

RICHFIELD TOWNSHIP ORDINANCE NO. 53

DOWNTOWN DEVELOPMENT AUTHORITY

An ordinance to prevent property value deterioration and increase the property tax valuation where possible in the business district of the township, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority.

Section 1: PURPOSE

1.0 Purpose.

- 1.1** Correct and prevent deterioration in business districts;
- 1.2** Encourage historic preservation;
- 1.3** Authorize the acquisition and disposal of interests in real and personal property;
- 1.4** Authorize the creation and implementation of development plans; and
- 1.5** Promote economic growth of the downtown district described in this article.

Section 2: DEFINITIONS

2.0 Definitions.

The terms used in this article shall have the meaning given to them in Act 197 or such words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- 2.1** “*Act 197*” means Pubic Act No. 197 of 1975 (MCL 125.1651 et seq.)
- 2.2** “*Authority*” means the Township Downtown Development Authority created in this article.
- 2.3** “*Board*” means the governing body of the authority.
- 2.4** “*Chief Executive Officer*” means the Township Supervisor of Richfield Township.
- 2.5** “*Downtown Development Tax*” means the tax authorized by this article pursuant to Act 197 to be imposed by the authority in the downtown area.
- 2.6** “*Downtown District*” means the downtown district designated by this article or as hereafter amended.

Section 3: CREATION OF AUTHORITY

3.0 Creation of Authority.

3.1 There is hereby created, pursuant to Act 197, a Downtown Development Authority for Richfield Township. The authority shall be a public body and shall be known and exercise its powers under title of “Richfield Township Downtown Development Authority.” The authority may adopt a seal, may sue and be sued in any court of the State of Michigan and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 197. The enumeration power in this article or in Act 197 shall not be constructed as a limitation upon the general powers of the authority. (MCL 125.1652)

3.2 The authority shall be deemed an instrumentality of the Township. (MCL 125.1659)

Section 4: BOARD OF SUPERVISION AND CONTROL

4.0 Board of Supervision and Control.

4.1 The Downtown Development Authority shall be under the supervision and control of a Board consisting of the Township Supervisor and eight members appointed by the Township Supervisor, subject to approval of the Township Board.

4.2 Not less than a majority of the members shall be persons having an interest in property located in the downtown district.

4.3 Not less than one of the members shall be a resident of the downtown district, if the downtown district has more than one-hundred or more persons residing within it.

4.4 Of the members first appointed, two shall be appointed for one year, two for two years, two for three years and two for four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the City Manager for the unexpired term only.

4.5 Members of the Board shall serve without compensation but shall be reimbursed for actual and necessary expenses.

4.6 The Chairperson of the Board shall be elected by the Board.

4.7 Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the Township Board. Removal of a member is subject to review by the Circuit Court.

4.8 All persons considered for appointment to the Board shall submit resume's/application and shall have been residents of the Township or business owners in the Township for at least a year.

Section 5: MEETINGS; RULES OF PROCEDURE; BUSINESS CONDUCTED;
RECORDS AND REPORTS

5.0 Meetings; Rules of Procedure; Business Conducted; Records and Reports.

5.1 The Board shall adopt rules governing its procedure and holding of regular meetings, subject to the approval of the Township Board.

5.2 Special meetings may be held when called in manner provided in the rules of the Board and in accordance with applicable State laws.

5.3 Meetings of the Board shall be open to the public.

5.4 All records are to be public. All expense items of the Authority shall be publicized monthly and the financial records shall always be available to the public.

Section 6: FISCAL YEAR; ADOPTION OF BUDGET; FINANCIAL REPORTS

6.0 Fiscal Year; Adoption of Budget; Financial Reports.

6.1 The Fiscal Year of the Authority shall begin on July 1st of each year and end on June 30th the following year, or such other Fiscal Year as may hereafter be adopted by the Township.

6.2 The Board shall annually prepare a budget and shall submit it to the Township on the same date that the proposed budget for the Township is required to be submitted to the Township Board.

6.3 The Authority shall be audited annually by the same independent auditors auditing the Township, and copies of the audit report shall be filed with the Township Board.

Section 7: DOWNTOWN DEVELOPMENT TAX

7.0 Downtown Development Tax.

7.1 The Authority is hereby authorized by the Township to impose an Ad Valorem Tax on all taxable property in the downtown district for the purposes provided by Act 197. The tax shall not exceed two mills on the value of taxable property in the downtown district as finally equalized.

7.2 In order to impose that tax, if desired, the Board shall include in its budget each year an estimate of the amount necessary to be raised from the Downtown Development Tax. The amount of tax imposed shall not exceed the amount necessary as estimated in the budget and approved by the Township Board.

7.3 The Board shall certify to the proper tax assessing official of the Township the amount so determined in the same manner and at the same time as the general Township taxes are certified for collection.

7.4 The Township shall collect the Downtown Development tax at the same time and in the same manner as other Township taxes are collected. The tax shall be paid to the Treasurer of the Authority and credited to the General Fund of the Authority for the purpose provided by Act 197. The Township Board may assess as reasonable pro rate 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.

Section 8: POWERS OF THE BOARD

8.0 Powers of the Board.

8.1 The Downtown Development Authority Board may, subject to the approval of the Township Board:

- 8.1.1** Prepare an analysis of economic changes taking place in the downtown district;
- 8.1.2** Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of any public facility, an existing building.
- 8.1.3** Develop long-range plans, in cooperation with the Township Planning Commission, 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.
- 8.1.4** Implement any plan of development in the downtown district necessary to achieve the purposes of this chapter, in accordance with the powers of the Authority granted by this chapter.
- 8.1.5** Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- 8.1.6** 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 are reasonably necessary to achieve the purposes of this chapter, and grant or acquire licenses, easements and options with respect thereto.
- 8.1.7 Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or combination thereof.**

- 8.1.8** 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.
- 8.1.9** Lease any property under its control, or any part thereof.
- 8.1.10** Accept grants and donations of property, labor or other things of value from a Public or private source.
- 8.1.11** Acquire and construct public facilities.

Section 9: SOURCES OF REVENUE FOR AUTHORITY

9.0 Sources of Revenue for Authority

9.1 The activities of the Downtown Development Authority shall be financed, subject to the approval of the Township Board, from one or more of the following sources:

- 9.1.1** Donations to the Authority for the performance of its functions.
- 9.1.2** Proceeds of a tax imposed pursuant to Section 12 of Act 197 of Public Acts of 1975 as amended.
- 9.1.3** Money borrowed and to be repaid as authorized by Section 13(a) of Act 197 of 1975, as amended.
- 9.1.4** 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.
- 9.1.5** Proceeds from a special assessment district created as provided by law.
- 9.1.6** Proceeds of a tax increment financing plan, established under Sections 14-16 of Act 197 of Public Acts of 1975 as amended.
- 9.1.7** Money received by the Authority and not covered in subsections 9.1.1 through 9.1.6 hereof. Such money shall be immediately deposited to the credit of the Authority subject to disbursement pursuant to Act 197 of Public Acts of 1975, as amended. Except as provided in Act 197, the Township shall not obligate itself, nor shall it ever be obligated to pay any sums from public money, other than money received by the City pursuant to this section, for or on account of the activities of the Authority.

Section 10: DEVELOPMENT PLAN/ORDINANCE APPROVING DEVELOPMENT PLAN OR TAX INCREMENT FINANCING PLAN

10.0 Development Plan/Ordinance approving Development Plan or Tax Increment Financing Plan

- 10.1** When/if the Board decides to finance a project in the downtown district by use of revenue bonds or tax increment financing it shall prepare a development plan.
- 10.2** The development plan shall contain all pertinent information from PA 197, Sec. 125.1667.
- 10.3** It is required that an ordinance be created approving a development plan or tax increment financing plan, to follow Township procedure, including first reading, notice, public hearing, and Record.

Section 11: AREA OF JURISDICTION

11.0 Area of Jurisdiction

The downtown development authority shall exercise its powers within the following described area, to be known as the "downtown district," in the city:

Part of Section 3, T22N, R1W, and part of Sections 22,23,26,27,34 and 35, T23N, R1W, all in Richfield Township, Roscommon County, Michigan, described as: Beginning at the section corner common to Sections 2 and 3, T22N R1W, and Sections 34 and 35, T23N, R1W; thence South along the East line of Section 3, T22N, R1W, to the North 1/8 line of said Section 3; thence West along said North 1/8 line to the East line of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 3; thence North along said East line to the South line of the N1/2 of the NE 1/4 of the NE 1/4 of said Section 3; thence West along said South line to the East 1/8 line of said Section 3; thence North along said East 1/8 line to the North Section line; thence East along said North section line to the section corner common to Sections 2 and 3, T22N R1W, and Sections 34 and 35, T23N, R1W;

thence North along the East line of Section 34, T23N, R1W to the South line of the N1/2 of the NE 1/4 of the SE 1/4 corner of said Section 34; thence West along said South line 300 feet; thence North 194.37 feet thence East 60 feet; thence North 136.62 feet; thence East 60 feet; thence North 330.8 feet to the East-West 1/4 line of said Section 34; thence West 150 feet; thence North 531.26 feet; thence West 330 feet; thence North 792 feet; thence East 660 feet to the West line of said Section 34; thence North along said West section line to the Section corner common to sections 26, 27, 34 and 35, T23N, R1W;

thence West along the South line of Section 27, T23N, R1W, 664.35 feet; thence North along the West Line of SE 1/4 of SE 1/4 of SE 1/4, 992.06 feet; thence East to the West line of the NE 1/4 of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 27; thence North along said west line to the South 1/8 line of said Section 27; thence East along said South 1/8 line, 63 feet; thence North 330 feet; thence West 61 feet; thence North 401 feet; thence East 130 feet; thence North 210 feet; thence West 50 feet; thence North 50 feet; thence West 61.17 feet; thence North 140 feet ; thence East 93.52 feet; thence North 190.8 feet to the East-West 1/4 line of said Section 27; thence West along said East-West 1/4 line, 54.35 feet; thence North 330.8 feet to the South line of Sutherby Subdivision; thence East along the South line of said Sutherby Subdivision 27 feet to the Southwest Corner of Lot 4 of said subdivision; thence North along the West line of said Lot 4, 140.4 feet to the Northwest Corner of said Lot 4 thence Northeast to the Southwest corner of Lot 22 of said Sutherby Subdivision; thence North along the west line of lots 20-22, inclusive, 140.4 feet to the Northwest corner of Lot 20 of said Sutherby Subdivision; thence West 145 feet; thence North 165 feet; thence East 117.1 feet; thence North 165.4 feet; thence West 27.10 feet; thence North to the North 1/8 line of said Section 27; thence East 75 feet to the West line of the East 1/2 of the East 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4; thence North 660 feet to the South line of the Welch's Subdivision; thence West along the South line of said Subdivision 26.05 feet; thence North 30 feet to the Southwest corner of Lot 5 of said Subdivision; thence North along the West line of Lots 1-5, inclusive, 300.8 feet to the Northwest Corner of Lot 1 of said Welch's Subdivision; thence North along the East line of Jamison Street as shown in Green's Subdivision, a recorded plat, 330.85 feet to the Section line common to Sections 22 and 27;

Thence North 33 feet; thence West 43.95 feet; thence North 11 feet; thence West 47 feet; thence North 180 feet; thence East 102 feet; thence North 331 feet; thence West 80 feet; thence North 105 feet; thence

East 80 feet; thence North 105 feet; thence West 20 feet; thence North 75 feet; thence West 120 feet; thence North 150 feet; thence West 40 feet; thence North 330.2 feet to the South 1/8 line of said Section 22; thence East along said South 1/8 line 195 feet; thence North 165 feet; thence West 495 feet; thence North 165 feet; thence East 485 feet; thence North 360 feet; thence West 15 feet; thence North 140 feet; thence West 320 feet; thence North 130 feet; thence West 100 feet; thence South 270 feet; thence West 30 feet; thence North 629.50 feet to the East-West 1/4 line of said Section 22; thence West along said East-West 1/4 line, 599 feet to the Southwest corner of Outlot 5 of the Plat of Lakeview Park; thence North along the West line of Outlot 5 and Outlot 4, 1660 feet to the Northwest Corner of said Outlot 4; thence East along the North line of said Outlot 4 to the Westerly right of way line of M-76; thence Northwesterly along said Westerly right of way line to the North line of Outlot 1 of said Plat; thence East along said North line to the Northwest corner of Outlot 2 of said Lakeview Park Plat; thence East along the North line of said Plat to the Section corner common to sections 14, 15, 22, 23;

Thence South along the West line of Section 23, T23N, R1W to the North 1/8 line; thence East along said North 1/8 line, 660.45 feet; thence South 420.7 feet to the Northerly Right of way of Central Drive; thence Southeasterly along said Northerly right of way line, to the East 1/8 line of said Section 23; thence North along said East 1/8 line to the East-West 1/4 line. Thence East along said East-West 1/4 line to the East line of the West 1/2 of the NE 1/4 of the SE 1/4; thence South along said East line, 1320 feet more or less to the South 1/8 line of said Section 23; thence West along said South 1/8 line to the East 1/8 line; thence South along said East 1/8 line, 1320 feet more or less to the Section line between sections 23 and 26; Thence West along said Section line to the 1/4 corner between said Sections 23 and 26;

Thence South along the North-South 1/4 line of said Section 26, 171.4 feet to the Southeast corner of Lot 18 of Veldora Subdivision; thence West along the South line of Lots 1, 2, 17, and 18, 329.85 feet to the Southwest Corner of lot 1 of said Veldora Subdivision. Thence South along the West line of said Veldora Subdivision 490 feet to the South line of the North 1/2 of the NE 1/4 of the NW 1/4; thence West along said south line to the West 1/8 line of said Section 26; thence continuing West along the South line of the North 1/2 of the NW 1/4 of the NW 1/4, 660 feet; thence South 560.85 feet; thence West 360 feet; thence South 100 feet to the South line of the South 1/2 of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 26; thence West 66 feet; thence South 20 feet; thence East 6 feet; thence South 100 feet; thence West 190 feet; thence South 40 feet; thence East 68 feet; thence South 210 feet; thence West 68 feet; thence South 40 feet; thence East 70 feet; thence South 220 feet to the North line of the North 1/2 of the SW 1/4 of the SW 1/4 of the NW 1/4 of said Section 26; thence East 540 feet to the East line of said North 1/2 of the SW 1/4 of the SW 1/4 of the NW 1/4; thence South 330 feet to the Northeast corner of the Plat of Pinewood Hill; thence West along the North line of said Plat, 494 feet to the Northeast corner of Lot 24 of said Plat of Pinewood Hill; thence South along the East line of Lots 1,2,3,24,25,26, 331 feet to the Southeast corner of Lot 3 of said Plat; thence East along the South line of said Plat 494 feet to the Southeast corner of said Plat; thence South 660 feet; thence East 660 feet; thence South 1980 feet more or less to the Section line common to Sections 26 and 35; thence West 660 feet to the East line of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 35, T23N, R1W;

Thence South 330 feet; thence West 165 feet; thence South 165 feet; thence West 50 feet; thence South 165 feet; thence East 50 feet; thence South 330 feet; thence West 70 feet; thence South 100 feet; thence West 25 feet; thence South 65.45 feet; thence East 95 feet; thence South 165.43 feet to the North line of Fisher Lake Subdivision; thence East to the Northeast corner of Lot 1 of said Fisher Lake Subdivision;

thence Southwesterly to the Southeast corner of Lot 4 of said Fisher Lake Subdivision; thence West 90.1 feet to the Northeast Corner of Lot 5 of said Subdivision; thence South 401.3 feet to the Southeast corner of Lot 20 of said Fisher Lake Subdivision; thence South 330 feet; thence East to the East line of the South ½ of the SW ¼ of the SW ¼ of the NW ¼; thence South to the East-West ¼ line of said Section 35; thence West along said East-West ¼ line 330 feet; thence South 330 feet; thence West 97 feet; thence South 330 feet; thence East 97 feet; thence South 450 feet; thence West 158.5 feet; thence South 210 feet to the South 1/8 line; thence East 158.5 feet to the Northwest Corner of Lot 10 of Estwood Subdivision; thence South 330.95 feet to the Northeast corner of Lot 22 of said Plat; thence West 271.5 feet to the Northwest corner of Lot 23 of said Plat; thence South 330.9 feet to the South line of said Plat of Estwood; thence East 270 feet; thence South 660 feet more or less to the South section line of said Section 35; thence West 330 feet along said South section line back to the point of beginning.

EXCEPT that part of section 23, T23N, R1W, described as Commencing at the Southwest corner of said Section 23; thence North along the West section line 330 feet to the North line of the South ½ of the South ½ of the SW ¼ of the SW ¼ of Section 23; thence East 185 feet to the point of beginning; thence North 280 feet; thence West 60 feet; thence North 50 feet; thence East 257 feet; thence North 125 feet; thence East 150 feet; thence North 372.3 feet; thence West 300 feet; thence North 163 feet to the South 1/8 line; thence East along said South 1/8 line, 92.95 feet; thence North 215 feet; thence West 112 feet; thence North 120 feet; thence East 112 feet; thence North 325 feet; thence West 130 feet; thence North 80 feet; thence West 50 feet; thence North 120 feet; thence East 10 feet; thence North 130 feet to the South line of the North ½ of the NW ¼ of the NW ¼ of the SW ¼ of said Section 23; thence East along said South line, 505.1 feet to the West line of the NE ¼ of the NW ¼ of the SW ¼; thence South along said West line, 330 feet; thence East along the South line of the NE ¼ of the NW ¼ of the SW ¼ 660 feet to the West 1/8 line; thence South along said West 1/8 line 1650 feet more or less to the North line of the South ½ of the South ½ of the SW ¼ of the SW ¼ of Section 23; thence West along said North line 1135 feet more or less back to the point of beginning.

Section 12: EFFECTIVE DATE

12.0 Effective Date

This ordinance shall take effect upon publication as provided by the Township.

Commissioner SCOTT moved the adoption of the foregoing ordinance, which was seconded by Commissioner VANWORMER, and thereupon adopted by Richfield Township at a regular meeting, held this 15TH day of MARCH, 2011.

Jim VanWormer, Supervisor

Pam Scott, Clerk