

Jerry

TOWNSHIP OF CLAM LAKE
ORDINANCE No. 14
WEXFORD COUNTY, MICHIGAN

FILED
BY [Signature]
APR 23 1993

AN ORDINANCE TO ESTABLISH THE TOWNSHIP OF CLAM LAKE
DOWNTOWN DEVELOPMENT AUTHORITY AND TO
DESIGNATE THE BOUNDARIES OF AUTHORITY DISTRICT NO. 1
TIME 4:45 P
WEXFORD COUNTY CLERK

At a regular meeting of the Township Board of the Township of Clam Lake, Wexford County, Michigan, held in the Township Hall in said Township on the 3d day of March, 1993, at 4:00 p.m.

PRESENT: Members Powell, Peterson, Rydquist, Anderson and Schut

ABSENT: Members None

The following preamble and ordinance were offered by Member Powell and seconded by Member Rydquist:

WHEREAS, pursuant to the findings made by Resolution adopted on February 3, 1993, by the Township Board of the Township of Clam Lake (the "Township"), the Township held a public hearing on March 3, 1993 in the Township Hall to consider the establishment of a Downtown Development Authority and the designation of the boundaries of an Authority district in accordance with Act 197 of the Public Acts of Michigan of 1975 ("Act 197");

WHEREAS, notice of said public hearing was duly given by publication on February 9, 1993 and February 10, 1993 in the Cadillac Evening News, and by first class mail on February 9, 1993 and by posting on February 10, 1993, at 20 conspicuous and public places within the proposed Authority District, pursuant to Act 197;

WHEREAS, at the public hearing the Township Board heard comments and questions and considered objections to the establishment of the Authority and the boundaries of the proposed Authority District and to other related matters pertaining to the Township proceedings under Act 197;

WHEREAS, a legal description of the land to be included in the proposed Authority District is attached hereto as Exhibit A;

WHEREAS, all of the land included in the proposed Authority District was included in the notice of public hearing described above; and

WHEREAS, it is necessary and in the public interest of the Township and its residents to proceed under Act 197 and establish a Downtown Development Authority and designate the boundaries of an authority district.

NOW, THEREFORE, THE TOWNSHIP OF CLAM LAKE ORDAINS AS FOLLOWS:

1. Establishment and Name There is hereby created, established and incorporated a Downtown Development Authority, designated the TOWNSHIP OF CLAM LAKE DOWNTOWN DEVELOPMENT AUTHORITY (the "Authority") pursuant to and in accordance with Act 197. The Authority shall be a public body corporate which may sue and be sued in any Court of the State of Michigan.

2. Public Purpose The Authority is established pursuant to Act 197 by the Township to accomplish the public purposes enumerated in Section 1a of Act 197 including, without limitation, the use of tax increment financing and other permitted means to

halt property value deterioration and increase property tax valuation where possible in the Authority District, to eliminate the causes of that deterioration and to promote economic growth in the District.

3. Powers To accomplish the public purpose set forth in paragraph 2, above, the Board of the Authority may do the following:

(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.

(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 of 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 appurtenances 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.

(n) Issue bonds and otherwise finance the authorized activities of the Authority pursuant to the terms and conditions of Act 197, provided that the Authority may exercise any and all powers authorized by the Ordinance and Act 197, notwithstanding that bonds are not issued by the Authority.

(o) In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon an authority organized pursuant to Act 197, as amended from time to time, including the adoption of agreements with the Clam Lake Township Board, the Wexford County Board of Commissioners, the Board of Education of Cadillac Area Schools and the Board of Education of the Wexford-Missaukee Intermediate School District, or any of them, so as to provide for the

sharing of portions of the captured assessed value of the District (in this regard, it is the intent of the Township Board that, if the Cadillac Area Schools later becomes an out-of-formula school district, the DDA Board then give consideration to making the School District whole, as much as possible, for its financial losses resulting from any failure of the State of Michigan to reimburse the School District for the assessed value captured under the DDA Tax Increment Financing Plan).

4. Authority District The boundaries of the Authority District within which the Authority shall exercise its powers are described on Exhibit A attached hereto. This Authority District shall be known as Authority District No. 1 (the "District"). The Township shall not incorporate additional property into the District without further notice and public hearing pursuant to Act 197.

5. Board The Authority shall be under the supervision and control of a Board consisting of the Township Supervisor and 8 members, as determined by the Township Board. Members shall be appointed by the Township Supervisor, subject to the approval of the Township Board. Not less than a majority of the members shall be persons having an interest in property located in the District. Not less than one (1) of the members shall be a resident of the District, if the District has one hundred (100) or more persons residing within it.

(a) **Terms** Each Member of the Board shall serve for a term of four (4) years except of the Members first appointed an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years and 4 years. A member shall hold office until the member's successor is appointed.

(b) **Vacancies** An appointment to fill a vacancy on the Board shall be made by the Township Supervisor for the unexpired portion of the term only.

(c) **Compensation** Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(d) **Chairperson** The Board shall elect a Chairperson.

(e) **Oath of Office** Before assuming the duties of office, each Member shall qualify by taking and subscribing to the constitutional oath of office.

(f) **Rules of Procedure** The Board shall adopt rules governing its procedure and the holding of regular and special meetings, subject to the approval by the Township Board. Meetings of the Board shall be open to the public in accordance with the Open Meetings Act, being Act 267 of the Public Acts of Michigan of 1976, as amended.

(g) **Public Records** The financial records of the Authority shall be open to the public in accordance with the Freedom of Information Act, being Act 442 of the

Public Acts of Michigan of 1976, as amended. All expenses of the Authority shall be publicized annually in accordance with Act 197.

(h) Director The Board, in its discretion, may employ and fix the compensation of a Director, subject to the approval of the Township Board. The Director shall serve at the pleasure of the Board. A Member of the Board is not eligible to hold the position of Director. Before entering upon the duties of the office, the Director shall take and subscribe to the constitutional oath of office and shall furnish bond. The Bond shall be payable to the Authority for the use and benefit of the Authority, approved by the Board and filed with the Township Clerk. The premium on the bond shall be considered an operating expense of the Authority, payable from funds available to the Authority for expenses of operation. The Director shall be the Chief Executive Officer of the Authority. Subject to the approval of the Board, the Director shall supervise and be responsible for the preparation of plans and the performance of the functions of the Authority in the manner authorized by Act 197. The Director shall attend the meetings of the Board and shall render to the Board and to the Township Board 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 the office the acting Director shall take and subscribe to the constitutional oath of office 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.

(i) Treasurer 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 other duties as may be delegated by the Board and shall furnish bond in an amount as prescribed by the Board.

(j) Secretary The Board may employ and fix the compensation of a Secretary who shall maintain custody of the official seal and 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 other duties as may be delegated by the Board.

(k) Legal Counsel The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel may represent the Authority in actions brought by or against the Authority.

(l) Other Personnel The Board may employ other personnel considered necessary by the Board.

(m) Retirement The employees of the Authority may be eligible to participate in municipal retirement and insurance programs of the Township as if they were civil service employees on the same basis as civil service employees.

6. Fiscal Year The Authority shall operate on the basis of a fiscal year beginning January 1 and ending December 31.

7. Budget 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, subject to the prior approval of the Township Board, in accordance with Section 28 of Act 197. The budget shall be prepared in the manner and contain the information required of Township departments. If a Director is not employed by the Board, the budget shall be prepared in the same manner by persons designated by the Board.

8. Dissolution Upon completion of the purposes for which the Authority was organized, the Authority shall be dissolved by ordinance of the Township Board. The property and assets of the Authority remaining after the satisfaction of all obligations of the Authority shall belong to the Township.

9. Effective Date - Publication and Filing This Ordinance shall be effective upon (a) the publication of the Ordinance, one (1) time, in full, in the Cadillac Evening News, a

EXHIBIT A

TOWNSHIP OF CLAM LAKE DOWNTOWN DEVELOPMENT AUTHORITY

DESCRIPTION OF AUTHORITY DISTRICT NO. 1

The South 3/4 of the East 3/4 of Section 9 except that part of the Northeast 1/4 of the Southeast 1/4 of said section lying West of the centerline of Highway US-131, and also except that part of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 lying West of the centerline of Highway US-131, and also except Permanent Parcels Nos. 2109-09-4201, 2109-09-4302, and 2109-09-4301; the Southwest 1/4 of Section 10 except commencing 88.06 feet East and 1256.90 feet South from the West 1/4 corner of said section, thence East 800.11 feet, thence North 886.53 feet, thence East 434.54 feet, thence South 952.35 feet, thence West 1233.73 feet, thence North 66.01 feet to the point of beginning, and also except the South 1/2 of the Southwest 1/4 of the Southwest 1/4, and also except the Southeast 1/4 of the Southwest 1/4; that part of Section 16 lying East of the centerline of Mackinaw Trail (formerly US-131) and West of the centerline of Highway US-131 except commencing 1035.59 feet South of the Northeast corner of the Northwest 1/4 of Northeast 1/4, thence South 89°51' West 952.49 feet to the East boundary of Old US-131, thence South 19°41' West along said highway 302.77 feet, thence North 89°51' East 1022.96 feet, thence North 0°18'30" West 284.81 feet to point of beginning; that part of the North 1/2, Section 16 lying West of the centerline of US-131 and described as Permanent Parcels Nos. 2109-09-1208 and 2109-09-1209; that part of the West 1/2 of Section 16 lying East of the centerline of Highway US-131 described as Lot 1 of Crestview Estates and the Southeast 1/4 of the Northwest 1/4 lying South of Crestview Drive and the North 1/2 of the Southwest 1/4 lying South of Crestview Estates and commencing at the Southwest corner of said Section 16 as a point of beginning, thence North along the section line 552.16 feet, thence East 223 feet, thence North 566.14 feet, thence West 223 feet to the section line, thence North along the section line 66 feet, thence east 223 feet, thence North to the South 1/8 line, thence East along the 1/8 line 2339.56 feet to the West right-of-way line of Highway US-131, thence continuing South along said right-of-way line 529.61 feet, thence South 43°25'13" West 898.20 feet, thence South 58°43'24" West 160.42 feet, thence West 292.86 feet, thence South 60 feet to the section line, thence West along said section line 1481.44 feet to the point of beginning; that part of

the Southwest 1/4 of Section 16 lying East of the center-line of Highway US-131; the Northeast 1/4 of Section 20 except the Northeast 1/4 of Northeast 1/4 of Northeast 1/4 thereof; that part of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 20 described as commencing 133 feet West of the Southeast corner thereof, thence West 527 feet, thence North 360 feet, thence East 200 feet, thence South 57°17'30" East 388.62 feet, thence South 150 feet to point of beginning; the Northwest 1/4 of Section 21 except Permanent Parcel No. 2109-21-2101, and also except commencing 615 feet North of the Southwest corner of the West 1/2 of said Northwest 1/4, thence East 330 feet, thence North 223 feet, thence West 330 feet, thence South 223 feet to point of beginning, and also except that part of the Northwest 1/4 of Southwest 1/4 of said Northwest 1/4 lying West of Highway right-of-way; the North 1/2 of the Southwest 1/4 of Section 21; that part of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 21 lying North of Highway M-115; that part of the Southeast 1/4 of Section 21 described as commencing at the intersection of the West line of the East 1/2 of West 1/4 of said Southeast 1/4 and the North line of Highway M-115, thence Southeasterly on highway 250 feet, thence North 218 feet, thence Northwesterly parallel to highway 250 feet, thence South to point of beginning; that part of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 21 lying South of Highway M-115; and that part of the Northwest 1/4 of the Northeast 1/4 of Section 21 described as commencing 75 feet East and 33 feet South of the Northwest corner of said Northwest 1/4 of Northeast 1/4, thence South along the East right-of-way line of Highway US-131 330 feet, thence East 660 feet, thence North 330 feet, thence West 660 feet to the point of beginning; and also the rights-of-way of State Highway US-131, of Mackinaw Trail (formerly Highway US-131), of State Highway M-115, and of 46 Mile Road as and to the extent located within and adjacent to the above-described lands; all in Town 21 North, Range 9 West, Wexford County, Michigan.