the municipality creating the authority levying the tax. The municipality shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the treasurer of the authority and credited to the general fund of the authority for purposes of the authority.

(2) The municipality may at the request of the authority borrow money and issue its notes therefor pursuant to the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws, in anticipation of collection of the ad valorem tax authorized in this section.

Amended by P.A.1983, No. 86, § 1, Imd. Eff. June 16.

Historical Note

Source: P.A.1975, No. 197, § 12, Imd. Eff. Aug. 13.
C.L.1970, § 125.1662.
The 1983 amendment in subsec. (1), in the fifth sentence, deleted "of financing

Library References

Municipal Corporations §869, 956(3).
C.J.S. Municipal Corporations §§ 1869, 1978.
M.L.P. Municipal Corporations § 331.

125.1663. Revenue bonds

Sec. 13. The authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the authority shall not except as hereinafter provided be deemed a debt of the municipality or the state. The municipality by majority vote of the members of its governing body may pledge its full faith and credit to support the authority's revenue bonds.

Historical Note

Source: P.A.1975, No. 197, § 13, Imd. Eff. Aug. 13.
C.L.1970, § 125.1663.

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Library References

Municipal Corporations §950(15).
C.J.S. Municipal Corporations § 1957.
M.L.P. Municipal Corporations § 351 et seq.

125.1663a. Issuance of revenue bonds or notes; costs financed by bonds or notes; pledge; tax exemption; liability; investment by public officers, state agencies, etc.

Sec. 13a. (1) The authority may with approval of the local governing body borrow money and issue its revenue bonds or notes to finance all or part of the costs of acquiring or constructing property in connection with the implementation of a development plan in the downtown district or to refund or refund in advance bonds or notes issued pursuant to this section. The costs which may be financed by the issuance of revenue bonds or notes may include the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with the implementation of a development plan in the downtown district; any engineering, architectural, legal, accounting, or financial expenses; the costs necessary or incidental to the borrowing of money; interest on the bonds or notes during the period of construction; a reserve for payment of principal and interest on the bonds or notes; and a reserve for operation and maintenance until sufficient revenues have developed. The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and any money, revenues, or income received in connection therewith.

(2) A pledge made by the authority shall be valid and binding from the time the pledge is made. The money or property pledged by the authority immediately shall be subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of such a pledge shall be valid and binding as against parties having claims of any kind in tort, contract, or otherwise, against the authority, irrespective of whether the parties have notice of the lien. Neither the resolution, the trust agreement, nor any other instrument by which a pledge is created need be filed or recorded.

(3) Bonds or notes issued pursuant to this section shall be exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes shall be exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(4) The municipality shall not be liable on bonds or notes of the authority issued pursuant to this section and the bonds or notes shall not be a debt of the municipality. The bonds or notes shall contain on their face a statement to that effect.

(5) The bonds and notes of the authority may be invested in by all public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by all

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public officers and the agencies and political subdivisions of this state for any purpose for which the deposit of bonds is authorized.
P.A. 1975, No. 197, § 13a, added by P.A. 1981, No. 151, § 1, Imd. Eff. Nov. 19, 1981.

Library References

Municipal Corporations c908, 950(15).
C.J.S. Municipal Corporations §§ 1304, 1307.

125.1664. Assessed values; tax increment financing plan

Sec. 14. (1) As used in this section and sections 15 and 16:¹

(a) "Captured assessed value" means the amount in any 1 year, by which the current assessed value of the project area, including the assessed value of property for which a commercial facilities exemption certificate has been issued pursuant to Act No. 255 of the Public Acts of 1978, as amended, being sections 207.651 to 207.668 of the Michigan Compiled Laws, the assessed value of property for which an industrial facilities exemption certificate has been issued pursuant to Act No. 198 of the Public Acts of 1974, as amended, being sections 207.551 to 207.571 of the Michigan Compiled Laws, and the assessed value of property for which a commercial housing facilities exemption certificate has been issued pursuant to Act No. 438 of the Public Acts of 1976, as amended, being sections 207.601 to 207.615 of the Michigan Compiled Laws, exceeds the initial assessed value.

(b) "Initial assessed value" means the most recently assessed value, as finally equalized by the state board of equalization, of all the taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero. For the purpose of determining initial assessed value, property for which a commercial facilities exemption certificate, an industrial facilities exemption certificate, or a commercial housing facilities exemption certificate, is in effect shall not be considered to be property which is exempt from taxation.

(2) When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 17,² a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, the duration of the program, and shall be in compliance with section 15. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan.

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which form the foundation of Michigan's economy; and

"WHEREAS, the vast majority of new jobs created in this state are created by small businesses; and

"WHEREAS, emphasis in Michigan's economy is undergoing a significant shift toward reliance on small, innovative technology and service-based companies; and

"WHEREAS, many of the newer technologies and innovations are created by Michigan's small businesses and entrepreneurs; and

"WHEREAS, the state's economy cannot thrive without a business climate that is conducive to the small entrepreneur; and

"WHEREAS, a partnership between Michigan's small businesses, entrepreneurs and state government will enable the Michigan economy to be rebuilt and diversified and enable all parties to share in moving Michigan forward;

"NOW, THEREFORE, I, JAMES J. BLANCHARD, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963, Article V, Section 4, do hereby order the establishment of the Governor's Entrepreneurial and Small Business Commission.

"It is further ordered that the commission be composed of at least 25 members to be appointed by the Governor. A majority of the members shall be entrepreneurs and small business owners or operators. All members shall be appointed by the Governor for a two-year term. Any member may be reappointed for an additional two-year term. Members shall serve without

compensation but shall be entitled to reasonable and necessary expenses incurred in the discharge of their duties.

"It is further ordered that the Governor's Entrepreneurial and Small Business Commission have the following duties and responsibilities:

"1. To advise and assist the Governor and the Commerce Department Director on issues, proposals, policies and appointments which impact small businesses and entrepreneurs.

"2. To review existing and future business related statutes and regulations.

"3. To advise the Governor and the Commerce Director on the role and impact of small business programs throughout state government.

"4. To advise and assist with the development and implementation of new programs for small businesses and entrepreneurs.

"5. To suggest potential vehicles to expand the role of small businesses and entrepreneurs throughout state government.

"6. To perform such other related advisory functions as assigned by the Governor.

"It is further ordered that the commission be co-chaired by small business owners and entrepreneurs. Annual operating funds for the activities of the Commission shall be included in the budget of the Commerce Department.

"It is further ordered that all state departments and agencies cooperate with the Commission in the performance of its responsibilities and duties."

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125.1664. Assessed values; tax increment financing plan

Sec. 14. (1) As used in this section and section 15 . . .¹

(a) "Captured assessed value" means the amount in any 1 year, by which the current assessed value of the project area, including the assessed value of property for which a commercial facilities exemption certificate has been issued pursuant to Act No. 255 of the Public Acts of 1978, as amended, being sections 207.651 to 207.668 of the Michigan Compiled Laws, the assessed value of property for which an industrial facilities exemption certificate has been issued pursuant to Act No. 198 of the Public Acts of 1974, as amended, being sections 207.551 to 207.571 of the Michigan Compiled Laws, . . . the assessed value of property for which a commercial housing facilities exemption certificate has been issued pursuant to Act No. 438 of the Public Acts of 1976, as amended, being sections 207.601 to 207.615 of the Michigan Compiled Laws, and the assessed value of a new facility owned by a qualified existing business or of property located in an enterprise zone owned by a qualified new business as provided in the enterprise zone act, Act No. 224 of the Public Acts of 1985, being sections 125.2101 to 125.2122 of the Michigan Compiled Laws, exceeds the initial assessed value.

(b) "Initial assessed value" means the most recently assessed value, as finally equalized by the state board of equalization, of all the taxable property within the boundaries

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of the development area at the time the ordinance establishing the tax increment financing plan is approved. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero. For the purpose of determining initial assessed value, property for which a commercial facilities exemption certificate, an industrial facilities exemption certificate, or a commercial housing facilities exemption certificate . . . is in effect or property that is a new facility owned by a qualified existing business or that is property located in an enterprise zone owned by a qualified new business under the enterprise zone act, Act No. 224 of the Public Acts of 1985, shall not be considered to be property which is exempt from taxation.

(2) When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 17²; a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program, and shall be in compliance with section 15. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan.

(3) Approval of the tax increment financing plan shall be pursuant to the notice, hearing, and disclosure provisions of section 18.³ If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(4) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the members of the county board of commissioners of a county in which any portion of the development area is located and to the members of the school board of any school district in which any portion of the development area is located to meet with the governing body. The authority shall fully inform members of the county boards of commissioners and of the school boards of the fiscal and economic implications of the proposed development area. The members of the county boards of commissioners and of the school boards may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the county board of commissioners, the school boards, and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the district.

(5) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

Amended by P.A.1986, No. 229, § 1, Imd. Eff. Oct. 1.

¹ Section 125.1665.

² Section 125.1667.

³ Section 125.1668.

1986 Legislation

The 1986 amendment, in the introductory sentence of subsec. (1), substituted a reference to section 15 for a reference to sections 15 and 16; in subsec. (1)(a), inserted provisions relating to the assessed value of new facilities owned by a qualified existing business or property in an enterprise owned by a qualified new business.

125.1665. Tax increments, amount, expenditure, financing account report

Sec. 15. (1) The amount of tax increment to be transmitted to the authority by the municipal and county treasurers shall be that portion of the tax levy of all taxing bodies Deletions from text indicated by asterisks . . .

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paid each year on real and personal property in the project area on the captured assessed value. For the purpose of this section, that portion of a commercial facilities tax levied pursuant to section 12 of Act No. 255 of the Public Acts of 1978, being section 207.662 of the Michigan Compiled Laws, that portion of an industrial facilities tax levied after December 30, 1980 pursuant to section 11 of Act No. 198 of the Public Acts of 1974, as amended, being section 207.561 of the Michigan Compiled Laws, . . . that portion of a commercial housing facilities tax levied after December 30, 1980 pursuant to section 6 of Act No. 438 of the Public Acts of 1976, as amended, being section 207.606 of the Michigan Compiled Laws, and that portion of the specific tax levied under section 21 of the enterprise zone act, Act No. 224 of the Public Acts of 1985, being section 125.2121 of the Michigan Compiled Laws, which is attributable to the captured assessed value of the facility shall be included as a part of the tax increment to be transmitted to the authority.

(2) The authority shall expend the tax increments received for the development program only pursuant to the tax increment financing plan. Surplus funds shall revert proportionately to the respective taxing bodies. These revenues shall not be used to circumvent existing property tax limitations. The governing body of the municipality may abolish the tax increment financing plan when it finds that the purposes for which it was established are accomplished. However, the tax increment financing plan shall not be abolished until the principal of, and interest on, bonds issued pursuant to section 16¹ have been paid or funds sufficient to make the payment have been segregated.

(3) Annually the authority shall submit to the governing body of the municipality a report on the status of the tax increment financing account. The report shall include: the amount and source of revenue in the account; the amount and purpose of expenditures from the account; the amount of principal and interest on any outstanding bonded indebtedness; the initial assessed value of the project area; the captured assessed value retained by the authority; the tax increments received; and any additional information the governing body considers necessary. The report shall be published in a newspaper of general circulation in the municipality.

Amended by P.A.1986, No. 229, § 1, Imd. Eff. Oct. 1.

¹ Section 125.1666.

1986 Legislation

The 1986 amendment, in subsec. (1), included a reference to the specific tax levied following § 125.2121 of the enterprise zone act.

TAX INCREMENT FINANCE AUTHORITY ACT

Cross References

Local development finance authorities, see § 125.2151 et seq.

125.1802. Authority: body corporate, powers

Cross References

End to authority creation, see § 125.1829.

125.1803. Resolution of intent; hearing; resolution establishing authority; validity of proceedings

Cross References

Application of standards for authority creation; end to expansion, see § 125.1829.

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report shall be published in a newspaper of general circulation in the municipality.

Amended by P.A.1981, No. 34, § 1, Imd. Eff. May 11.

¹ Section 125.1666.

Historical Note

Source: December 30, 1980 pursuant to section 11 of Act No. 198 of the Public Acts of 1974, as amended, being section 207.561 of the Michigan Compiled Laws, and that portion of a commercial housing facilities tax levied after December 30, 1980 pursuant to section 6 of Act No. 438 of the Public Acts of 1976, as amended, being section 207.606 of the Michigan Compiled Laws"; in subsection (2), in the third sentence, substituted "property tax limitations" for "levy limit laws", and added the fifth sentence.

Library References

Municipal Corporations  885, 985.
C.J.S. Municipal Corporations   1885,
2117 et seq.

125.1666. General obligation bonds; tax increment bonds

Sec. 16. (1) The municipality may by resolution of its governing body authorize, issue, and sell general obligation bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan or to refund bonds issued under this section and shall pledge its full faith and credit for the payment of the bonds. The bonds shall mature in not more than 30 years and shall be subject to the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 139.3 of the Michigan Compiled Laws. Before the municipality may authorize the borrowing, the authority shall submit an estimate of the anticipated tax increment revenue to be available for payment of principal and interest on the bonds, to the governing body of the municipality. This estimate shall be approved by the governing body of the municipality by resolution adopted by majority vote of the members of the governing body in the resolution authorizing the bonds. If the bonds are approved by the department of treasury in those instances in which an exception to prior approval is not available under section 11 of chapter III of Act No. 202 of the Public Acts of 1943, being section 133.11 of the Michigan Compiled Laws, or if the governing body of the municipality adopts the resolution authorizing the bonds and prior approval of the department of treasury is not required pursuant to section 11 of chapter III of Act No. 202 of the Public Acts of 1943, the estimate of principal and interest on the bonds shall be conclusive for purposes of this section. A municipality may not pledge for annual debt service requirements in any 1 year in excess of 80% of the estimated tax

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increment revenue to be received from a development area for that year, and the total aggregate amount of borrowing shall not exceed an amount which the 80% of the estimated tax increment will service as to annual principal and interest requirements. The bonds issued under this section shall be considered a single series for the purposes of Act No. 202 of the Public Acts of 1943, as amended.

(2) By resolution of its governing body, the authority may authorize, issue, and sell tax increment bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan or to refund bonds issued under this section. The tax increment bonds issued by the authority under this subsection shall pledge solely the tax increments of the project for which the bonds are issued and any other revenues which the authority shall specifically pledge in the resolution and shall not pledge the full faith and credit of either the authority or the municipality. The bonds shall mature in not more than 30 years and shall bear interest and be payable upon the terms and conditions determined by the authority in the resolution approving the bonds and shall be sold at public or private sale by the authority. The bond issue may include a sum sufficient to pay interest on the tax increment bonds until full development of tax increments from the project and also a sum to provide a reasonable reserve for payment of principal and interest on the bonds. The resolution authorizing the bonds shall create a lien on the tax increments and other revenues pledged by the resolution which shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may provide the terms upon which additional bonds may be issued of equal standing and parity of lien as to the tax increments and other revenues pledged under the resolution.

Amended by P.A.1981, No. 34, § 1, Imd. Eff. May 11; P.A.1983, No. 34, § 1, Imd. Eff. May 10; P.A.1985, No. 159, § 1, Imd. Eff. Nov. 15.

Historical Note

Source: under section 11 of chapter III of Act No. 202 of the Public Acts of 1943, being section 133.11 of the Michigan Compiled Laws, or when the governing body of the municipality adopts the resolution authorizing the bonds and prior approval of the municipal finance commission or its successor agency is not required pursuant to section 11 of chapter III of Act No. 202 of the Public Acts of 1943, the estimate of the anticipated tax increment revenue to be available for payment of principal and interest on the bonds".

C.L.1970, § 125.1666.

The 1981 amendment inserted the subsection designations, in subsection (1), in the first sentence, substituted "set forth in this subsection" for "herein set forth"; and added subsection (2).

The 1983 amendment in subsection (1), in the second sentence, inserted "the municipal finance act," and substituted "139.3" for "133.11", formed the fifth sentence by substituting "authorizing the bonds. When the bonds are approved" for "authorizing the bonds, and when approved", and, in the fifth sentence, inserted "or its successor agency in those instances in which an exception to prior approval is not available

The 1985 amendment in subsection (1), in the first sentence, inserted "or to refund bonds issued under this section", and, in the fifth sentence, substituted "if," for "when," "department of treasury," for "municipal finance commission or its successor agency"

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in two places, and "or if" for "or when"; and, in subsec. (2), in the first sentence, substituted "By resolution of its governing body, the authority may" for "The authority may by resolution of its governing body"; and added "or to refund bonds issued under this section", in the second sentence, substituted "under" for "pursuant to".

Library References

Municipal Corporations §910.
C.J.S. Municipal Corporations §§ 1905, 1906.
M.L.P. Municipal Corporations § 351 et seq.

125.1667. Development plans

Sec. 17. (1) When a board decides to finance a project in the downtown district by the use of revenue bonds as authorized in section 13¹ or tax increment financing as authorized in sections 14, 15, and 16,² it shall prepare a development plan.

(2) The development plan shall contain:

- (a) The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.
- (b) The location and extent of existing streets and other public facilities within the development area and shall designate the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses and shall include a legal description of the development area.
- (c) A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.
- (d) The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.
- (e) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.
- (f) A description of any parts of the development area to be left as open space and the use contemplated for the space.
- (g) A description of any portions of the development area which the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.
- (h) A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.
- (i) An estimate of the cost of the development, a statement of the proposed method of financing the development and the ability of the authority to arrange the financing.
- (j) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in

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any manner and for whose benefit the project is being undertaken if that information is available to the authority.

(k) The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.

(l) Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(m) A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.

(n) Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the federal uniform relocation assistance and real property acquisition policies act of 1970, being Public Law 91-646, 42 U.S.C. sections 4601, et seq.

(o) A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

(p) Other material which the authority, local public agency, or governing body deems pertinent.

¹ Section 125.1663.

² Sections 125.1664, 125.1665 and 125.1666.

Historical Note

Source: C.L.1970, § 125.1667.

P.A.1975, No. 197, § 17, Imd. Eff. Aug. 13.

Library References

Municipal Corporations §232(1).
C.J.S. Municipal Corporations § 1078.

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125.1669

125.1668. Hearing on plan

Sec. 18. (1) The governing body, before adoption of an ordinance approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall not be less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the downtown district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the downtown district not less than 20 days before the hearing.

(2) Notice of the time and place of hearing on a development plan shall contain: a description of the proposed development area in relation to highways, streets, streams, or otherwise; a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing; and other information that the governing body deems appropriate. At the time set for hearing, the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

Historical Note

Source: P.A.1975, No. 197, § 18, Imd. Eff. Aug. 13.
C.L.1970, § 125.1668.

Library References

Municipal Corporations ¶106.
C.J.S. Municipal Corporations § 416.

125.1669. Public purpose; approval or rejection of plan; amendments, development or tax increment plans

Sec. 19. (1) The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice thereof given in accordance with section 18, shall determine whether the development plan or tax increment financing plan constitutes a public purpose. If it determines that the development plan or tax increment financing plan constitutes a public purpose, it shall then approve or reject the plan, or approve it with modification, by ordinance based on the following considerations:

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(a) The findings and recommendations of a development area citizens council, if a development area citizens council was formed.

(b) The plan meets the requirements set forth in section 17(2).²

(c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.

(d) The development is reasonable and necessary to carry out the purposes of this act.

(e) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.

(f) The development plan is in reasonable accord with the master plan of the municipality.

(g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(h) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

(2) Amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.

¹ Section 125.1668.

² Section 125.1667(2).

Historical Note

Source: P.A.1975, No. 197, § 19, Imd. Eff. Aug. 13.
C.L.1970, § 125.1669.

Library References

Municipal Corporations ¶301 et seq.
C.J.S. Municipal Corporations § 1104.

125.1670. Notice to vacate, person to be relocated

Sec. 20. A person to be relocated under this act shall be given not less than 90 days' written notice to vacate unless modified by court order for good cause.

Historical Note

Source: P.A.1975, No. 197, § 20, Imd. Eff. Aug. 13.
C.L.1970, § 125.1670.

Library References

Eminent Domain ¶180.
C.J.S. Eminent Domain §§ 242, 243.

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DOWNTOWN DEVELOPMENT AUTHORITY

125.1673

125.1671. Development area citizens council

Sec. 21. (1) If a proposed development area has residing within it 100 or more residents, a development area citizens council shall be established at least 90 days before the public hearing on the development or tax increment financing plan. The development area citizens council shall be established by the governing body and shall consist of not less than 9 members. The members of the development area citizens council shall be residents of the development area and shall be appointed by the governing body. A member of a development area citizens council shall be at least 18 years of age.

(2) A development area citizens council shall be representative of the development area.

Historical Note

Source:
P.A.1975, No. 197, § 21, Imd. Eff. Aug. 13.
C.L.1970, § 125.1671.

Library References

Municipal Corporations §298.
C.J.S. Municipal Corporations § 1102.

125.1672. Council as advisory body

Sec. 22. A development area citizens council established pursuant to this act shall act as an advisory body to the authority and the governing body in the adoption of the development or tax increment financing plans.

Historical Note

Source:
P.A.1975, No. 197, § 22, Imd. Eff. Aug. 13.
C.L.1970, § 125.1672.

Library References

Municipal Corporations §298.
C.J.S. Municipal Corporations § 1102.

125.1673. Consultation with council

Sec. 23. Periodically a representative of the authority responsible for preparation of a development or tax increment financing plan within the development area shall consult with and advise the development area citizens council regarding the aspects of a development plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin before any final decisions by the authority and the governing body regarding a development or tax increment financing plan. The consultation shall continue throughout the preparation and implementation of the development or tax increment financing plan.

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Historical Note

Source:
P.A.1975, No. 197, § 23, Imd. Eff. Aug. 13.
C.L.1970, § 125.1673.

Library References

Municipal Corporations §298.
C.J.S. Municipal Corporations § 1102.

125.1674. Council, meetings, assistance, failure to organize, consult, or advise

Sec. 24. (1) Meetings of the development area citizens council shall be open to the public. Notice of the time and place of the meetings shall be given by publication in a newspaper of general circulation not less than 5 days before the dates set for meetings of the development area citizens council. A person present at those meetings shall have reasonable opportunity to be heard.

(2) A record of the meetings of a development area citizens council, including information and data presented, shall be maintained by the council.

(3) A development area citizens council may request of and receive from the authority information and technical assistance relevant to the preparation of the development plan for the development area.

(4) Failure of a development area citizens council to organize or to consult with and be advised by the authority, or failure to advise the governing body, as provided in this act, shall not preclude the adoption of a development plan by a municipality if the municipality complies with the other provisions of this act.

Historical Note

Source:
P.A.1975, No. 197, § 24, Imd. Eff. Aug. 13.
C.L.1970, § 125.1674.

Library References

Municipal Corporations §298.
C.J.S. Municipal Corporations § 1102.

125.1675. Citizens district council as council

Sec. 25. In a development area where a citizens district council established according to Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws, already exists the governing body may designate it as the development area citizens council authorized by this act.

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DOWNTOWN DEVELOPMENT AUTHORITY

125.1678

Historical Note

Source:
P.A.1975, No. 197, § 25, Imd. Eff. Aug.
13. C.L.1970, § 125.1675.

125.1676. Development plan, council findings and recommendations

Sec. 26. Within 20 days after the public hearing on a development or tax increment financing plan, the development area citizens council shall notify the governing body, in writing, of its findings and recommendations concerning a proposed development plan.

Historical Note

Source:
P.A.1975, No. 197, § 26, Imd. Eff. Aug.
13. C.L.1970, § 125.1676.

125.1677. Necessity for, and dissolution of, council

Sec. 27. A development area citizens council may not be required and, if formed, may be dissolved in any of the following situations:

(a) On petition of not less than 20% of the adult resident population of the development area by the last federal decennial or municipal census, a governing body, after public hearing with notice thereof given in accordance with section 18¹ and by a 2/3 vote, may adopt an ordinance for the development area to eliminate the necessity of a development area citizens council.

(b) When there are less than 18 residents, real property owners, or representatives of establishments located in the development area eligible to serve on the development area citizens council.

(c) Upon termination of the authority by ordinance of the governing body.

¹ Section 125.1668.

Historical Note

Source:
P.A.1975, No. 197, § 27, Imd. Eff. Aug.
13. C.L.1970, § 125.1677.

125.1678. Budget; fund handling and auditing costs

Sec. 28. (1) The director of the authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it shall be approved by the governing body of the municipality. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body of the municipality.

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(2) The governing body of the municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

Historical Note

Source:
P.A.1975, No. 197, § 28, Imd. Eff. Aug.
13. C.L.1970, § 125.1678.

Library References

Municipal Corporations §-885.
C.J.S. Municipal Corporations § 1895.

125.1679. Preservation of historical sites

Sec. 29. (1) A public facility, building, or structure which is determined by the municipality to have significant historical interests shall be preserved in a manner as deemed necessary by the municipality in accordance with laws relative to the preservation of historical sites.

(2) An authority shall refer all proposed changes to the exterior of sites listed on the state register of historic sites and the national register of historic places to the applicable historic district commission created under Public Act No. 169 of the Public Acts of 1970, being sections 399.201 to 399.212 of the Michigan Compiled Laws, or the secretary of state for review.

Historical Note

Source:
P.A.1975, No. 197, § 29, Imd. Eff. Aug.
13. C.L.1970, § 125.1679.

Library References

Health and Environment §-25.5(8).
Municipal Corporations §-314(1).
C.J.S. Health and Environment §§ 61 et seq., 115 et seq. C.J.S. Municipal Corporations § 1100.

125.1680. Dissolution of authority

Sec. 30. An authority which has completed the purposes for which it was organized shall be dissolved by ordinance of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality.

Historical Note

Source:
P.A.1975, No. 197, § 30, Imd. Eff. Aug.
13. C.L.1970, § 125.1680.

Official Proceedings of City Commission, Battle Creek, Mich. Feb. 27, 1979

FEBRUARY 27, 1979

MEETING CALLED AT 7:30 p.m.

INVOCATION: Commissioner White.

PRESENT: Mayor Brydges, Commissioners White, Cleaver, Finney, Simmons, Oglesby, Sherrod.

ABSENT: None.

STAFF PRESENT: Messrs. Jaeger, Harbert, Stellrecht, Serne, Faircloth.

APPROVAL OF MINUTES

A motion was made by Commissioner Sherrod, supported by Commissioner Oglesby to approve the minutes of the regular meeting of February 13, 1979, as printed without reading.

All yes. Motion Carried.

PETITIONS AND COMMUNICATIONS

1. City Manager's Report. (Received.)
2. Report of the Battle Creek Police Department for the month of January, 1979. (Received.)
3. Second quarterly report from Peguaso of Calhoun County, Inc., on use of Revenue Sharing Funds. (Received.)
4. Second quarterly financial report from Registered Nurses Emergency Medical Service, Inc. (Received.)
5. Notification from Wolverine Cablevision, Inc., concerning proposed rate increase. (Received.) (Mr. Ed Rose, Vice-President of Wolverine Cablevision stated this is only the second increase they have requested in 12 years and that this minor increase should be acceptable.)
6. Resolutions from the Junior League of Battle Creek, Michigan, Inc. and Precursor Laureate Zeta Chapter of Beta Sigma Phi, Beta Sigma Phi Council of Battle Creek, as well as from the Zeta Upsilon Chapter of Beta Sigma Phi recommending naming the Hall of Justice the "Mary S. Coleman Hall of Justice." (Received.)
7. Communication from the Downtown Development Association recommending approval of the following requests:
 - a. Optimist Club of Battle Creek to hold annual "Clown Day" sale on the Mall Friday, May 18, 1979.
 - b. Battle Creek Central a Cappella Choir to hold a "Tag Day" on March 3, 1979.

A motion was made by Commissioner White, supported by Commissioner Oglesby to approve the requests.

All yes. Motion Carried.

8. Communication from the First Presbyterian Church in appreciation of public services from local government, submitting a check for \$300.00. (Received.)

9. Request of the Downtown Development Association to lease space in the Jackson Street Parking Lot for the Cereal City Festival carnival June 4-9, 1979 for a fee of \$1000. (Commissioner Finney stated because of the many complaints she received last year regarding lack of adequate parking due to the carnival being in the lot that she is again going to vote against it. (A motion was made by Commissioner Sherrod, supported by Commissioner White to approve the request.

NO—Commissioners Oglesby, Finney.
YES—Commissioners Sherrod, Brydges, White, Cleaver, Simmons.
Motion Carried.)

10. Status report from the Traffic Engineer on the mid-block crosswalk on State Street and the school crossing—

North Avenue at Emmett Street. (Received.)

11. Request of St. Regis Paper Co. that their properties located between Grand Trunk Avenue and the Michigan Central Railroad and East of Argell Street be designated an Industrial Development Rehabilitation District. (Referred to City Manager.)
12. Communication from the Peoples' Action Committee recommending naming a portion of the Hall of Justice for Sojourner Truth and a portion for Mary S. Coleman. (Received.)
13. Communication from R. W. Snyder Company relating to the creation of a Downtown Development Authority. (Received.) (See public hearing.)

INTRODUCTION OF ORDINANCE

The Mayor asked the Clerk to read the following ordinance.

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE CITY OF BATTLE CREEK BY ADDING NEW SECTIONS TO BE KNOWN AS SECTIONS 1.83 THROUGH 1.87 INCLUSIVE, ESTABLISHING A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO ACT 197 OF THE PUBLIC ACTS OF 1975 OF THE STATE OF MICHIGAN.

ORDINANCE NO. Four Seventy-Nine

THE CITY OF BATTLE CREEK ORDAINS:

Section 1. Chapter 3 of the Code of the City of Battle Creek is hereby amended so as to add Sections 1.83 through 1.87 which shall read as follows:

"Section 1.83 Downtown Development Authority - Created. Pursuant to the authority vested in this Commission by Act 197 of the Public Acts of 1975 of the State of Michigan, as it may be amended from time to time, the Battle Creek Downtown Development Authority shall be and is hereby created.

"Section 1.84 Downtown Development Authority - Powers and Duties. Except as otherwise provided herein, the Battle Creek Downtown Development Authority shall exercise such powers and duties as provided by and in accordance with the terms of Act 197 of the Public Acts of 1975 of the State of Michigan, being MCLA 125.1651 et seq; MSA 5.3010(1) et seq; including but not limited to the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in this Act.

"Section 1.85 Downtown District - Boundaries Designated. Pursuant to the requirements of Act 197 of the Public Acts of 1975, the boundaries of the Downtown District are described as follows:

"Beginning at the intersection of the centerlines of VanBuren Street and North Division Street; thence southerly along the centerline of Division Street to the centerline of Fountain Street; thence westerly along the centerline of Fountain Street to the centerline of Dickman Road; thence westerly along the centerline of Dickman Road to the centerline of South Washington Avenue; thence northerly along the centerline of South Washington Avenue to the centerline of Hamblin Avenue; thence easterly along the centerline of Hamblin

Avenue to the centerline of Barney Street; thence north along the centerline of Barney Street to the centerline of West Michigan Avenue; thence easterly along the centerline of West Michigan Avenue to the centerline of State Street; thence north and east along the centerline of State Street to the centerline of North McCamly Street; thence north along the centerline of North McCamly Street to the centerline of West VanBuren Street; thence easterly along the centerline of West VanBuren to the centerline of Division Street, the place of beginning.

"Section 1.86 Budget. No funds of the Authority shall be disbursed except as provided for in the budget of the Authority. No budget shall be adopted by the Board of the Authority until it has been approved by the City Commission of the City of Battle Creek.

"Section 1.87 Taxing Power. The Authority is hereby prohibited from levying and collecting all or any part of the tax referred to in Section 12(1) of Act 197 of the Public Acts of 1975 of the State of Michigan."

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 3. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect ten days from the date of its adoption in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter.

A motion was made by Commissioner White, supported by Commissioner Sherrod to introduce the ordinance.

All yes. Motion Carried.

ADOPTION OF ORDINANCE

1. An Ordinance to add Section 3.367, Automatic Fire Alarm Systems, to Chapter 104, General Building Regulations, of the City Code of Ordinances.

PUBLIC HEARINGS

1. To consider the creation of a Downtown Development Authority. The following individuals spoke in favor of the project.

Gentry Hammons

Kermit Krum

James Heinze

Kenneth Bagby asked why the limits are extended so far to the Southwest when there doesn't seem to be much useable land in this area.

Sam Stellrecht stated that industrial uses are permitted.

2. On the concept Plan and method of Implementation of Urban Development Action Grant Program.

Kermit Krum spoke on behalf of the Cereal City Development Corp. explaining the purpose of their organization. George Dunn and Fred Woodruff presented a program on the proposed concept and funding.

Eugene Smith stated that there is a need for better safety and transportation for citizens in the downtown area. Ron Dougherty questioned what studies have been made for the conservation of energy.

Official Proceedings of City Commission, Battle Creek, Mich. March 6, 1979

MARCH 6, 1979

MEETING CALLED AT 7:30 p.m.

INVOCATION: Commissioner Simmons,

Present: Vice-Mayor Sherrod, Commissioners Cleaver, Finney, Oglesby, Simmons.
ABSENT: Mayor Brydges, Commissioner White.

STAFF PRESENT: Messrs. McAdams, Serne Faircloth.

Vice-Mayor Sherrod introduced the new Assistant City Manager, Ken McAdams.

APPROVAL OF MINUTES

A motion was made by Commissioner Oglesby, supported by Commissioner Simmons to approve the minutes of the regular meeting of February 20, 1979, as printed without reading.

All yes. Motion Carried.

PETITIONS AND COMMUNICATIONS

1. City Manager's Report. (Received.)
2. Communication from Velma Adams of the Hamblin Community Center Ad Hoc Reunion Committee regarding the closing of Hamblin Avenue between Washington and Kendall for certain hours in connection with their July 21, 1979 reunion. (Referred to Police Department and City Manager.)
3. Communication from the Kitanawa Council of Camp Fire Inc. to hold their annual door-to-door fund raising sale March 28, through April 19, 1979. (A motion was made by Commissioner Oglesby, supported by Commissioner Finney to approve the request.
All yes. Motion Carried.)
4. Communication from the United States Army Recruiting Office requesting use of parking spaces in the City Parking Lot located across from Battle Creek Central High School May 31, 1979 to park a semi-truck for Army display purposes. (A motion was made by Commissioner Oglesby, supported by Commissioner Cleaver to approve the request subject to a fee of \$1.00 per space.
All yes. Motion Carried.)
5. Communication from the Consumers Power Company regarding an increase in electricity rates. (Referred to City Manager.)
6. Minutes of the Organization Meeting of the Battle Creek Area International Relations Committee February 16, 1979. (Received.)
7. Resolution from the Preceptor Laureate Delta Chapter of Beta Sigma Phi Sorority regarding the naming of the Hall of Justice the "Mary S. Coleman Hall of Justice". (Received.)
8. Reports of the Planning Commission:
 - a. Recommending vacation of a portion of University Avenue between the south line of Sanitarium Avenue extended westerly and Champion Street in Manchester Addition and College Subdivision.
 - b. Recommending the approval of the Preliminary Plat of Garrison Hills subdivision No. 4. (Received.)
9. Communication from the Chief of Police concerning traffic controls at North Avenue and Emmett Street. (Received.)

ADOPTION OF ORDINANCE

1. An Ordinance to amend Chapter 3 of the Code of the City of Battle Creek by adding new sections to be known as Sections 1.53 through 1.57 inclusive, establishing a Downtown Development Authority pursuant to Act 197 of the

Public Acts of 1975 of the State of Michigan.

MAYOR'S REPORT

Vice Mayor Sherrod proclaimed the week of March 11-17, 1979 as "Girl Scout Week" and March 10, 1979 as "Mary S. Coleman Day."

RESOLUTIONS

Res. 650

Commissioner Cleaver read the following resolution and moved its adoption. Supported by Commissioner Finney.

Resolved by the Commission of the City of Battle Creek:

THAT, Ordinance No. Four Seventy-Nine which was introduced on February 27, 1979 entitled, "AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE CITY OF BATTLE CREEK BY ADDING NEW SECTIONS TO BE KNOWN AS SECTIONS 1.53 THROUGH 1.57 INCLUSIVE, ESTABLISHING A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO ACT 197 OF THE PUBLIC ACTS OF 1975 OF THE STATE OF MICHIGAN", be adopted.

All yes. Resolution Carried.

Res. 651

Commissioner Cleaver read the following resolution and moved its adoption. Supported by Commissioner Finney.

Resolved by the Commission of the City of Battle Creek:

THAT a closed session of the City Commission shall be held at 7:00 p.m., Tuesday, March 13, 1979, in the Office of the City Manager in the City Hall, Battle Creek, Michigan, as permitted under Section 8 (d) "To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained," of Act 267, Public Acts of 1976 of the State of Michigan; and
BE IT FURTHER RESOLVED THAT Gordon B. Jaeger, City Manager, is hereby appointed as the designated secretary to record and prepare appropriate minutes of this closed session.

All yes. Resolution Carried.

Res. 652

Commissioner Finney read the following resolution and moved its adoption. Supported by Commissioner Cleaver.

Resolved by the Commission of the City of Battle Creek:

That the amount of \$23,570 be transferred from Account No. 101-338-709, Fire Fighters, Overtime - Regular, to Account No. 101-337-705, Fire Prevention - Alarm, Overtime - Out of Activity, to cover the cost of overtime for relief fire dispatchers.

All yes. Resolution Carried.

Res. 653

Commissioner Finney read the following resolution and moved its adoption. Supported by Commissioner Cleaver.

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the City of Battle Creek is in the process of preparing plans for the renovation of the City Hall; and

WHEREAS, there will be a need to provide funds for said City Hall renovation; and

WHEREAS, the City of Battle Creek has received a State of Michigan Urban Grant in the amount of \$179,537.30; and

WHEREAS this source of funds is not expected to be an on-going source of revenue which could be utilized for operating purposes;

NOW, THEREFORE, BE IT RESOLVED THAT the City Commission of the City of Battle Creek hereby authorizes the deposit of the Urban Grant funds received from the State of Michigan in the amount of

\$179,537.30 to Account No. 101-000-391.75, City Hall Renovation Fund.

All yes. Resolution Carried.

Res. 654

Commissioner Finney read the following resolution and moved its adoption. Supported by Commissioner Cleaver.

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the Human Relations Commission of the City of Battle Creek has recommended that the City of Battle Creek, through its Human Relations Commission and staff, attempt to process civil rights complaints at the local rather than the State level; and

WHEREAS, it has been determined that this activity can be undertaken with no additional requests for funds or personnel.

NOW, THEREFORE, BE IT RESOLVED THAT the City Commission of the City of Battle Creek authorizes the City Manager to request certification of the Battle Creek Human Relations Commission by the State of Michigan Civil Rights Commission to investigate civil rights complaints.

All yes. Resolution Carried.

Res. 655

Commissioner Finney read the following resolution and moved its adoption. Supported by Commissioner Cleaver.

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the Planning Commission has submitted its report of the meeting held on February 23, 1979 relative to the following:

Request of the Battle Creek Board of Education to vacate a portion of University Avenue between the south line of Sanitarium Avenue extended westerly and Champion Street. (In Manchester Addition and College Subdivision.)

NOW, THEREFORE, BE IT RESOLVED that this Commission shall on the 27th day of March, 1979, hold a public hearing at 7:30 p.m. in the City Commission room, third floor, City Hall, for the purpose of hearing objections, criticisms, protests, complaints, suggestions and other matters pertaining to the proposed recommendations as submitted in the Planning Commission report.

All yes. Resolution Carried.

Res. 656

Commissioner Simmons read the following resolution and moved its adoption. Supported by Commissioner Oglesby.

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the City Commission of the City of Battle Creek held a Public Hearing on February 27, 1979, at 7:30 p.m., in the City Commission Chambers, City Hall, Battle Creek, Michigan for the purpose of hearing all persons interested in a proposal to establish a Commercial Redevelopment District under Act 255 of the Public Acts of 1978 of the State of Michigan, and has therefore afforded an opportunity to the owners of property within the proposed District and residents and taxpayers of the City of Battle Creek to appear and to be heard; and

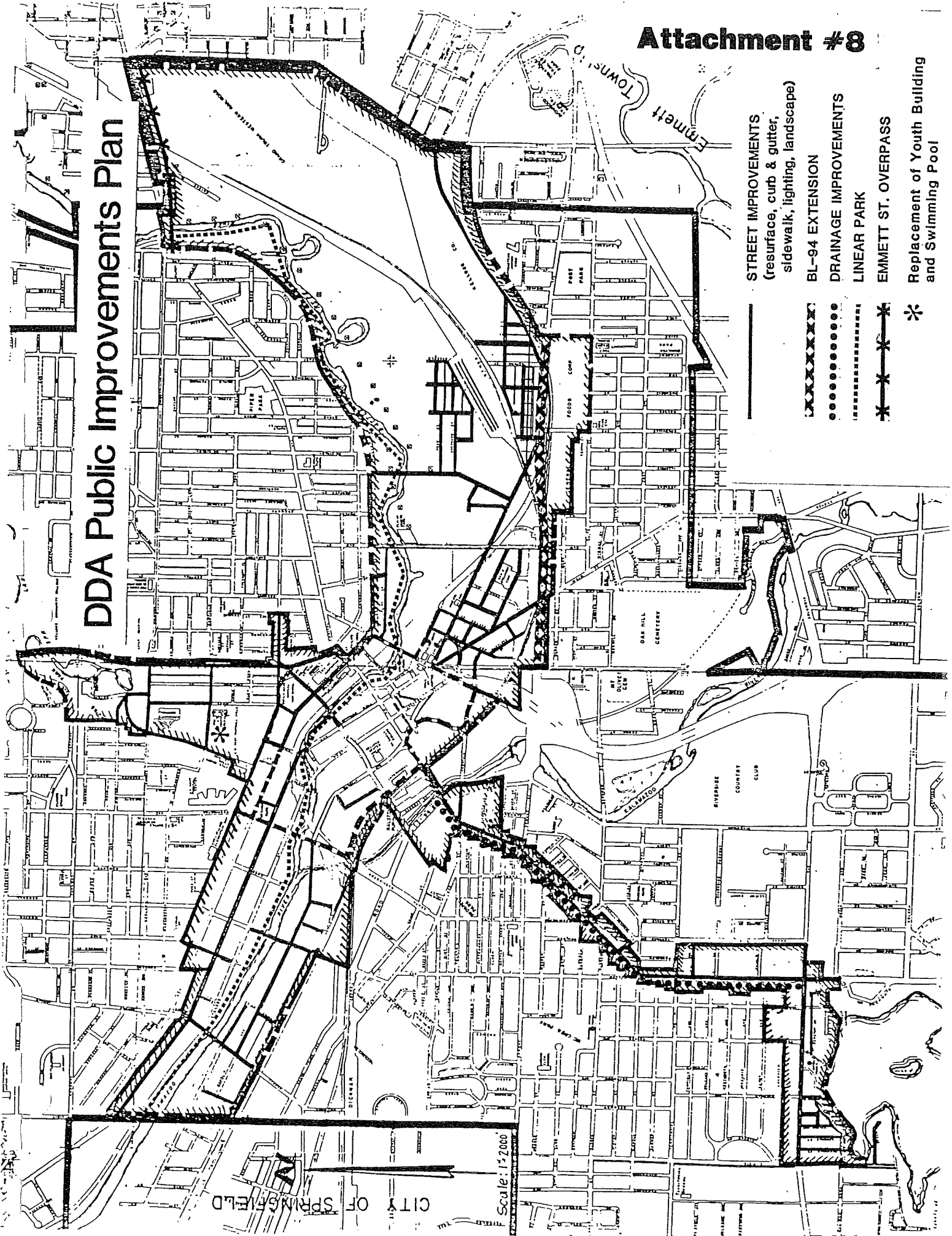
WHEREAS, a Notice of said Public Hearing was published in the Enquirer and News on February 17, 1979, a copy of which is on file in the Office of the City Clerk; and

WHEREAS, a copy of said Notice was sent by Certified Mail to the owners of all real property located within the proposed Commercial Redevelopment District; and

WHEREAS, the City of Battle Creek is desirous of designating said property as Commercial Redevelopment District No. 5

DDA Public Improvements Plan

Attachment #8



Attachment #9

	<u>CURRENT SEV</u>
AD-VAL REAL	\$61,798,855
AD-VAL PERS.	72,515,300
IFT-REAL	31,195,900
IFT-PERS.	16,747,800
CFT-REAL	<u>8,226,210</u>
	\$190,484,065

Attachment #10

	<u>BASE SEV</u>	<u>ESTIMATED CURRENT SEV - 88</u>	<u>ESTIMATED CAPTURED SEV</u>
AD-VAL REAL	\$62,929,620	\$61,798,855	(\$1,130,765)
AD-VAL PERS.	67,967,610	77,165,300	9,197,690
IFT-REAL	13,307,600	59,995,900	* 23,344,150
IFT-PERS.	11,281,400	42,787,800	* 15,753,200
CFT-REAL	975,425	8,226,210	* 3,625,392
	<u>\$156,461,655</u>	<u>\$237,876,265</u>	<u>\$50,789,667</u>

* 1/2 SEV FOR ABATEMENT

Attachment #11

BC PUBLIC SCHOOL

	<u>ESTIMATED 88 SEV</u>	<u>BASE SEV</u>	<u>CAPTURED SEV</u>
AD-VAL REAL	\$53,367,160	\$54,630,565	(\$1,263,405)
AD-VAL PERS.	75,959,300	66,720,330	9,238,970
IFT-REAL	59,995,900	13,307,600	*23,344,150
IFT-PERS.	42,787,800	11,281,400	*15,753,200
CFT-REAL	7,431,210	180,195	* 3,625,508
			<u>\$50,698,423</u>

50,698,423 X 66.877 = \$3,390,558 TAXES

LAKEVIEW PUBLIC SCHOOL

	<u>ESTIMATED 88 SEV</u>	<u>BASE SEV</u>	<u>CAPTURED SEV</u>
AD-VAL REAL	\$ 8,431,695	\$ 8,299,055	\$ 132,640
AD-VAL PERS.	1,206,000	1,247,280	(41,280)
IFT-REAL	0	0	* 0
IFT-PERS.	0	0	* 0
CFT-REAL	795,000	795,230	* 115
			<u>\$ 91,245</u>

91,245 X 66.089 = \$6,030 TAXES

* 1/2 SEV FOR ABATEMENT