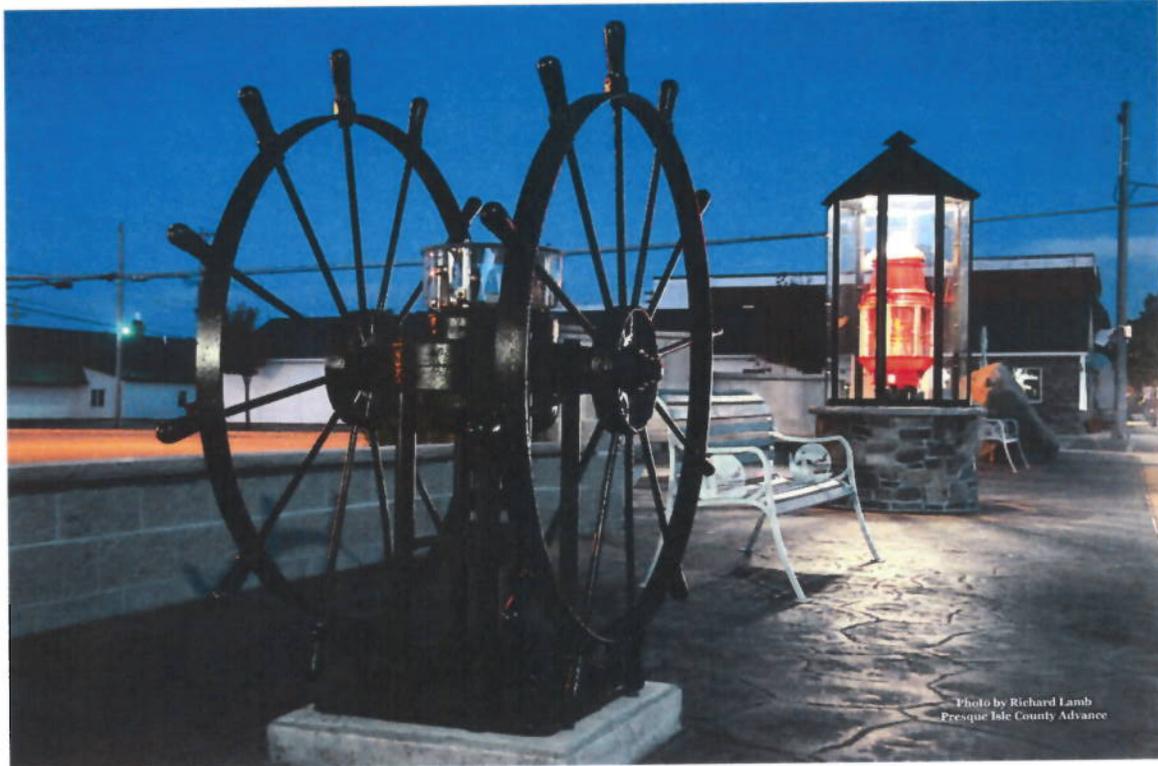


City of Rogers City Downtown Development Authority



**Amended and Restated
Development Plan and Tax Increment Financing Plan
Adopted by City Council - Ordinance 2018-15
August 7, 2018**

CITY OF ROGERS CITY
STATE OF MICHIGAN

ORDINANCE 2018-15

AN ORDINANCE APPROVING THE AMENDMENT AND RESTATEMENT OF THE CITY OF ROGERS CITY DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN AND INCORPORATING, BY REFERENCE, THOSE AMENDED AND RESTATED PLANS IN THE CITY OF ROGERS CITY COMPREHENSIVE PLAN.

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Per the provisions of the Code of Ordinances of the City of Rogers City, Michigan, Chapter 5, Article 2, Division 3, Section 5-57, the amended and restated Downtown Development Authority development plan and tax increment financing plan (the "Plans") are approved based on the following considerations:

- 1) The Plans constitute a public purpose.
- 2) The Plans meet the requirements set forth in Sections 14(2) and 17(2) of the Downtown Development Authority Act, Act 197, Michigan Public Acts, 1975.
- 3) The proposed method of financing the development activities described in the Plans is feasible and the Downtown Development Authority has the ability to arrange the financing.
- 4) The development activities described in the Plans are reasonable and necessary to carry out the purposes of PA 197.
- 5) Any land to be acquired within the Downtown Development District is reasonably necessary to carry out the purposes of the Plans and the purposes of PA 197.
- 6) The amount of captured assessed value estimated to result from adoption of the Plans is reasonable.
- 7) The Plans are in reasonable accord with the approved master plan of the City.
- 8) Public services, such as fire and police protection and utilities are, or will be, adequate to service the Downtown Development District.
- 9) Any changes in zoning, street levels, intersections, or utilities contemplated by the Plans are reasonably necessary for the project.

Section 2. The amended and restated Downtown Development Authority development plan and tax increment financing plan are incorporated in the City's comprehensive plan by reference.

Section 3. A copy of the Plans shall be maintained on file in the City Clerk's Office, with a copy of this Ordinance included as an attachment to the Plans.

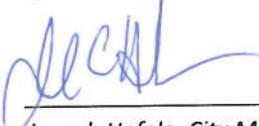
Section 4. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 6. All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are hereby saved, and such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced.

Section 7. This ordinance shall be published once within 15 days after its adoption, and shall become effective immediately on the publication thereof.

I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Rogers City at a regular meeting conducted August 7, 2018.



Joseph Hefe, City Manager

SECTION I INTRODUCTION

A. Purpose of the Downtown Development Authority Act

This plan has been developed under the provisions of Michigan Public Act 197 of 1975, commonly referred to as the Downtown Development Authority Act. The Act was developed, in part, to correct and prevent deterioration within business districts, promote economic growth and revitalization, encourage commercial revitalization and historic preservation, authorize the acquisition and disposal of interests in real and personal property, authorize the creation and operation of a downtown development authority board, and authorize the levy and collection of taxes, the issuance of bonds, and the use of tax increment financing in the accomplishment of specific development activities contained in locally-adopted development plans.

The Act seeks to attack problems of urban decline, strengthen existing areas, and encourage new private developments in Michigan downtowns. It seeks to accomplish this goal by providing communities with the necessary legal, monetary, and organizational tools to revitalize economically distressed areas, either through publicly initiated projects or in concert with privately motivated development projects. The manner in which downtown development authorities choose to make use of these tools does, of course, depend on the problems and opportunities facing each particular redevelopment area and the development priorities sought by the community and board in the revitalization of its area.

This development plan has been prepared within the purposes of the Act, and the problems and priorities as perceived by the Rogers City Downtown Development Authority and as submitted for the approval of the City Council of the City of Rogers City.

B. Creation of the Rogers City Downtown Development Authority and District

On November 19, 1984, the City Council of the City of Rogers City adopted Ordinance No. 4-84, creating a Downtown Development Authority under Public Act 197 of 1975, and designating the boundaries of the Authority district within which the Authority will exercise its powers. The original district included the core downtown area and business areas along Business US-23 (Third Street), and lakefront property west of Lakeshore Park and north of First Street.

On October 19, 1998 the City Council adopted Ordinance No. 98-02, expanding the district to include business areas along US-23 (Bradley Highway) and Business US-23 (Third Street), and properties within the Industrial Park, Presque Isle County Airport, Michigan Limestone Operations, City of Rogers City DPW, and the Rogers City Harbor and Marina.

On June 2, 2009 the City Council adopted Ordinance No. 2009-05 substantially reducing the district by eliminating properties within the Industrial Park, Presque Isle County Airport, Carmeuse Lime and Stone (formerly Michigan Limestone Operations), and some of Business US-23, while adding a few properties, including the Grambau Center (former Rogers City High School), Presque Isle County Historical Museum, and surrounding parcels, and a few parcels near North Shore Park.

C. *Activities of the Rogers City Downtown Development Authority*

The Rogers City Downtown Development Authority has been meeting for more than 33 years. During that time, it has been responsible for, or involved in, many endeavors that have strengthened and enhanced the district for which it is responsible.

These include, but are not limited to, Third Street streetscape improvements, facilitation of façade improvement grants to benefit businesses, demolition and tear-down of blighted and vacant commercial and industrial uses along Lakeview Drive, and improvements to the Rogers City Marina.

It is important to note that, through these activities, the DDA has incurred debt, which must be retired with some of the tax increment financing generated. The Authority will have a debt balance of \$42,000 as of July 1, 2018, and will be making annual principal/interest payments of approximately \$6,000 through May 1, 2026.

It also is important to note that the DDA owes a consultant \$18,000 for work associated with the redevelopment of the Lakeview Drive lots. Though those lots are no longer included within the district, they are owned by the Authority and the repayment to the consultant will come from their sale as residential properties.

Finally, it is important to note that the level of tax increment financing revenue at the Authority's disposal has decreased dramatically from prior levels as some taxing jurisdictions are no longer TIF-eligible, the size of the district has been reduced, and some assessing modifications related to economic factors of commercial parcels has decreased property values, lowering the TIF.

D. *Legal Basis for the Rogers City Downtown Development Area*

Public Act 197 of 1975 provides the legal mechanism for local officials to address the need for economic development in the development district. In the City of Rogers City, the Development Authority District, subject of this Development Plan, can be generally described as parcels and public right-of-way along both sides of US-23 (Bradley Highway), Business US-23 (Third Street), along Lake Huron from Depot to Ontario streets, including the Rogers City Marina and Harbor, and within two blocks of Business US-23 from Huron Avenue to Erie Street (Map 1).

This Development Plan and Tax Increment Financing Plan amends and restates the May 5, 1986 Development Plan No. 1 and Tax Increment Plan No. 1 as amended in 1999 for

the original downtown development district by amending the type of projects and increasing the expiration of the plan to fiscal year ending 2048.

E. Basis of the Authority's Determination for the Rogers City Development Area

The project area, as recommended by the Rogers City Downtown Development Authority, is identical to the DDA boundaries, and based on the belief of the DDA that any successful efforts of the City of Rogers City to revitalize and sustain its business district will rely on the willingness, capability, and timeliness of its municipal structure to encourage, initiate, propose, and participate in the maintenance of existing, and development of new and renovated, private and public uses and projects that will bring about physical improvement to businesses, create new jobs, retain businesses, attract new businesses, bring people and traffic into the downtown, and improve the City's tax base.

The Downtown Development Authority has identified certain priorities intended to guide its activities over the short-term, all of which require very little capital but will lay the framework for future expenditures, projects, and improvements, allowing the DDA to build its fund balance toward financing such projects once these short-term priorities have been accomplished. These priorities, which the DDA hopes to complete within 10 years of the adoption of this plan, include:

1. Collection of ideas and concerns from the business community to share with City Council, so that future actions of the Council impacting the downtown will take place with input from that sector.
2. Partnership with the City Council and its public works department to ensure that downtown infrastructure, including sidewalk, stamped concrete, brick pavers, lamp posts, flower planters, banners, and trash receptacles are maintained, and the development of a replacement plan for those aspects that have become dated.
3. The designation of commercial redevelopment and commercial rehabilitation districts throughout the project area, and the development of a scoring system through which property tax abatements could be considered for those making eligible improvements within those districts.
4. Taking the steps necessary to re-classify Rogers City as a low-to-moderate income community as defined by the Michigan Economic Development Corporation, making grants more accessible within the project area.
5. Engagement in the Michigan Main Street Program, if doing so is deemed feasible and is supported by those within the businesses community that could benefit from such engagement.
6. Partnership with other organizations whose goals overlap those of the Authority, such as the City, Chamber of Commerce, and County Economic Development Committee, when such partnerships make financial or practical sense.

7. Facilitation and administration of state and federal grants to benefit the private sector, when public sector facilitation and administration is required by the grant agency and when the grant being considered would benefit the project area and community.
8. Participation in planning and conceptual design of projects identified in the Small Harbor Sustainability Study, incorporated into this plan by reference (**Attachment 1**).
9. Marketing and sale of Lakeview Drive properties referenced earlier in this plan (**Attachment 2**).
10. Participation in the creation and implementation of a comprehensive marketing and promotional plan for the downtown, marina, and community, and involvement in the ongoing evaluation of the components associated with such a plan.
11. Participation in the planning for the most appropriate use for the Grambau Center (former Rogers City High School), potentially as a mixed-use facility.
12. Create concepts for the various public parking and other public spaces within the district to better utilize and publicize those spaces, making each unique to Rogers City and building a “sense of place.”
13. Research and determine what commercial activities are absent from the downtown district, and promote and encourage the development of new commercial facilities within the district, with a goal of “all buildings occupied.”
14. Identification of best locations for farmer’s market, business incubator, and public restrooms, and participation in the planning of such facilities.
15. Creation of corridor plan for Bradley Highway.
16. Schedule, coordinate, organize, participate in, and promote events that bring people into the downtown.

F. Purpose of the Tax Increment Financing Plan for the Rogers City Downtown Development Area

The purpose of the Tax Increment Financing Plan for the development area is to provide the legal authority and procedure for the public financial participation necessary to assist the DDA in accomplishing the activities identified in its Development Plan.

The Tax Increment Financing Plan outlines the limited financing needed to accomplish the short-term priorities included in the section above as well as the following more capital-intensive activities, some of them resulting from the efforts outlined in the short-

term priorities and requiring funds be set aside over time to build adequate capital to fund such projects:

1. Replacement of existing infrastructure within business district as necessary, including wi-fi, sidewalks, stamped concrete, brick pavers, lampposts, flower planters, banners, and trash receptacles (estimated cost \$300,000; estimated completion 2048).
2. Implementation of projects included in the Small Harbor Sustainability Study, including the re-envisioning of the “old comfort station” area at the marina, the development of the Avenue of Flags, reroute of the Huron Sunrise trail from Public Works Park to the Marina, and the placement of visual aids to help guide those unfamiliar with Rogers City into the downtown (estimated cost \$300,000; estimated completion 2048).
3. Property appraisals, title searches, legal services, purchase negotiations, payment for real and personal property acquisitions, and other contractual services if needed to spur acquisition and/or demolition of blighted structures within district and sale of such properties to developers (estimated cost \$100,000; estimated completion 2048).
4. Redevelopment of Erie Street public parking lot and the small “nook” that connects it to the Third Street business district and the Mariner’s Mall public parking lot (estimated cost \$200,000; estimated completion 2048).
5. Development of public restrooms, farmer’s market, and business incubator (estimated cost \$300,000; estimated completion 2048).
6. Purchase and placement of additional signage at strategic locations that helps the City tell its unique story and helps create its sense of place (estimated cost \$50,000; estimated completion 2048).
7. Financial participation in projects that will improve the appearance of the downtown, including, but not limited to, those that promote façade improvements (estimated cost \$100,000; estimated completion 2048).
8. Traffic calming and other corridor improvements along Bradley Highway (estimated cost \$150,000; estimated completion date 2048).

**SECTION II
DEVELOPMENT PLAN**

A. Boundaries of the Rogers City Downtown Development Area

The boundaries of the Downtown Development Authority, as established by the amendments to the district created by Ordinance 2009-05, are set forth on the document included as Map 1 and are described as follows:

City of Rogers City, Presque Isle County, State of Michigan

Property owned by the city known as Lakeside Park, Rogers City Boat Harbor, located in Block 2 of Original Plat of Rogers City;

Original Plat of Rogers City Block 1 except the following described land: Commencing, as the point of beginning, at the most southerly corner of Block 1, thence N 34°30' W 520 feet; thence N 55°30' E 69 feet; thence S 73°55' E 64.7 feet; thence continuing on a line to a point that is N 34°30' W 500 feet and N 55°30' E 125 feet from the most southerly corner of Block 1; thence S 34°31' E 150 feet; thence N 55°30' E 85 feet; thence S 61°00' E 55 feet; thence S 55°30' W 110 feet; thence S 34°30' E 300 feet; thence S 55°30' W 125 feet to the point of beginning;

Original Plat of Rogers City Block 13 Lots 7-22, Block 21 Lots 9-11; and Block 23;

Larke and Friedrich's Addition Block 4 Lots 6-8 and 34; and Block 9 Lots 7-10;

Birchwood Addition Block 1 Lots 1-12 and Block 2 Lots 1-12;

Pinewood Addition Block 1 Lots 1-12 and Block 2 Lots 1-12;

Pinewood Addition #1 Block 14 Lots 1-12;

Hornbacher's Addition Block 4 Lots 5-10, Block 5 Lots 1-9, and Block 1 Lots 12-18;

Presque Isle Woods Addition Lots 85-102; also all unplatted land in south half of west half of southwest quarter of northeast quarter of Section 16;

Unplatted land in the southeast quarter of northwest quarter Section 16, commencing at the southeast corner of the northwest quarter of Section 16, then west along the ROW of Third Street to the east boundary line of Hornbacher's Second Addition, then north along the boundary line to the north boundary line of Hornbacher's Second Addition, then west along the north line to the north south eighth line, then north along the north south eighth line to the east west eighth line, then east to the west ROW of US-23, then southeasterly along the west line

690 feet, then east to the west ROW of Franklin Street, then south to the POB. Excluding an area commencing at the southeasterly corner of Lot 17 Hornbacher's Second Addition, then north $1^{\circ}, 22''$, west 211.53 feet, then $87^{\circ}, 39''$ east 100 feet, then south $1^{\circ}, 22''$, east 211.44 feet, then south $87^{\circ}, 33''$, west 100 feet to POB;

Lands in the south half of Section 16, bounded by east ROW line of Oak Street, north ROW line of 3rd Street, southwesterly ROW line of US-23, and the northerly ROW line of Larke Street;

Commencing northwest corner Lot 18, Block 1, Hornbacher's Addition thence along US-23 ROW line to southwest corner Lot 9 Block 5 of same plat, thence northeast 150 feet along northeasterly lot line, thence southeast parallel with US-23 ROW line to northeast corner of Lot 18 Block 1 same plat, thence southwesterly 150 feet to the POB;

Lehndorff's Addition Block 3 Lots 1-11, Block 2 Lots 1-22, and Block 1 Lots 12-22;

Reedy Estes Lots 1, 8, 9, 10 and 11;

All unplatted lands in southeast quarter of southwest quarter of southeast quarter of Section 16;

East half of northwest quarter of northeast quarter of Section 21;

Commencing northeasterly line of US 23 and intersection of Huron Avenue thence northwesterly along US 23 to Cedar Street; thence 150 feet easterly along Cedar Street; thence parallel to US 23 to Huron Street; thence 150 feet southwesterly to POB;

All lands lying southwest of the northeasterly line of US 23 in the northeast quarter of the northeast quarter of Section 21;

All of the southeast quarter of the northeast quarter of Section 21 except lands owned by Rogers City Schools;

Commencing east quarter corner of Section 21, thence north $89^{\circ}48'18''$ west 1329.47 feet along east-west quarter line to POB; thence south 2° east 1328.15 feet; thence north $21^{\circ} 54'55''$ west 1307.75 feet; thence north $53^{\circ} 55'25''$ east 684.80 feet; thence south $1^{\circ} 51'42''$ west 289.64 feet to POB;

The northeast quarter of southeast quarter of Section 21;

Section 22, 1 acre in the right triangle in southwest corner of the northwest quarter of the northwest quarter lying south of Erie Street;

The north 191 feet of the west 405 feet of southwest quarter of the northwest quarter of Section 22;

That part of the NW 1/4 of SW 1/4 lying Easterly of Wenonah Drive and Northerly of center line of Industrial Park Drive being described as beginning at West 1/4 corner of Section 22; thence N 8°E 17' 30" E 482.54 feet along East-West line of said section; thence S 0° 38' 30" E 187.72 feet parallel with west line of said section; thence S 89° 21' 30" W 482.45 feet to the West line of said section; thence N 0° 38' 30" W 178.74 feet along said West line to point of beginning. T35N, R5E, Section 22, Also a parcel located in the NW 1/4 of the SW 1/4 of said section; commencing at the West 1/4 corner of said section as presently monumented with a 1/2 inch rod in a monument box; thence N 88° 17' 30" E along the East-West 1/4 line 33 feet to a 1/2 inch iron rod on the East right-of-way line of Wenonah Drive; thence S 0° 38' 30" E along said East right-of-way line 179.35 feet to a point presently monumented with a 1/2 inch iron rod, said point being the point of beginning of the parcel to be described; thence from the point of beginning thus established S 0° 38' 30" E and continuing along the East right-of-way line of Wenonah Drive 142 feet to a 1/2 inch iron rod; thence N 89° 21' 30" E 200 feet to a 1/2 inch iron rod; thence N 0° 38' 30" W 142 feet to a 1/2 inch iron rod; thence S 89° 21' 30" W 200 feet to the point of beginning.

Lincoln and Platz Addition Block 7.

B. Development Plan Objectives

It is the objective of the DDA of the City of Rogers City to develop and implement development and financing plans focused on improving and maintaining the retail-commercial center of the City. This plan will seek to improve the attractiveness of the commercial core by addressing certain public improvement and maintenance needs and encouraging private sector improvements. The plan will be directed at the provision of taking steps that increase the amount of people that visit and frequent the downtown.

This plan seeks to improve the character and contribute toward the existing positive qualities of the downtown core through place-making efforts focused on Rogers City's unique nautical history. Each public improvement within the downtown core should incorporate in some way this nautical theme, and those who seek abatements, or grants, when developing property within the downtown core should be required to incorporate this theme into their store fronts.

In addition, the DDA should strive to support development that includes zero lot line status with pedestrian-friendly features and residential space above commercial activities, which helps keep the downtown core vibrant.

C. *Location, Character, and Extent of Existing Public and Private Land Uses*

The Development Area contains a varied assortment of public and private land uses, including office, commercial, residential, vacant, government, and public street areas. Provided below and shown on **Map 2** is a more detailed account of the character and extent of both public and private uses found in the Development Area on the date of adoption of this plan.

1. Existing Public Land Uses

Existing public uses in the Development Area include the following (for uses and locations see **Map 2**):

- a) Public street right of way along Third Street (Business US-23), Bradley Highway (US-23), and within two blocks of Third Street from Huron Avenue to Erie Street
- b) City-owned property along Lake Huron from Depot Street to Ontario Street, including Public Works Park, the Rogers City Wastewater Treatment Plant, the Rogers City Marina, and Lakeside Park
- c) Rogers City Municipal Hall, Police Station, and Fire Station
- d) County of Presque Isle Administrative Buildings
- e) Presque Isle District Library
- f) Grambau Center (former Rogers City High School)
- g) Presque Isle County Museum buildings
- h) Great Lakes Lore Museum
- i) Rogers City Area Seniors facility
- j) United States Post Office

2. Existing Private Land Uses

Existing private uses in the Development Area include the following (for uses and locations see **Map 2**):

- a) A variety of commercial uses including restaurants, general retail, financial institutions, service entities, offices, and other such uses. The core downtown business area reflects a traditional pattern of zero lot line buildings with on-street parking. The downtown, and the balance of the

district outside Bradley Highway (US-23) is more pedestrian-friendly than the commercial land use along Bradley Highway, which features fast food restaurants, car dealerships, modular home sales, medical clinics, gas stations, and strip shopping centers.

- b) Numerous parcels of vacant land, most of it located along Bradley Highway, with some along Third Street between Linden Street and US-23.
- b) Fewer than 50 single family homes.

D. Location, Character, and Extent of Proposed Land Uses

The location, character, and extent of those public and private land uses which will result from these and other planned development activities are described below.

1. Proposed public land uses include the following:
 - a) Replacement of existing infrastructure within business district as necessary, including wi-fi, sidewalks, stamped concrete, brick pavers, lampposts, flower planters, banners, and trash receptacles.
 - b) Implementation of projects included in the Small Harbor Sustainability Study, including the re-envisioning of the “old comfort station” area at the Marina, the development of the Avenue of Flags, the reroute of the Huron Sunrise trail from Public Works Park to the Marina (via easements from the private sector owners of the property between), and the placement of visual aids to help guide those unfamiliar with Rogers City to the downtown.
 - c) Redevelopment of Erie Street public parking lot and the small “nook” that connects it to the Third Street business district, and Mariner’s Mall public parking lot.
 - d) Development of public restrooms, farmer’s market, and business incubator.
 - e) Purchase and placement of additional signage at strategic locations that helps the City tell its unique story and helps create its sense of place.
 - f) Traffic calming and other corridor improvements along Bradley Highway.
 - g) Marketing and sale of the Lakeview Drive residential properties, no longer within the DDA boundaries but owned by the DDA.
2. Proposed private land uses. The DDA may undertake the following:

- a) Property appraisals, title searches, legal services, purchase negotiations, payment for real and personal property acquisitions, and other contractual; services if needed to spur acquisition of and/or demolition of blighted structures within the district and the sale of such properties, once cleaned up, to private sector developers.
- b) Participation, financial and otherwise, in private development and improvement projects that will positively add to the district and community
- c) Support the creation of commercial redevelopment and commercial rehabilitation districts, which could spur worthy projects by making them eligible for tax abatements.
- d) Participate in efforts to re-classify Rogers City as a low-to-moderate income community as defined by the Michigan Economic Development Corporation, making grants more accessible within the district
- e) Engagement in the Michigan Main Street Program, if doing so is deemed feasible and is supported by those within the business community that could benefit from such engagement.
- f) Participation in the creation and implementation of a comprehensive marketing and promotional plan aimed to increase visitors to the downtown.

Detailed policies and procedures would need to be developed by the DDA to implement these options, to prioritize the use of public funds, to identify those properties or areas where such funding will provide the maximum benefit and to include private investment requirements or other assurances that the improvements as proposed or developed or actually implemented.

E. Property acquisition

This plan anticipates that in the future it may be in the best interest of the DDA, the City, and its citizens for the DDA to acquire privately held property. Under this plan, the DDA proposes to acquire land on an as-needed or as-determined basis.

Legal basis for the acquisition of privately owned properties:

The legal basis under which the City of Rogers City may take and transfer privately owned property to the DDA, and the DDA may acquire such property and other property for use in accordance with an approved Development Plan is provided in the Act which state as follows:

“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 interest 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.”

“A municipality may take private property...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.”

F. Existing Improvements to be Altered, Removed, or Repaired

1. The DDA may cause the removal of some existing structures. In addition, the DDA shall cooperate with the City in the demolition of deteriorated buildings in the Project Area in conjunction with City codes, including those that regulate safety and general maintenance.

2. Other Existing Improvements to be Removed

Future appearance improvements in the public right-of-way could include the removal of existing infrastructure, including overhead power, phone, and cable lines, or sidewalk sections (which could be replaced with stamped concrete.)

3. Description of Repairs and Alterations

Existing public infrastructure, including sidewalk, stamped concrete, brick pavers, lampposts, flower planters, and trash receptacles will receive ongoing repair and maintenance throughout the life of this Plan. Some of the pedestrian corridor in the Project Area may be altered to include some of these items.

4. Buildings to be Altered, Rehabilitated, or Removed

It is the intent of this Plan to alter or rehabilitate structures and buildings whenever possible so as to improve the general aesthetics and economic viability of downtown Rogers City. The DDA will, however, cooperate with the City in the removal of deteriorated properties in conjunction with the City's code and ordinance enforcement process.

G. Location, Extent, Character, Estimated Cost, and Estimated Time of Completion of Improvements, including Rehabilitation Contemplated for the Development Area.

Presented in the following table is a summary description of the location, extent, character, and estimated cost of improvements to be undertaken and financed by the DDA.

As noted, the types of improvement work to be carried out includes:

1. Replacement of existing infrastructure within business district as necessary, including wi-fi, sidewalks, stamped concrete, brick pavers, lampposts, flower planters, banners, and trash receptacles.
2. Implementation of projects included in the Small Harbor Sustainability Study, including the re-envisioning of the “old comfort station” area at the marina, the development of the Avenue of Flags, reroute of the Huron Sunrise trail from Public Works Park to the Marina, and the placement of visual aids to help guide those unfamiliar with Rogers City into the downtown.
3. Property appraisals, title searches, legal services, purchase negotiations, payment for real and personal property acquisitions, and other contractual services if needed to spur acquisition and/or demolition of blighted structures within district and sale of such properties to developers.
4. Redevelopment of Erie Street public parking lot and the small “nook” that connects it to the Third Street business district and the Mariner’s Mall public parking lot.
5. Development of public restrooms, farmer’s market, and business incubator.
6. Purchase and placement of additional signage at strategic locations that helps the City tell its unique story and helps create its sense of place.
7. Financial participation in projects that will improve the appearance of the downtown, including, but not limited to, those that promote façade improvements.
8. Traffic calming and other corridor improvements along Bradley Highway.

*Summary of Proposed Improvements
Rogers City Downtown Development Authority*

<u>Item No.</u>	<u>Extent and Character</u>	<u>DDA Cost</u>	<u>Performed</u>
1	Infrastructure Replacement	300,000	2018-2048
2	Small Harbor Sustainability	300,000	2018-2048
3	Acquisitions and Demolitions	100,000	2018-2048
4	Parking lot and related	200,000	2018-2048
5	Restrooms, farm market, incubator	300,000	2018-2048
6	Signage	50,000	2018-2048
7	Public/private partnership	100,000	2018-2048
8	Bradley Highway improvements	150,000	2018-2048

H. *Planned New Development*

The DDA anticipates new private developments as a direct result of the proposed public improvements. It also is hoped that through the efforts of the DDA, additional private developments and improvements will occur as a result of the spin-off of the public investment.

I. *Existing and Planned Open Space*

In addition to the public parking areas included within the district, there is abundant open space along Lake Huron, including Public Works Park and Lakeside Park, as well as surrounding the Rogers City Marina. There are no plans to add additional open space, as Rogers City already is blessed with an abundance of parks and recreational areas.

J. *Land Disposition*

The DDA may acquire, through purchase or lease, publicly held property as part of this Development Plan. Property acquired from the City may be resold for a private development. Disposition of any properties acquired in the future will be performed in accordance with specific terms and conditions to be established by the DDA.

K. *Description of Zoning and Proposed Changes*

The existing zoning is set forth on Map 3. Any zoning changes or revisions will be addressed by the Planning Commission. Variances will be the responsibility of the City Zoning Board of Appeals. The DDA could be consulted on zoning changes or variances that impact its district, though such consultation is not required.

L. *Proposed Right-of-Way Adjustments and Changes to Street Grades, Intersections, and Utilities*

This Plan calls for the relocation of overhead utilities to underground and the elimination of any overhead utilities that no longer are needed in the Project Area. There are no changes proposed to right-of-ways, street grades, or intersections.

M. *Development Cost Estimates and Financing*

The total cost of completing all activities, projects, and improvements proposed by the DDA Development Plan, and to be undertaken and financed, at least partially, through the DDA, is estimated to be \$1,500,000. These costs include expenditures for activities associated with the accomplishment of each of the projects described in the plan, including various administrative costs and contingencies.

The DDA expects to finance these activities from one or more of the following sources:

1. Future Tax Increment Revenues

2. Interest on Investments
3. Proceeds from any property, building, or facility owned, leased, or sold by the DDA.
4. Special Assessments, with support of the area affected and as approved by the City Council.
5. Monies obtained from other sources approved by the City Council, which may include grant and loan funds or a line of credit from the City to the DDA. This line of credit will carry an interest rate to be negotiated, and a term not to exceed the duration of this plan.

The proceeds to be received from tax increment revenues in the DDA plus the availability of funds from other authorized sources will be sufficient to finance all activities and improvements to be carried out under this plan.

N. Identification of Private Interests, Parties, or Individuals to Whom the Development Will be Sold or is Being Undertaken

At the time of the adoption of this Plan, there are no private interests, parties, or persons identified to whom land for new development will be sold, leased, or conveyed. All development activity and improvements described in this Plan will remain under public ownership or control with the City of Rogers City or other public entity created by the City of Rogers City.

O. Proposed Land Disposition Terms and Bidding Procedures

The terms under which land designated for new development will be sold, leased, or otherwise conveyed to private development interests shall be determined by the DDA.

The procedures by which bids for the purchase or conveyance of property will be received and awarded will be consistent, and in accordance with, existing procedures and practices used by the City of Rogers City in disposing of other City-owned property or other procedures as subsequently determined by the DDA.

The DDA and City Council reserve the right to select the development proposal and/or the developer whose proposal for purchase best meets the intent of this Development Plan and the best interest of the City.

P. Estimates of the Number of Persons Residing in the Development Area and the number of Families and Individuals to be Displaced.

There are less than 100 persons in the Development Area and no displacement of families is contemplated.

Q. A Plan for Establishing Priority for the Relocation of Persons Displaced by the Development Area

Since no persons will be displaced from the Development Area by any of the proposed projects, it is not necessary to prepare a plan for establishing priority for displaced persons with respect to relocation assistance.

R. Provision for the Costs of Relocating Persons and Businesses Displaced by the Development and Financial Assistance and Reimbursement of Expenses

This Development Plan contains no projects that would directly or indirectly displace any persons or businesses.

S. Plan Provisions for Compliance With Act 227 of the Public Acts of 1972

This Development Plan contains no projects that would directly or indirectly displace any persons or businesses. However, if such displacement was to occur, it would be handled through an agreement between the City and the owners of the business, with compensation, as applicable, for acquisition of land, building, and facilities, as well as relocation costs.

SECTION III TAX INCREMENT FINANCING PLAN

This Tax Increment Financing Plan is established to make possible the financing of all or a portion of the costs associated with the carrying out and completion of those activities and improvements contained in the officially adopted Development Plan for the Development Area as may be amended from time to time.

A. 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 Plan and Tax Increment Financing Plan. Following the adoption of that Ordinance, the municipal and county treasurers are required by law to transmit to the DDA 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 tax amounts to be transmitted are hereinafter referred to as "Tax Increment Revenue." The "Captured Assessed Value" is defined by the Act as the "amount in any one (1) year, by which the current assessed value of the project area, including the assessed value of property for which specific local taxes are paid in lieu of property taxes...exceeds the initial assessed value." The initial assessed value is defined by the Act as "the assessed value, as equalized, 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, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the resolution is adopted. 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 specific local tax is paid in lieu of a property tax shall not be considered to be property that is exempt from taxation. The initial assessed value of property for which a specific tax was paid in lieu of a property tax shall be determined as provided in subdivision "(c)" of the Act.

When the authority determines that it is necessary for 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) of the Act, 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 of the Act. 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.

Approval of the Tax Increment Financing Plan shall be pursuant to the notice, hearing, and disclosure provisions of Section 18 of the Act. If the Development Plan is part of the Tax Increment Financing Plan, only one hearing and approval procedure is required for the two plans together. Presented in Exhibit 4 are schedules of the current or "initial" assessed values of all real and personal property in the Development Area.

B. *Estimates of Captured Assessed Values and Tax Increment Revenues*

Provided in **Attachment 3** is a schedule of estimated dollar amounts of captured assessed values and tax increment revenues to be realized from increases in real and personal property values in the Development Area from 2018 through 2048. These estimates are based on the experience of the Rogers City Tax Assessor. The estimates have taken into account expected changes or adjustments (increases and decreases) in base year real and personal ad valorem property assessments, removals and additions of real and personal property, and changes in the assessed values of properties for which a specific local tax is paid in lieu of property taxes. The projections include new construction complete or underway during the 2018 calendar year. The other years of the projection are based on appreciation only. A total of 26.93 mills were applied to the captured assessed totals for ad valorem real and personal property. Under the Tax Increment Financing Plan, the entire increment amount is to be utilized by the DDA, though some will be repaid to the City for projects, including the continued maintenance of Project Area infrastructure, including sidewalk and streetscape.

C. *Use of Tax Increment Revenue*

The tax increment revenue paid to the DDA by the municipal and county treasurers is to be disbursed by the DDA from time to time in such a manner as the DDA may deem necessary and appropriate in order to carry out the purposes of the Development Plan, including but not limited to the following:

1. The principal, interest, and reserve payments required for any bonded indebtedness to be incurred in its behalf for purposes provided in the Development Plan.
2. Cash payments for initiating and completing any improvements or activity called for in the Development Plan.
3. Any annual operating deficits that the DDA may incur from acquired and/or leased property in the Development Area.
4. Interest payments on any sums that the DDA should borrow before or during the construction of any improvement or activity to be accomplished by the Development Plan.
5. Payments required to establish and maintain a capital replacement reserve.
6. Payments required to establish and maintain a capital expenditure reserve.
7. Payments required to establish and maintain any required sinking fund.
8. Payments to pay the costs of any additional improvements to the Development Area that are determined necessary by the DDA.

9. Any administrative expenditure required to meet the cost of operation of the DDA and to repay any cash advances provided by the City. This may include quarterly payments to the City to support overhead expenses.

The DDA may modify the priority of projects and payments at any time if, within its discretion, such modification is necessary to facilitate the Development Plan then existing and is permitted under the term of any outstanding indebtedness.

D. If any Bonded Indebtedness is to be Incurred:

Revenues to support these costs shall be derived from any of the following sources, or from a combination of these sources:

1. The issuance of one or more series of revenue bonds during the years when development activities are to be initiated and completed; and/or
2. Funds borrowed from the City of Rogers City at rates and terms to be agreed upon or as set forth elsewhere in this Development and Financing Plan; and/or
3. Cash

Tax collections generated by the Captured Assessed Value are adequate to provide for payment of principal and interest on such revenue bonds or funds borrowed from the City.

The amount of bonded indebtedness or indebtedness to be incurred by the DDA and/or City of Rogers City for all bond issues or loans including payments of capitalized interest, principal, and required reserve shall be determined by the City, upon the recommendation of the DDA. At the time of the adoption of this Plan, the DDA estimate of maximum bonded indebtedness, if bonding is to be used or indebtedness to be incurred by the project, is \$100,000, including project costs and bonding expenses.

E. Annual Surplus of Tax Increment Revenues

Monies left over from a completed project shall be allocated to other projects on the list, until the list is completed. To the extent that the tax increment revenues of the DDA exceed the sum necessary for the DDA to meet the commitments and payments of the projects identified in the Proposed Improvements of the DDA, said surplus funds shall revert proportionately to the respective taxing jurisdictions 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 Council of the City of Rogers City upon notice and upon public hearing and amendments as required by the Act.

G. *Impact on Assessed Values and Tax Revenues*

The overall impact on the Development Plan is expected to generate increased economic activity in the Development Area, the Downtown District, the City of Rogers City, and Presque Isle County at large. This increase in activity will, in turn, generate additional amounts of tax revenue to local taxing jurisdictions through increases in assessed valuations of real and personal property and from increases in personal income of new employment within the Development Area, the Downtown District, the City of Rogers City, other neighboring communities, and throughout Presque Isle County. As identified in **Attachment 4** of this Plan, the expected increases in assessed valuation for existing property and new construction in the development area have been estimated for the 2018-2048 tax years.

For purposes of determining the estimated impact of this Tax Increment Financing Plan upon those taxing jurisdictions within the Development Area, estimates of captured assessed values were used along with 2018 tax millage allocations to determine tax increment revenue amounts that would be shifted from these jurisdictions to the DDA to finance the project activities called for in the Development Plan.

H. *Use of Captured Assessed Values*

The Development and Tax Increment Financing Plan provides for the use of all of the captured assessed value by the DDA for the purposes herein set forth.

I. *Reports*

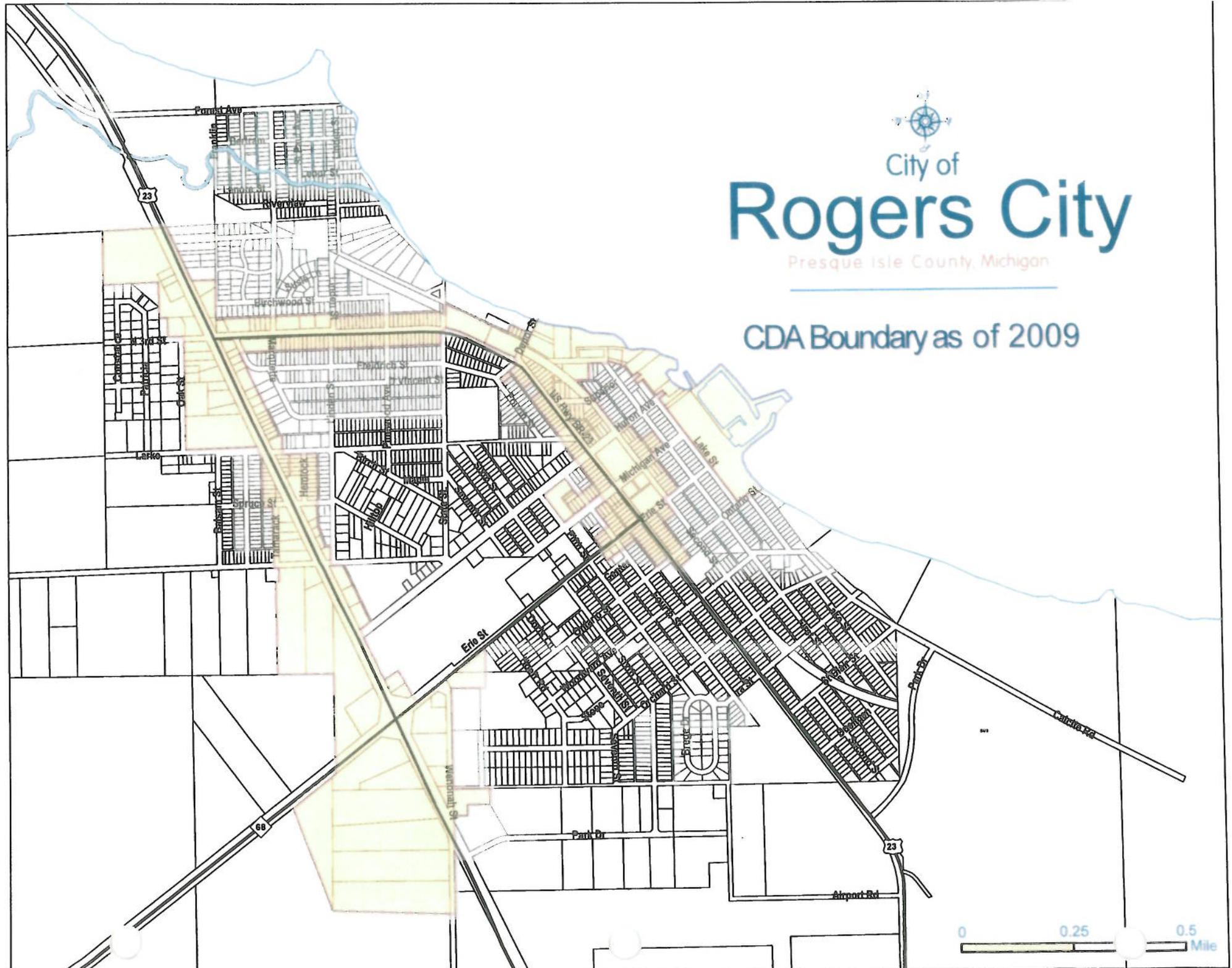
The DDA shall submit annually to the Rogers City Council and State Tax Commission a report on the status of the tax increment financing account. Such report shall comply with the requirements of the Act, a copy of which is provided under **Attachment 5**.



City of Rogers City

Presque Isle County, Michigan

CDA Boundary as of 2009





City of Rogers City
PRESQUE ISLE COUNTY, MI

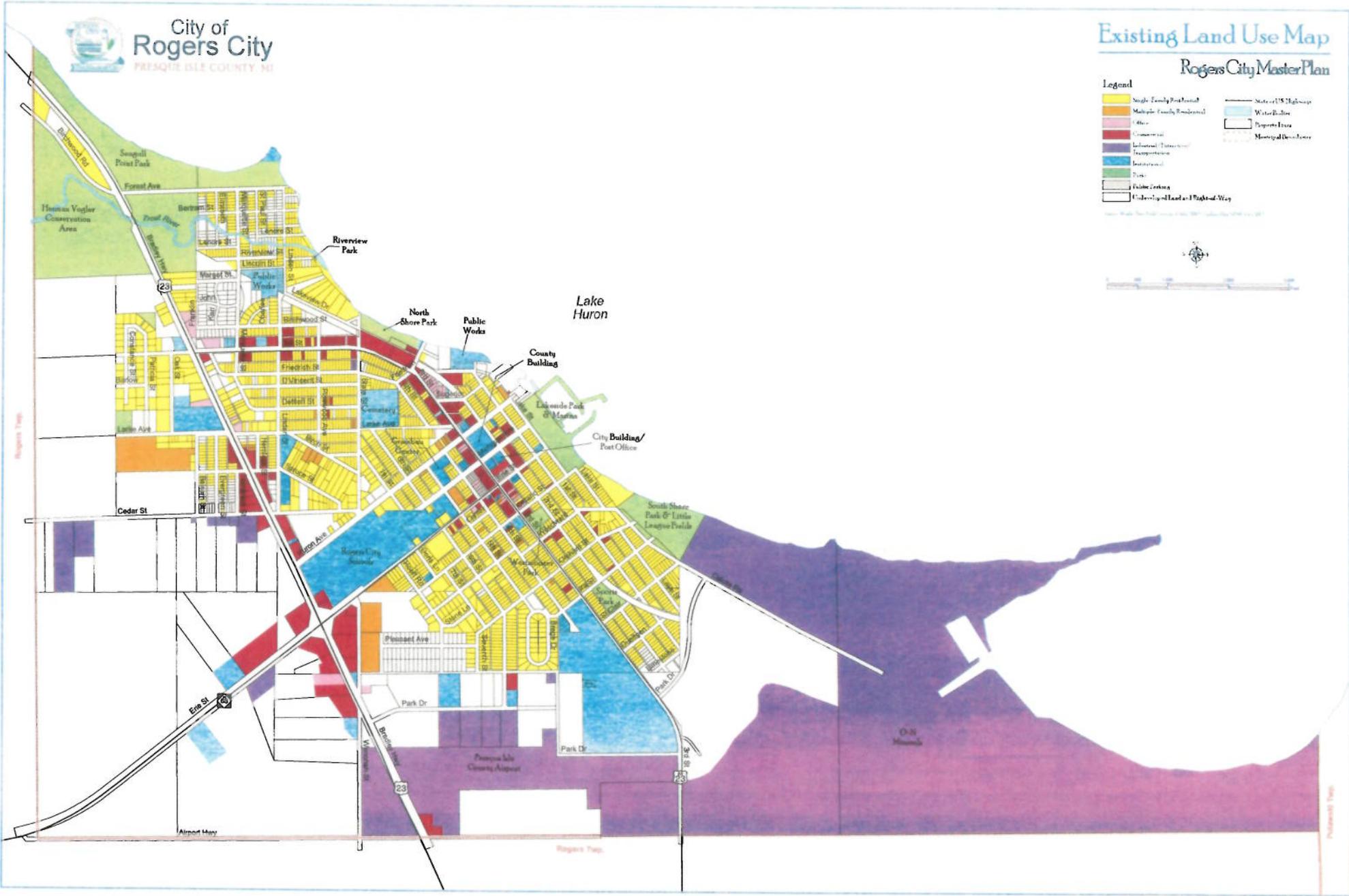
Existing Land Use Map

Rogers City Master Plan

Legend

- Single Family Residential
- Multiple Family Residential
- Office
- Commercial
- Industrial/Transportation
- Transportation
- Institutional
- Parks
- Utility Corridor
- Underutilized Land and Right-of-Way
- State of US Highway
- Water Body
- Property Lines
- Municipal Development

Source: Michigan State University, 2007; Michigan State University, 2007



City of Rogers City

Presque Isle County, Michigan

Zoning Map

Legend

Zoning Districts

- | | |
|---|--|
|  R-1 Single Family Residential |  B-1 Local Business |
|  R-2 Single Family Residential |  B-2 Central Business |
|  RT Two Family Residential |  B-3 General Business |
|  RM Low Rise Multiple-Family Residential |  W - Waterfront |
|  RMH Residential Manufactured Housing |  I-1 Light Industrial |
|  RC - Recreation Conservation |  I-2 General Industrial |
|  OS-1 Office Service |  A Airport |

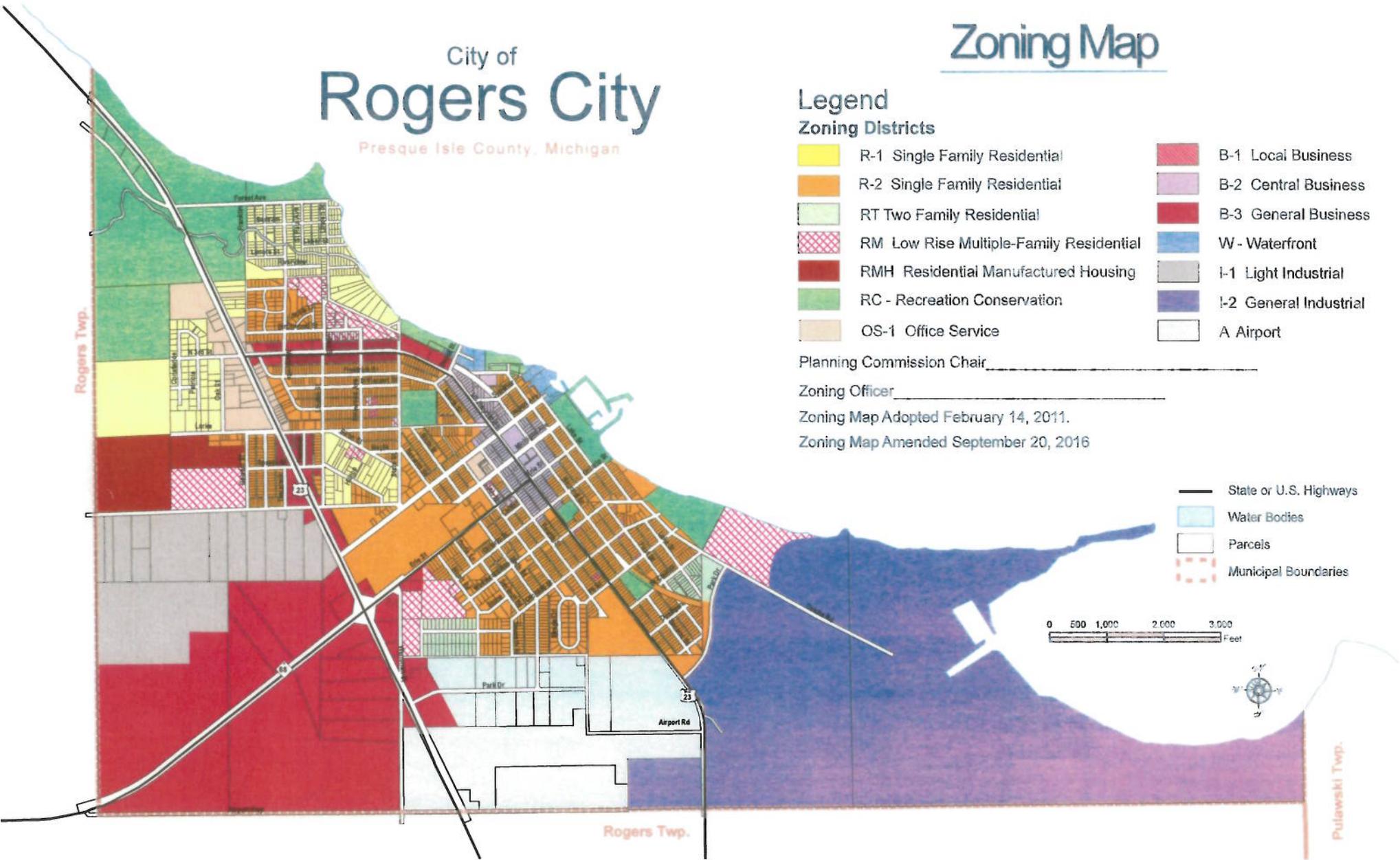
Planning Commission Chair _____

Zoning Officer _____

Zoning Map Adopted February 14, 2011.

Zoning Map Amended September 20, 2016

-  State or U.S. Highways
-  Water Bodies
-  Parcels
-  Municipal Boundaries



COMMUNITY PROFILE: ROGERS CITY



The Sustainable Small Harbors project received funding from Michigan Sea Grant, Michigan Department of Natural Resources – Waterways Program, Michigan Department of Environmental Quality – Office of the Great Lakes, and Michigan State Housing Development Authority to engage stakeholders in waterfront communities around Michigan. In 2015-2016, through public workshops and design charrettes, the project team helped community leaders assess challenges and opportunities related to the economic and environmental sustainability of their waterfronts. This community profile captures the insights and future visions developed through that process. For more information, see: sustainablesmallharbors.org.

COMMUNITY INVENTORY

Rogers City is located in Presque Isle County on the shore of Lake Huron. The city lies approximately halfway between Cheboygan, 40 miles to the north, and Alpena, 37 miles to the south. The state-designated Heritage Route U.S. 23 connects the region's Lake Huron waterfront communities. Rogers City offers natural shorelines, lighthouses, waterfalls, scenic parks, boutique stores, fishing tournaments, and cultural heritage establishments such as the Presque Isle County Historical Museum and the Great Lakes Lore Maritime Museum. Hoeft State Park provides year-round camping and was one of the fourteen original Michigan state parks, located on land donated by lumber magnate

Paul H. Hoeft in 1922. The Thunder Bay National Marine Sanctuary, based in Alpena, identifies several shipwrecks just offshore from the Rogers City area. The world's largest open-pit limestone quarry, the Port of Calcite, is located within the city limits and is one of the largest shipping ports on the Great Lakes.

On the shores of Lake Huron, Rogers City provides an opportunity to visit the Great Lakes in a less populous area. Landmark establishments such as Plath's Meats and the nearby U.S. Geological Survey (USGS) Hammond Bay Biological Station are a draw for many. The Huron Sunrise trail, an all-asphalt 10-mile pedestrian and biking trail, connects downtown Rogers City to Hoeft State Park.



Community Basics

Waterfront: Lake Huron

County: Presque Isle

Area: 8.34 square miles

Population: 2,747 people in 2014 (-17.3 percent change from 2000-2014)

Median Household Income: \$40,251 in 2015

Median Age: 48.1 (2014)

Source: U.S. Census, 2000, 2010; City data

Rogers City has experienced population loss over the past decade, potentially linked to shifting family size across society, loss of jobs in the area's mining and shipping industries, and an increasing proportion of seasonal or part-time residents. Presque Isle County's population also declined, but less so over the same period.

Source: Rogers City Master Plan (2014), USGS, Rogers City Community Recreation Plan

COLLABORATORS

To draw upon community expertise, the following technical meetings were convened:

- Harbor Advisory Committee;
- Parks and Recreation Committee; and
- Team Rogers City (a collaborative of volunteers, also known as “Super Pos”).

To facilitate implementation support, the following initial state and regional partners were identified:

- MDNR Waterways Program;
- USDA Rural Development;
- Michigan Economic Development Corporation — Community Assistance Team field staff;
- Michigan Sea Grant staff; and
- Michigan State University Extension staff.

PREFERRED ALTERNATIVE: “ROGERS CITY 2036”

“Rogers City 2036” represents a shared future vision of the community based on the charrette design process. The preferred alternative reflects a public park and boater facilities at the marina, indoor boat storage, marine sanctuary visitor’s center, kayak launch and natural harbor, senior and multi-unit residential housing, marina support building(s), and a Class A recreational vehicle (RV) park.

Modifications to the marina site include reducing the parking area and adding a green space buffer between the parking lot and marina. In the design, this area would house boater amenities and provide picnic options. The festival lawn for performances would be expanded and encircled with a walking path. The Maritime Great Lakes Lore Museum would be moved from downtown to the waterfront with a Thunder Bay National Marine Sanctuary Visitor Center, Maritime



Figure 3: Rogers City preferred alternative full site plan. Source: Sustainable Small Harbors

Full Charrette Report

For additional information on the three alternatives the community evaluated and the development of the “preferred alternative,” please see the full charrette report, [available for download on the website](#).

Heritage Trail, and Seaman’s Memorial. Inside the old commercial fishing harbor, a kayak launch would be added and the harbor enhanced by adding fish habitat and creating a natural space for wildlife. Using the small harbor for paddle sports will improve access to Lake Huron and separate non-motorized craft from launching motor boats. This harbor would be enhanced with underwater habitat improvements.

Condominium development and a Class A RV park were selected as part of the preferred alternative. The park’s design accommodates large recreational vehicles that are self-contained and do not necessarily require additional support buildings; pump-out and trash services would be required. A similar project was proposed in 2003 but was not advanced.



Figure 4: Current view (top) and artistic rendering (middle) of new and relocated waterfront features highlighted in the charrette design. Artistic rendering (bottom) of proposed kayak launch. Source: Sustainable Small Harbors

CONNECTIVITY

The ability to easily navigate and move across a walkable area in a harbor community is a key feature for sustainability. New and improved signage along M-23 is vital for Rogers City since the city is removed from the primary highway. Installing unique signage features at the points shown in Figure 6 would help identify Rogers City as a destination and provide a link with the rich history of the area.



Figure 5: Example of wayfinding signage, using local limestone to reflect sense of place in connecting to the local calcite mine. Source: Sustainable Small Harbors

Many of the streets in Rogers City are wider than recommended by Michigan Department of Transportation (MDOT). The preferred alternative specifies the pavement be narrowed on Michigan Avenue, Huron Avenue, and Erie Street to make more green space and improve the environment and pedestrian spaces. Impermeable surfaces contribute to large amounts of polluted stormwater runoff during rainfall events, so reducing the amount of paved surface would reduce runoff and pollution entering Lake Huron.

VALUE CAPTURE – INITIAL EFFORTS

Increasing residential opportunities in Rogers City would increase the tax base. The preferred alternative envisions multi-unit residential development with senior living facilities and condominiums. Behind the residential units, a large indoor boat storage facility would be added. During summer months, the indoor

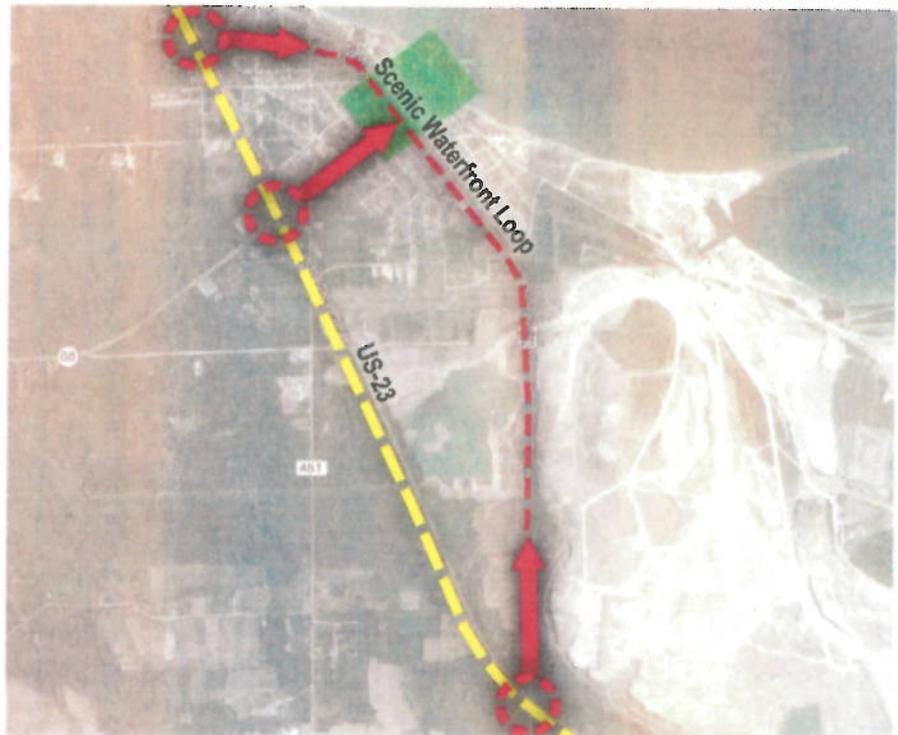


Figure 6: Map of the main vehicular transportation routes into Rogers City. The red dashed route could be marketed as a Scenic Waterfront Loop off US-23 in order to draw people into town. The focus points for signage are circled. Source: Sustainable Small Harbors

storage could alternatively be used as a festival shelter or covered farmers market. In 2004, a similar site plan was proposed but not advanced. A full analysis would be required to determine the financial feasibility of these projects. Anecdotally, during the public events, there was significant interest in the harbor condominium residential opportunities.

Additional steps would be required to capture value derived from implemented updates at the waterfront.

IMPLEMENTATION

USE OF DESIGN AND VISIONING PRODUCTS. Rogers City is in the process of proposing a budget that will include \$10,000 for preliminary architectural work associated with the teardown of the old boater's comfort station, replacing it with a multi-purpose building. The new building would include a welcome

center with maritime and local history elements, office space for boat servicing, and a more comfortable space for boaters with Wi-Fi access and laundry facilities. As a creative approach to welcoming boaters, the city envisions the site also providing a bar area, owned by the city, where local restaurants could provide light fare and beverage services. Boaters at the marina would be invited to a "happy hour," potentially staffed by local volunteers.

This concept was sparked by development of the preferred design and visioning process. City manager Joe Hefe reports: "[It is] our hope, once the preliminary architectural work and cost estimate is complete, to apply for grants to assist with construction."

INITIAL IMPACTS. Rogers City is exploring the option of re-engaging in the Michigan Main Street program. The Rogers City Community Development Authority (CDA), an expanded version of a downtown development authority, will soon begin updating its downtown development plan. Some funds presently being used to cover prior debt will be freed up for other purposes, potentially including the hiring of a Main Street Manager. The cost for such a position was the primary reason the city previously did not complete the program.

Rogers City has secured a grant from the Michigan Department of Natural Resources (MDNR) Waterways Program that covers half the cost of a sling-load trailer needed to get non-trailer watercraft into and out of the water. The city applied for a second grant through U.S. Department of Agriculture (USDA) Rural Development. Acquisition of this trailer is perceived to be vital in efforts to promote Rogers City as a year-round home for boats.

CHALLENGES. Rogers City's initial approach to funding the trailer project was characterized by the use of two different grant programs to fund the project. While this is financially savvy, it does require attentive grants management and proposal writing skills, and it may result in a project delay while awaiting notification of grant awards. The city accounted for this uncertainty by setting up a back-up plan; if the second grant did not come through, the city would purchase only the sling-load trailer (\$80,000) and not the towing mechanism (\$40,000). The city would use an existing piece of equipment owned by the Department of Public Works to tow. This would reduce the total project cost from \$120,000 to \$80,000, with MDNR Waterways paying half (\$40,000) and the Rogers City general fund paying the other half (\$40,000).

The marina would repay the general fund over time, through revenues generated through the use of the trailer. The remaining \$20,000 from Waterways would be decommitted. The city has budgeted \$40,000 for the match in case the USDA grant does not come through.

Efforts to collaborate with regional partners on a maritime signage effort have been delayed but are still in progress.

PRIORITIZATION AND FUNDING.

As noted, the city is already initiating plans to build a new structure at the waterfront that will incorporate a number of uses suggested in the visioning process. Grant funding for the trailer project reflects a creative approach to leveraging multiple funding sources.

Another example of Rogers City's creative use of funding mechanisms is their launch of a Michigan Economic Development Corporation (MEDC) "Public Spaces, Community Places" crowd-funding campaign to redesign a downtown intersection to tie into the community's placemaking forte: its nautical history. The intersection will feature a Fresnel lens from the Port of Calcite breakwater light. The unique lens, which welcomed watercraft into the port for 80 years, was recently donated to the community by Carmeuse Lime and Stone. Along with the lens, the intersection will include a historic ship's wheel, welcoming and wayfinding signage, limestone boulders, a compass rose, trees and other plantings, a drinking fountain, and benches.

Joe Hefe, city manager, reports:

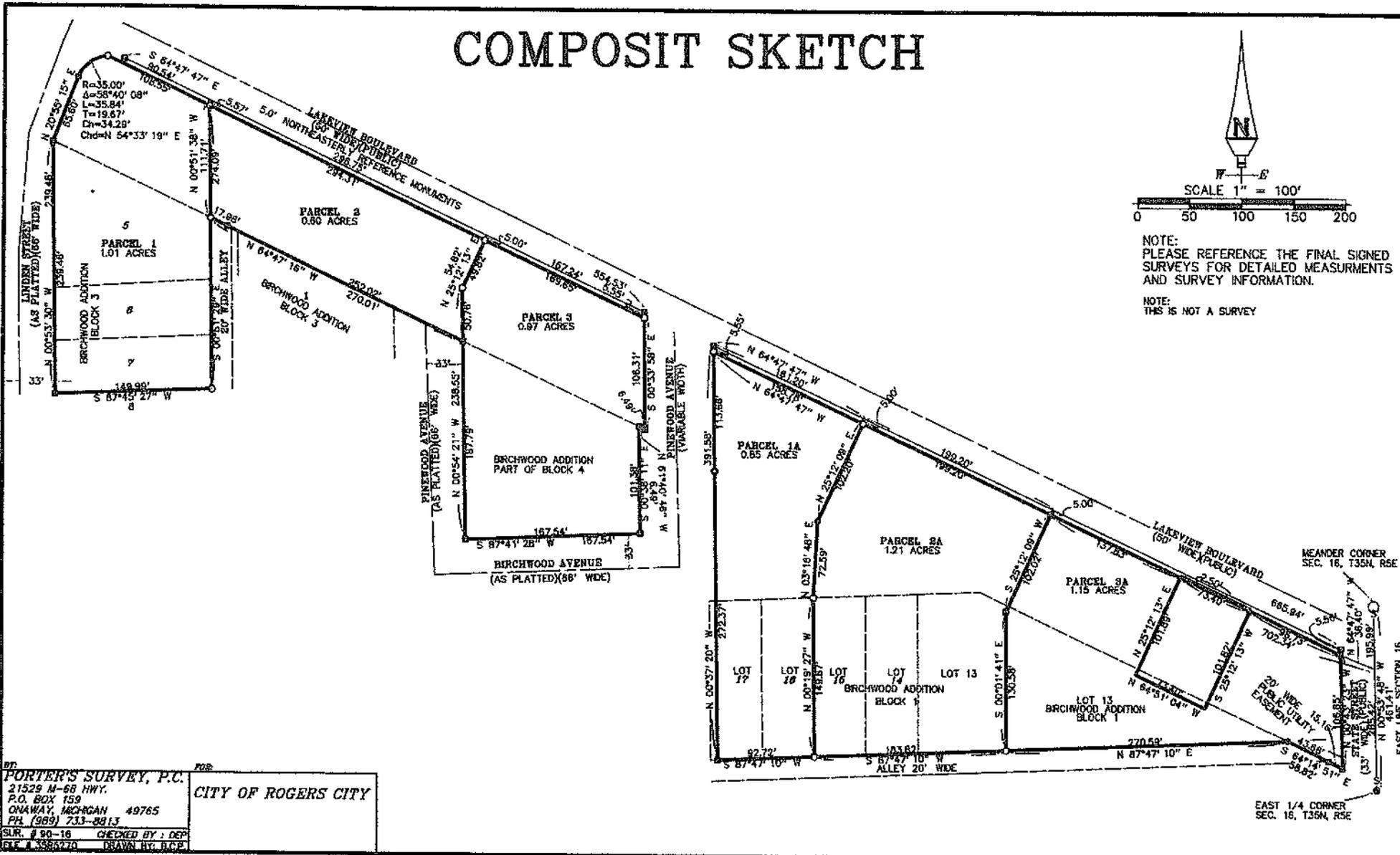
"We needed to raise \$50,000 in 60 days to secure a \$50,000 match. We were able to raise more than \$62,000, so the grant has been secured. A general contractor has been selected, and construction should begin later this spring [2017],

with the goal of completion by September 1. The lens is in the process of being restored and should be installed near the conclusion of the project. I would recommend the crowd-funding mechanism we used, and I anticipate we will use it again in the future."

The effort occurred outside of the project engagement process but is a great example of a successful application of the funding program.

MOMENTUM. Rogers City has successfully transitioned their leadership committee into an implementation committee. A volunteer group is helping bridge across leadership efforts. Once known as the "Super Pos" group, for being very positive and optimistic, the group is now known as "Team Rogers City" and includes representatives from the city, school, county, chamber, Community Development Authority, and private groups. In essence, this is a group of motivated, dedicated people who can help drive positive change within the town. The city manager and harbor master are also supportive of the "Rogers City 2036" vision and intend to assist with implementation efforts. City representatives are pursuing the Michigan Economic Development Program (MEDC) Redevelopment Ready Community (RRC) certification. They are also exploring a Department of Housing and Urban Development "low-mod" designation, which would signify that more than half of the community's population falls in low- or moderate-income brackets and which would open up additional MEDC grant resources.

COMPOSIT SKETCH



BY: PORTER'S SURVEY, P.C.
 21529 M-68 HWY.
 P.O. BOX 159
 ONAWAY, MICHIGAN 49765
 PH (989) 733-8813

FOR: CITY OF ROGERS CITY

SUR. # 90-16 CHECKED BY: DEP
 FILE # 3885770 DRAWN BY: B.C.P.

EAST 1/4 CORNER
 SEC. 16, T35N, R9E

EAST LINE SECTION 16

ROGERS CITY DEVELOPMENT PLAN PROPERTIES ORIGINAL DISTRICT (1984)

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
001-000-010-00	JOHN VOGELHEIM	0	1,523
001-000-016-00	JOHN VOGELHEIM	0	15,917
001-000-017-00	JOHN VOGELHEIM	0	133,032
001-000-017-01	JOHN VOGELHEIM	0	0
001-000-017-02	ROGERS CITY BAY HOLDINGS LLC	0	0
001-000-019-00	CADILLAC FERNDALE CORP	0	27,020
001-000-020-00	CADILLAC FERNDALE CORP	0	6,682
001-000-021-00	ROGERS CITY BAY HOLDINGS LLC	0	4,422
001-000-080-00	HURON NATIONAL BANK	0	169,974
001-000-082-00	ALLEN CIARKOWSKI	0	45,195
001-000-083-00	NAUTICAL FESTIVAL INC	0	8,941
001-000-084-00	HURON NATIONAL BANK	0	13,903
001-000-088-00	BECK PROPERTY CO	0	72,215
001-000-088-01	HENRY CETUS	0	14,246
001-000-089-00	TOM BRUNING	0	6,190
001-000-090-00	PI COUNTY	0	21,615
001-000-091-00	STEVEN AND DENISE BELAND	0	9,100
001-000-092-00	FRED AUGSBERGER AND DAVID WYANT	0	8,300
001-000-093-00	RC MASONIC TEMPLE	0	0
001-000-094-00	RJRC VENTURES LLC	0	9,900
001-000-095-00	MARCUS OPIE	0	12,281
001-000-117-00	GOOD MONKEY LLC	0	21,615
001-000-118-00	RC AREA SENIORS	0	1,719
001-000-119-00	RC AREA SENIORS	0	34,388
001-000-126-00	AP SUPER SERVICE	0	8,744
001-000-127-00	WILLIAM BUDNICK	0	10,400
001-000-128-00	KIM BUDNICK	100	8,900
001-000-129-00	CLIFF KORTMAN	0	4,913
001-000-129-01	CLIFF KORTMAN	0	0
001-000-130-00	JUANITA GREENWAY	0	25,545
001-000-130-01	MIKE GAPCZYNSKI	0	0
001-000-131-00	PI COUNTY	0	3,439
001-000-132-00	PI COUNTY	0	13,300
001-000-133-00	PI COUNTY	0	54,038
001-000-134-00	AP SUPER SERVICE	0	4,913
001-000-135-00	AP SUPER SERVICE	0	24,170

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
001-000-136-00	AP SUPER SERVICE	0	4,520
001-000-137-00	DON SWEESO	0	24,563
001-000-138-00	PATRICIA GILLELAN	0	3,881
001-000-139-00	DOROTHY LALONDE	0	2,505
001-000-139-01	GIDE INC	0	0
001-000-140-00	MIKE CORNETT	0	15,622
001-000-141-00	GREAT LAKES LORE	0	2,063
001-000-142-00	AP SUPER SERVICE	0	10,316
001-000-143-00	SHELTER INC	0	18,668
001-000-144-00	DOCKSIDE PRINTING	0	12,281
001-000-145-00	AP SUPER SERVICE	0	1,032
001-000-146-00	SHELTER INC	0	1,032
001-000-147-00	AP SUPER SERVICE	0	1,100
001-000-148-00	AP SUPER SERVICE	0	8,900
001-000-148-01	PI COUNTY	0	0
001-000-149-00	CITY OF ROGERS CITY	0	0
001-000-150-00	CITY OF ROGERS CITY	0	0
001-000-152-00	MARINER ENTERPRISES	0	322,018
001-000-155-00	CITY OF ROGERS CITY	0	0
001-000-159-00	US POSTAL SERVICE	0	0
001-000-160-00	US POSTAL SERVICE	0	0
001-000-161-00	LARRY BRUSKI	0	28,493
001-000-162-00	PI DISTRICT LIBRARY	0	39,300
001-000-170-00	JESUS NERI	0	16,703
001-000-171-00	JAMES ROMEL	0	10,808
001-000-172-00	JAMES ROMEL	100	15,100
001-000-173-00	DENNIS AND WENDY GARRRISON	0	17,194
001-000-174-00	HERITAGE PROPERTY ASSOCIATION	0	31,833
001-000-175-00	EMIL AND HELEN PLATH TRUST	0	14,738
001-000-176-00	EMIL AND HELEN PLATH TRUST	0	7,172
001-000-177-00	EMIL AND HELEN PLATH TRUST	0	17,390
001-000-178-00	PLATH PROPERTIES LLC	0	74,671
001-000-179-00	PAUL CAMPBELL AND BARB RICHARDS	33	5,243
001-000-179-01	BARB RICHARDS	0	4,582
001-000-180-00	RICH LAMB	0	25,054
001-000-193-00	DAVE AND REBECCA O'BRYANT	0	19,650
001-000-194-00	WILLIAM FRIEDHOFF	0	22,696
001-000-195-00	WILLIAM FRIEDHOFF	0	18,176
001-000-196-00	DAVE AND REBECCA O'BRYANT	0	3,684
001-000-197-00	ELLEN PLANCK	0	35,370
001-000-198-00	DICK KOWALSKI	0	28,395

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
001-000-199-00	BASEL OIL	0	19,650
001-000-200-00	LARRY BRUSKI	0	22,598
001-000-201-00	LARRY BRUSKI	0	19,650
001-000-206-00	RC SERVICEMEN'S CLUB	0	0
001-000-207-00	ROBERT NOFFZE	0	11,348
001-000-208-00	LARRY BRUSKI	0	10,709
001-000-209-00	CHEMICAL BANK	0	216,152
001-000-210-00	MARIANNE LAMB	0	31,440
001-000-210-01	TIM PRITCHARD	0	0
001-000-211-00	ALEXANDER LIMITED PARTNERSHIP	0	36,844
001-000-211-01	CITY OF ROGERS CITY	0	0
001-000-211-02	ALEXANDER LIMITED PARTNERSHIP	0	0
001-000-212-00	LS145 ACQUISITION LLC	0	65,828
001-000-213-00	LS145 ACQUISITION LLC	0	34,388
001-000-214-00	JACKIE VIEGELAHN	0	42,248
001-000-215-00	PANG XIONG	0	30,163
001-000-216-00	NAUTICAL CITY ENTERPRISES	0	48,634
001-000-217-00	CITY OF ROGERS CITY	0	0
001-000-222-00	LARRY BRUSKI	0	33,405
001-000-223-00	CITY OF ROGERS CITY	0	0
001-000-224-00	PI COUNTY HISTORICAL MUSEUM	0	55,905
001-000-225-00	ROGERS CITY URBAN RENEWAL	0	0
001-000-226-00	NEIL GRULKE	0	14,738
001-000-227-00	CHRISTINE TAYLOR TRUST	0	32,423
001-000-228-00	PI DISTRICT LIBRARY	0	5,895
001-000-229-00	PI DISTRICT LIBRARY	0	18,668
001-000-230-00	RICHARDS PROPERTIES INC	0	16,211
001-000-231-00	J&M MCLEAN LLC	0	14,738
001-000-233-00	GARY RICKARD	0	67,302
001-000-234-00	MR MOUSTACHE AND COMPANY LLC	0	18,668
001-000-241-00	STAN KRAJNIK	0	32,423
001-000-242-00	LARRY BRUSKI	0	48,143
001-000-255-00	GABARA FAMILY TRUST	0	13,200
001-000-256-00	JEFF IDALSKI	0	52,073
001-000-257-00	ROBERT GATZKE	0	12,773
001-000-261-00	JOHN THOMAS	0	11,790
001-000-263-00	J&T VENTURES LLC	0	8,204
009-000-015-00	M-3 PROPERTIES LLC	0	22,745
009-000-016-00	M-3 PROPERTIES LLC	0	61,603
019-000-004-00	J&T VENTURES LLC	0	12,380
019-000-087-00	LARRY BRUSKI	0	18,569

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
019-000-088-00	LARRY BRUSKI	0	19,650
019-000-089-00	LARRY BRUSKI (WITH PARCEL 001-200-000)	0	13,166
020-000-001-00	EVELYN TRAFZER	100	24,538
020-000-001-01	K-V PROPERTIES	0	44,213
020-000-001-02	CALCITE CU	0	0
020-000-001-03	EVELYN TRAFZER	100	0
020-000-001-04	EVELYN TRAFZER	100	0
020-000-002-00	NORTHERN LAND DEVELOPMENTS LLC	0	24,071
020-000-003-00	NORTHERN LAND DEVELOPMENTS LLC	0	15,229
020-000-004-00	DAVE VIEGELAHN	0	18,176
020-000-005-00	BOB WODKOWSKI	0	39,300
020-000-005-01	KEVIN LAMB	0	0
020-000-006-00	BOB WODKOWSKI	0	12,773
020-000-006-01	BOB AND JOSIE PELTZ	0	0
020-000-007-00	BOB AND JOSIE PELTZ	0	31,440
020-000-013-00	DENNIS BANNASCH	0	13,460
020-000-014-00	DENNIS BANNASCH	0	106,406
020-000-015-00	GIDE INC	0	33,012
020-000-016-00	GREAT LAKES LORE	0	18,668
020-000-017-00	MIKE CORNETT (WITH PARCEL 001-000-140-00)	0	10,415
020-000-018-00	GIDE INC (WITH PARCEL 001-000-139-01)	0	4,127
115-000-001-00	HURON NATIONAL BANK	0	22,745
<u>115-000-001-01</u>	<u>RAINY PROPERTIES LLC</u>	<u>0</u>	<u>141,481</u>
TOTAL DISTRICT 1			3,415,671

ROGERS CITY DEVELOPMENT PLAN PROPERTIES DISTRICT 2 AS AMENDED (1998 & 2009)

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
001-000-003-00	CITY OF ROGERS CITY	0	0
001-000-003-01	CITY OF ROGERS CITY	0	0
001-000-003-02	JOHN VOGELHEIM	0	0
001-000-018-00	CLAY VOGELHEIM	50	37,600
001-000-022-00	CITY OF ROGERS CITY	0	0
001-000-120-00	RC AREA SENIORS	0	6,000
001-000-121-00	RC AREA SENIORS	0	2,200
001-000-122-00	RC AREA SENIORS	0	4,800
001-000-122-02	GOOD MONKEY LLC	0	1,500
001-000-122-03	CITY OF ROGERS CITY	0	1,500
001-000-235-00	PI COUNTY HISTORICAL MUSEUM	0	0
001-000-248-00	BRIAN AND KELLY ALTMAN	0	49,100
001-000-249-00	ART TULGESTKE	100	29,500
001-000-250-00	ELIZABETH MOLINARO	0	23,937
001-000-250-01	ROGERS CITY SCHOOLS	0	0
005-000-001-00	JEFF GAPCZYNSKI	0	26,600
005-000-002-00	JEFF GAPCZYNSKI	0	5,000
005-000-003-00	A MOBILE TITLE AGENCY	0	13,935
005-000-004-00	LEWIS KARSTEN	0	54,100
005-000-005-00	LARRY BRUSKI	0	42,500
005-000-007-00	JAMES MEGALIZZI	0	27,000
005-000-008-00	CLARENCE BUNTING	100	13,351
005-000-009-00	DAVE FARMER	0	18,800
005-000-010-00	HUNTER CONCRETE	0	12,300
005-000-010-01	DAVE FARMER AND MARTHA ROMEL	0	0
005-000-010-02	DAVE AND MARTHA FARMER	0	0
005-000-011-00	JEFF AND LANA KOWALSKI	100	16,030
005-000-012-00	LYLE AND SARAH WEST	100	16,842
005-000-013-00	JEFF GAPCZYNSKI	0	3,790
005-000-014-00	JEFF GAPCZYNSKI	0	47,500
008-000-001-00	RODNEY KURTZ	0	2,000
008-000-008-00	GABARA SALES CORP	0	29,820
008-000-009-01	RODNEY KURTZ	30	45,608
011-000-008-00	BARB SMITH	0	38,128
011-000-009-00	BENJAMIN KUZNICKI	0	9,639
011-000-010-00	BENJAMIN KUZNICKI	0	22,000

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
011-000-011-00	ELWOOD AND LINDA KNOPF	100	25,164
011-000-012-00	TOM MORRILL	100	25,053
011-000-031-00	NORM ARLT	0	19,000
011-000-032-00	NORM ARLT	0	17,872
011-000-033-00	NORM ARLT	0	3,900
011-000-034-00	STEVEN THOMPSON	100	3,000
011-000-035-00	STEVEN THOMPSON	100	33,578
020-000-008-00	BILL AND GWEN STYPICK	100	2,978
020-000-009-00	BILL AND GWEN STYPICK	100	28,900
020-000-010-00	ERIK LASTINE	100	19,388
020-000-011-00	DENNIS BANNASCH	0	3,800
020-000-012-00	DENNIS BANNASCH	0	3,000
020-000-033-00	SECOND ST PROPERTIES LLC	0	19,810
020-000-077-01	CINDY VEZINAU	0	61,509
022-000-006-00	BISHOP RC PROPERTIES LLC	0	2,500
022-000-007-00	GERALD AND SHERRI ROBERTSON	100	8,600
022-000-008-00	MARK MATUSZEWSKI	100	12,600
022-000-009-00	ESTATE OF MARIE HANECKOW	0	14,500
022-000-010-00	RICHARD GALLAGHER	100	18,800
022-000-011-00	CLIFF KORTMAN	0	2,900
022-000-012-00	ELAINE IDALSKI	100	13,400
022-000-013-00	TED AND JENNIFER URBAN	0	25,600
022-000-013-01	TED AND JENNIFER URBAN	0	0
022-000-014-02	TED AND JENNIFER URBAN	0	9,600
022-000-015-00	BISHOP RC PROPERTIES LLC	0	42,500
022-000-016-00	BONITA STRZELECKI	0	10,000
022-000-017-00	JAMES SHEPHERD	100	14,700
022-000-018-00	CLIFF KORTMAN	0	4,100
022-000-019-00	PERRY PERROU AND MARIE MULKA	0	19,000
022-000-020-00	PERRY PERROU AND MARIE MULKA	0	6,800
022-000-021-00	JEFF GAPCZYNSKI	0	3,900
022-000-022-00	GAPCZYNSKI MANOR	0	1,900
022-000-023-00	CLIFF KORTMAN	0	7,500
024-000-047-01	RC SCHOOLS	0	0
027-000-001-00	MIKE AND ANGELA TUCK	0	47,000
027-000-003-00	JOSEPHINE RAUPP	100	8,231
027-000-004-00	VAL PELTZ	100	15,000
027-000-005-00	TERRY LYNN DOYLE	100	12,022
027-000-006-00	NANCY ZELENAK	100	15,900
027-000-007-00	FREDDIE SCHWIESOW	100	14,200
027-000-008-00	TED URBAN	0	22,200

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
027-000-008-01	TED URBAN	100	0
027-000-009-00	TED URBAN	0	16,900
027-000-010-00	MARY VINCENT	0	15,405
027-000-011-00	GARY WILSON	0	38,400
027-000-021-00	KAREN STRINGER	100	19,300
027-000-022-00	DONALD WHITE	100	21,936
027-000-023-00	ROYDEN SCHEFKE	100	17,330
027-000-024-00	BRENDA BURD	0	24,000
027-000-024-01	BRENDA BURD	100	0
027-000-025-00	BRENDA BURD	0	7,905
027-000-026-00	CHRIS AND SHANNON MCKINSTRY	100	17,500
027-000-027-00	CRYSTAL IDALSKI	0	13,322
027-000-028-00	JEFF GAPCZYNSKI	0	4,000
027-000-029-00	JEFF GAPCZYNSKI	0	5,100
029-000-001-00	JEFF GAPCZYNSKI	0	1,500
029-000-002-00	DAVE TOMAS	100	13,214
029-000-003-00	MARVIN MAKOWSKI	100	15,488
029-000-004-00	PERRY PERROU	0	18,200
029-000-005-00	LEVI ELLENBERGER	100	18,900
029-000-006-00	GABARA FAMILY TRUST	0	2,800
029-000-007-00	TERRY AND SUZANNE LEWIS	0	10,500
029-000-008-00	MITCHELL TANK	100	16,247
029-000-009-00	BILL BRIETZKE	0	5,000
029-000-009-01	RON KRAWCZAK	0	0
030-000-086-00	LARRY BRUSKI	0	5,500
030-000-086-01	LARRY BRUSKI	0	0
030-000-088-00	LARRY BRUSKI	0	44,700
030-000-091-00	VFW POST 607	0	0
030-000-094-00	MIKE LYNCH	0	57,500
030-000-096-00	JOHN VOGELHEIM	0	126,700
030-000-098-00	ALLEN STREICH	0	26,037
116-000-005-00	PAUL STONE	0	10,200
116-000-007-00	CITY OF ROGERS CITY	0	0
116-000-008-00	BOB PELTZ	0	42,300
116-000-009-00	PAUL STONE	0	10,000
116-000-009-01	DORVIN PROPERTIES LLC	0	0
116-000-009-02	MARILYN STONE	0	0
116-000-010-00	JOHN RHODE	0	24,000
116-000-011-00	PAUL STONE	0	4,200
116-000-012-00	PAUL AND BARBARA BOERGER	100	30,100
116-000-018-00	LARRY BRUSKI	0	6,400

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
116-000-022-00	DAVE OLREE	0	32,400
116-000-022-01	MIKE MYERS	0	28,867
116-000-022-02	DAVE OLREE	0	0
116-000-022-03	DAVE OLREE	0	0
116-000-023-00	STATE OF MICHIGAN	0	0
116-000-030-01	JOHN NORDIN	100	32,800
116-000-033-00	LEWIS KARSTEN	100	30,500
116-000-034-00	ED ODLE	100	36,561
116-000-035-00	JOHN GREGORY	0	3,077
116-000-036-00	RICHARD HAMP	25	82,365
116-000-037-00	ALEC BRIETZKE AND GWEN STYPICK	100	36,600
116-000-037-01	SCILL'S DINER LLC	0	54,900
116-000-038-01	BASEL OIL	0	74,521
116-000-041-00	JESUS NERI	100	55,766
116-000-042-00	DICK LONG	100	39,026
116-000-046-02	MARK GETZMEYER AND TED GETZMEYER	100	15,300
116-000-047-00	DAN WISNIEWSKI	100	31,100
116-000-048-00	LARRY GRULKE	100	29,064
116-000-049-00	MERLIN SCHAEIDIG	100	23,929
116-000-058-00	TOM AND LOIS ALLUM	0	91,700
116-000-061-00	JOHN PARDIKE	0	22,100
116-000-062-01	DICK PEACOCK	100	35,945
116-000-063-01	TENDERCARE	0	8,343
116-000-063-02	SML PROPERTIES LTD	0	6,700
116-000-064-00	TENDERCARE	0	450,000
121-000-001-03	CLAUDE VOGELHEIM	0	0
121-000-003-00	MIKE LYNCH	0	62,000
121-000-004-00	MIKE LYNCH	0	18,000
121-000-005-00	MIKE LYNCH	0	6,300
121-000-005-01	MIKE LYNCH	0	0
121-000-005-02	DICK BENNETT	0	0
121-000-006-00	CLAUDE VOGELHEIM	0	36,800
121-000-007-00	TED URBAN	0	42,000
121-000-009-00	PREMIUM PROPERTIES LP	0	90,000
121-000-009-01	GARY ORR	0	10,000
121-000-011-00	DICK BENNETT	0	56,000
121-000-014-00	DICK BENNETT	0	12,600
121-000-014-01	CLAUDE AND PAMELA VOGELHEIM	0	0
121-000-014-02	DICK BENNETT	0	0
121-000-015-00	BOYD HAUT	0	15,000
121-000-021-04	SOUTH STAR INC	0	33,800

PARCEL #	OWNER	% HOMESTEAD	BASELINE VALUE
121-000-021-05	SOUTH STAR INC	0	6,600
121-000-022-03	GRACE SOUTHERN BAPTIST CHURCH	0	0
121-000-022-05	SOUTH STAR INC	0	17,300
121-000-022-06	DICK LEWANDOWSKI	0	79,500
121-000-022-07	AWAKON FCU	0	35,900
121-000-022-09	SOUTH STAR INC	0	148,200
121-000-022-10	FLEIS LLC	0	46,337
121-000-022-12	PI INVESTMENTS	0	2,200
121-000-022-13	FLEIS LLC	0	0
121-000-022-14	SOUTH STAR INC	0	0
121-000-023-00	CATTS REALTY	0	351,000
121-000-023-01	MCDONALDS	0	144,500
121-000-023-02	CATTS REALTY	0	343,700
121-000-024-01	FLEIS LLC	0	31,300
121-000-024-02	BLARNEY CASTLE	0	150,558
121-000-024-03	PERRY RENTALS	0	49,699
121-000-024-04	DGOGROGERSCITYMI LLC	0	0
121-000-024-05	RC CHURCH OF CHRIST	0	0
121-000-024-06	THUNDER BAY COMM HEALTH	0	0
121-000-024-07	THUNDER BAY COMM HEALTH	0	0
121-000-025-00	CITY OF ROGERS CITY	0	0
122-000-001-03	PAUL STONE (WITH PARCEL 122-017-00)	0	2,500
122-000-017-00	PAUL STONE	0	700
122-000-035-03	GUADARAMMA LLC	0	0
122-000-035-05	SOMMER REALTY	0	0
TOTAL DISTRICT 2			4,926,127

ANTICIPATED CAPTURED MILLAGE, TAXABLE VALUATION, AND REVENUE

YEAR	YEAR	TAXABLE VALUE*	CAPTURED VALUE	CAPTURED REVENUE	ACCUMULATED REVENUE
0	2017	9,731,997			
1	2018	9,766,059	1,424,261	38,355	38,355
2	2019	9,800,240	1,458,442	39,276	77,631
3	2020	9,834,541	1,492,743	40,200	117,831
4	2021	9,868,962	1,527,164	41,127	158,958
5	2022	9,903,503	1,561,705	42,057	201,015
6	2023	9,938,166	1,596,368	42,990	244,005
7	2024	9,972,949	1,631,151	43,927	287,932
8	2025	10,007,854	1,666,056	44,867	332,799
9	2026	10,042,882	1,701,084	45,810	378,609
10	2027	10,078,032	1,736,234	46,757	425,366
11	2028	10,113,305	1,771,507	47,707	473,073
12	2029	10,148,702	1,806,904	48,660	521,733
13	2030	10,184,222	1,842,424	49,616	571,349
14	2031	10,219,867	1,878,069	50,576	621,925
15	2032	10,255,636	1,913,838	51,540	673,465
16	2033	10,291,531	1,949,733	52,506	725,971
17	2034	10,327,552	1,985,754	53,476	779,447
18	2035	10,363,698	2,021,900	54,450	833,897
19	2036	10,399,971	2,058,173	55,427	889,324
20	2037	10,436,371	2,094,573	56,407	945,731
21	2038	10,472,898	2,131,100	57,391	1,003,122
22	2039	10,509,553	2,167,755	58,378	1,061,500
23	2040	10,546,337	2,204,539	59,368	1,120,868
24	2041	10,583,249	2,241,451	60,362	1,181,230
25	2042	10,620,290	2,278,492	61,360	1,242,590
26	2043	10,657,461	2,315,663	62,361	1,304,951
27	2044	10,694,762	2,352,964	63,365	1,368,316
28	2045	10,732,194	2,390,396	64,373	1,432,689
29	2046	10,769,757	2,427,959	65,385	1,498,074
30	2047	10,807,451	2,465,653	66,400	1,564,474

ANTICIPATED MILLAGE CAPTURE

PRESQUE ISLE COUNTY OPERATIONS	5.72
PRESQUE ISLE COUNTY VETERANS RELIEF	0.03
PRESQUE ISLE COUNTY SENIOR SERVICES	0.75
PRESQUE ISLE COUNTY SENIOR TRANSPORTATION	0.25
PRESQUE ISLE COUNTY RESOURCE OFFICERS	0.30
PRESQUE ISLE COUNTY RECYCLING	0.10
PRESQUE ISLE DISTRICT LIBRARY	1.00
ROGERS CITY AREA AMBULANCE AUTHORITY	0.80
ROGERS CITY AREA FIRE AUTHORITY	1.00
CITY OF ROGERS CITY OPERATIONS	16.78
CITY OF ROGERS CITY BAND	0.20
TOTAL MILLS	26.93

*BASE LINE VALUE OF 8,341,798

DOWNTOWN DEVELOPMENT AUTHORITY
Act 197 of 1975

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; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: DDA

Popular name: Downtown Development Authority Act

The People of the State of Michigan enact:

125.1651 Definitions.

Sec. 1. As used in this act:

(a) "Advance" means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) "Assessed value" means 1 of the following:

(i) For valuations made before January 1, 1995, the state equalized valuation as determined under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(ii) For valuations made after December 31, 1994, the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(c) "Authority" means a downtown development authority created pursuant to this act.

(d) "Board" means the governing body of an authority.

(e) "Business district" means an area in the downtown of a municipality zoned and used principally for business.

(f) "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 specific local taxes are paid in lieu of property taxes as determined in subdivision (aa), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

(g) "Catalyst development project" means a project that is located in a municipality with a population greater than 600,000, is designated by the authority as a catalyst development project, and is expected to result in at least \$300,000,000.00 of capital investment. There shall be no more than 1 catalyst development project designated within each authority.

(h) "Chief executive officer" means the mayor or city manager of a city, the president or village manager of a village, or the supervisor of a township or, if designated by the township board for purposes of this act, the township superintendent or township manager of a township.

(i) "Development area" means that area to which a development plan is applicable.

(j) "Development plan" means that information and those requirements for a development plan set forth in section 17.

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

(l) "Downtown district" means that part of an area in a business district that is specifically designated by ordinance of the governing body of the municipality pursuant to this act. A downtown district may include 1 or more separate and distinct geographic areas in a business district as determined by the municipality if the municipality enters into an agreement with a qualified township under section 3(7) or if the municipality is a city that surrounds another city and that other city lies between the 2 separate and distinct geographic areas. If the downtown district contains more than 1 separate and distinct geographic area in the downtown district, the separate and distinct geographic areas shall be considered 1 downtown district.

(m) "Eligible advance" means an advance made before August 19, 1993.

(n) "Eligible obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority before August 19, 1993 and its subsequent refunding by a qualified refunding

obligation. Eligible obligation includes an authority's written agreement entered into before August 19, 1993 to pay an obligation issued after August 18, 1993 and before December 31, 1996 by another entity on behalf of the authority.

(o) "Fire alarm system" means a system designed to detect and annunciate the presence of fire, or by-products of fire. Fire alarm system includes smoke detectors.

(p) "Fiscal year" means the fiscal year of the authority.

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

(r) "Initial assessed value" means the assessed value, as equalized, 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, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the resolution is adopted. 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 specific local tax is paid in lieu of a property tax shall not be considered to be property that is exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of a property tax shall be determined as provided in subdivision (aa). In the case of a municipality having a population of less than 35,000 that established an authority prior to 1985, created a district or districts, and approved a development plan or tax increment financing plan or amendments to a plan, and which plan or tax increment financing plan or amendments to a plan, and which plan expired by its terms December 31, 1991, the initial assessed value for the purpose of any plan or plan amendment adopted as an extension of the expired plan shall be determined as if the plan had not expired December 31, 1991. For a development area designated before 1997 in which a renaissance zone has subsequently been designated pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, the initial assessed value of the development area otherwise determined under this subdivision shall be reduced by the amount by which the current assessed value of the development area was reduced in 1997 due to the exemption of property under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, but in no case shall the initial assessed value be less than zero.

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

(t) "Obligation" means a written promise to pay, whether evidenced by a contract, agreement, lease, sublease, bond, or note, or a requirement to pay imposed by law. An obligation does not include a payment required solely because of default upon an obligation, employee salaries, or consideration paid for the use of municipal offices. An obligation does not include those bonds that have been economically defeased by refunding bonds issued under this act. Obligation includes, but is not limited to, the following:

(i) A requirement to pay proceeds derived from ad valorem property taxes or taxes levied in lieu of ad valorem property taxes.

(ii) A management contract or a contract for professional services.

(iii) A payment required on a contract, agreement, bond, or note if the requirement to make or assume the payment arose before August 19, 1993.

(iv) A requirement to pay or reimburse a person for the cost of insurance for, or to maintain, property subject to a lease, land contract, purchase agreement, or other agreement.

(v) A letter of credit, paying agent, transfer agent, bond registrar, or trustee fee associated with a contract, agreement, bond, or note.

(u) "On behalf of an authority", in relation to an eligible advance made by a municipality, or an eligible obligation or other protected obligation issued or incurred by a municipality, means in anticipation that an authority would transfer tax increment revenues or reimburse the municipality from tax increment revenues in an amount sufficient to fully make payment required by the eligible advance made by the municipality, or eligible obligation or other protected obligation issued or incurred by the municipality, if the anticipation of the transfer or receipt of tax increment revenues from the authority is pursuant to or evidenced by 1 or more of the following:

(i) A reimbursement agreement between the municipality and an authority it established.

(ii) A requirement imposed by law that the authority transfer tax increment revenues to the municipality.

(iii) A resolution of the authority agreeing to make payments to the incorporating unit.

(iv) Provisions in a tax increment financing plan describing the project for which the obligation was incurred.

(v) "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.

(w) "Other protected obligation" means:

(i) A qualified refunding obligation issued to refund an obligation described in subparagraph (ii), (iii), or (iv), an obligation that is not a qualified refunding obligation that is issued to refund an eligible obligation, or a qualified refunding obligation issued to refund an obligation described in this subparagraph.

(ii) An obligation issued or incurred by an authority or by a municipality on behalf of an authority after August 19, 1993, but before December 31, 1994, to finance a project described in a tax increment finance plan approved by the municipality in accordance with this act before December 31, 1993, for which a contract for final design is entered into by or on behalf of the municipality or authority before March 1, 1994 or for which a written agreement with a developer, titled preferred development agreement, was entered into by or on behalf of the municipality or authority in July 1993.

(iii) An obligation incurred by an authority or municipality after August 19, 1993, to reimburse a party to a development agreement entered into by a municipality or authority before August 19, 1993, for a project described in a tax increment financing plan approved in accordance with this act before August 19, 1993, and undertaken and installed by that party in accordance with the development agreement.

(iv) An obligation incurred by the authority evidenced by or to finance a contract to purchase real property within a development area or a contract to develop that property within the development area, or both, if all of the following requirements are met:

(A) The authority purchased the real property in 1993.

(B) Before June 30, 1995, the authority enters a contract for the development of the real property located within the development area.

(C) In 1993, the authority or municipality on behalf of the authority received approval for a grant from both of the following:

(I) The department of natural resources for site reclamation of the real property.

(II) The department of consumer and industry services for development of the real property.

(v) An ongoing management or professional services contract with the governing body of a county which was entered into before March 1, 1994 and which was preceded by a series of limited term management or professional services contracts with the governing body of the county, the last of which was entered into before August 19, 1993.

(vi) A loan from a municipality to an authority if the loan was approved by the legislative body of the municipality on April 18, 1994.

(vii) Funds expended to match a grant received by a municipality on behalf of an authority for sidewalk improvements from the Michigan department of transportation if the legislative body of the municipality approved the grant application on April 5, 1993 and the grant was received by the municipality in June 1993.

(viii) For taxes captured in 1994, an obligation described in this subparagraph issued or incurred to finance a project. An obligation is considered issued or incurred to finance a project described in this subparagraph only if all of the following are met:

(A) The obligation requires raising capital for the project or paying for the project, whether or not a borrowing is involved.

(B) The obligation was part of a development plan and the tax increment financing plan was approved by a municipality on May 6, 1991.

(C) The obligation is in the form of a written memorandum of understanding between a municipality and a public utility dated October 27, 1994.

(D) The authority or municipality captured school taxes during 1994.

(ix) An obligation incurred after July 31, 2012 by an authority, municipality, or other governmental unit to pay for costs associated with a catalyst development project.

(x) "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 1966 PA 1, MCL 125.1351, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. Public facility also includes the acquisition, construction, improvement, and operation of a building owned or leased by the authority to be used as a retail business incubator.

(y) "Qualified refunding obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority to refund an obligation if 1 or more of the following apply:

(i) The obligation is issued to refund a qualified refunding obligation issued in November 1997 and any subsequent refundings of that obligation issued before January 1, 2010 or the obligation is issued to refund a

qualified refunding obligation issued on May 15, 1997 and any subsequent refundings of that obligation issued before January 1, 2010 in an authority in which 1 parcel or group of parcels under common ownership represents 50% or more of the taxable value captured within the tax increment finance district and that will ultimately provide for at least a 40% reduction in the taxable value of the property as part of a negotiated settlement as a result of an appeal filed with the state tax tribunal. Qualified refunding obligations issued under this subparagraph are not subject to the requirements of section 611 of the revised municipal finance act, 2001 PA 34, MCL 141.2611, if issued before January 1, 2010. The duration of the development program described in the tax increment financing plan relating to the qualified refunding obligations issued under this subparagraph is hereby extended to 1 year after the final date of maturity of the qualified refunding obligations.

(ii) The refunding obligation meets both of the following:

(A) The net present value of the principal and interest to be paid on the refunding obligation, including the cost of issuance, will be less than the net present value of the principal and interest to be paid on the obligation being refunded, as calculated using a method approved by the department of treasury.

(B) The net present value of the sum of the tax increment revenues described in subdivision (cc)(ii) and the distributions under section 13b to repay the refunding obligation will not be greater than the net present value of the sum of the tax increment revenues described in subdivision (cc)(ii) and the distributions under section 13b to repay the obligation being refunded, as calculated using a method approved by the department of treasury.

(iii) The obligation is issued to refund an other protected obligation issued as a capital appreciation bond delivered to the Michigan municipal bond authority on December 21, 1994 and any subsequent refundings of that obligation issued before January 1, 2012. Qualified refunding obligations issued under this subparagraph are not subject to the requirements of section 305(2), (3), (5), and (6), section 501, section 503, or section 611 of the revised municipal finance act, 2001 PA 34, MCL 141.2305, 141.2501, 141.2503, and 141.2611, if issued before January 1, 2012. The duration of the development program described in the tax increment financing plan relating to the qualified refunding obligations issued under this subparagraph is extended to 1 year after the final date of maturity of the qualified refunding obligations. The obligation may be payable through the year 2025 at an interest rate not exceeding the maximum rate permitted by law, notwithstanding the bond maturity dates contained in the notice of intent to issue bonds published by the municipality. An obligation issued under this subparagraph is a qualified refunding obligation only to the extent that revenues described in subdivision (cc)(ii) and distributions under section 13b to repay the qualified refunding obligation do not exceed \$750,000.00.

(iv) The obligation is issued to refund a qualified refunding obligation issued on February 13, 2008, and any subsequent refundings of that obligation, issued before December 31, 2018. Qualified refunding obligations issued under this subparagraph are not subject to the requirements of section 305(2), (3), (5), and (6), 501, 503, or 611 of the revised municipal finance act, 2001 PA 34, MCL 141.2305, 141.2501, 141.2503, and 141.2611. The duration of the development program described in the tax increment financing plan relating to the qualified refunding obligations issued under this subparagraph is extended to 1 year after the final date of maturity of the qualified refunding obligations. Revenues described in subdivision (cc)(ii) and distributions made under section 13b in excess of the amount needed for current year debt service on an obligation issued under this subparagraph may be paid to the authority to the extent necessary to pay future years' debt service on the obligation as determined by the board.

(z) "Qualified township" means a township that meets all of the following requirements:

(i) Was not eligible to create an authority prior to January 3, 2005.

(ii) Adjoins a municipality that previously created an authority.

(iii) Along with the adjoining municipality that previously created an authority, is a member of the same joint planning commission under the joint municipal planning act, 2003 PA 226, MCL 125.131 to 125.143.

(aa) "Specific local tax" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the technology park development act, 1984 PA 385, MCL 207.701 to 207.718, and 1953 PA 189, MCL 211.181 to 211.182. The initial assessed value or current assessed value of property subject to a specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(bb) "State fiscal year" means the annual period commencing October 1 of each year.

(cc) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the development area, subject to the following requirements:

(i) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions other than the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area for any purpose authorized by this act.

(ii) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area in an amount equal to the amount necessary, without regard to subparagraph (i), to repay eligible advances, eligible obligations, and other protected obligations.

(iii) Tax increment revenues do not include any of the following:

(A) Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to such ad valorem property taxes.

(B) Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to such ad valorem property taxes.

(C) Ad valorem property taxes exempted from capture under section 3(3) or specific local taxes attributable to such ad valorem property taxes.

(D) Ad valorem property taxes levied under 1 or more of the following or specific local taxes attributable to those ad valorem property taxes:

(i) The zoological authorities act, 2008 PA 49, MCL 123.1161 to 123.1183.

(ii) The art institute authorities act, 2010 PA 296, MCL 123.1201 to 123.1229.

(iii) Except as otherwise provided in section 3(3), ad valorem property taxes or specific local taxes attributable to those ad valorem property taxes levied for a separate millage for public library purposes approved by the electors after December 31, 2016.

(iv) The amount of tax increment revenues authorized to be included under subparagraph (ii) or (v), and required to be transmitted to the authority under section 14(1), from ad valorem property taxes and specific local taxes attributable to the application of the levy of the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, a local school district or an intermediate school district upon the captured assessed value of real and personal property in a development area shall be determined separately for the levy by the state, each school district, and each intermediate school district as the product of sub-subparagraphs (A) and (B):

(A) The percentage that the total ad valorem taxes and specific local taxes available for distribution by law to the state, local school district, or intermediate school district, respectively, bears to the aggregate amount of ad valorem millage taxes and specific taxes available for distribution by law to the state, each local school district, and each intermediate school district.

(B) The maximum amount of ad valorem property taxes and specific local taxes considered tax increment revenues under subparagraph (ii) or (v).

(v) Tax increment revenues include ad valorem property taxes and specific local taxes, in an annual amount and for each year approved by the state treasurer, attributable to the levy by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and by local or intermediate school districts, upon the captured assessed value of real and personal property in the development area of an authority established in a city with a population of 600,000 or more to pay for, or reimburse an advance for, not more than \$8,000,000.00 for the demolition of buildings or structures on public or privately owned property within a development area that commences in 2005, or to pay the annual principal of or interest on an obligation, the terms of which are approved by the state treasurer, issued by an authority, or by a city on behalf of an authority, to pay not more than \$8,000,000.00 of the costs to demolish buildings or structures on public or privately owned property within a development area that commences in 2005.

(vi) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the levy by this state under the state education tax act, 1993 PA 331, MCL 211.201 to 211.906, and by local or intermediate school districts which were levied on or after July 1, 2010, upon the captured assessed value of real and personal property in the development area of an authority established in a city with a population of 600,000 or more to pay for, or reimburse an advance for, costs associated with the land acquisition, preliminary site work, and construction of a catalyst development project.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 221, Imd. Eff. Jan. 10, 1986;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1994, Act 280, Imd. Eff. July 11, 1994;—Am. 1994, Act 330, Imd. Eff. Oct. 14, 1994;—Am. 1994, Act 381, Imd. Eff. Dec. 28, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 1996, Act 454, Imd. Eff. Dec. 19, 1996;—Am. 1997, Act 202, Imd. Eff. Jan. 13, 1998;—Am. 2003, Act 136, Imd. Eff. Aug. 1, 2003;—Am. 2004, Act 66, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 158, Imd. Eff. Aug. 1, 2004;—Am. 2018, Act 136, Imd. Eff. Aug. 1, 2018.

Eff. June 17, 2004;—Am. 2004, Act 196, Imd. Eff. July 8, 2004;—Am. 2005, Act 13, Imd. Eff. May 4, 2005;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005;—Am. 2006, Act 659, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 35, Imd. Eff. Mar. 14, 2008;—Am. 2008, Act 225, Imd. Eff. July 17, 2008;—Am. 2011, Act 24, Imd. Eff. Apr. 28, 2011;—Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012;—Am. 2013, Act 66, Imd. Eff. June 19, 2013;—Am. 2016, Act 506, Imd. Eff. Jan. 9, 2017.

Compiler's note: Enacting section 1 of Act 202 of 1997 provides:

"The provisions of section 1 and section 13b, as amended by this amendatory act, are retroactive and effective for taxes levied after 1993."

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1651a Legislative findings.

Sec. 1a. The legislature finds all of the following:

(a) That there exists in this state conditions of property value deterioration detrimental to the state economy and the economic growth of the state and its local units of government.

(b) That government programs are desirable and necessary to eliminate the causes of property value deterioration thereby benefiting the economic growth of the state.

(c) That it is appropriate to finance these government programs by means available to the state and local units of government in the state, including tax increment financing.

(d) That tax increment financing is a government financing program that contributes to economic growth and development by dedicating a portion of the increase in the tax base resulting from economic growth and development to facilities, structures, or improvements within a development area thereby facilitating economic growth and development.

(e) That it is necessary for the legislature to exercise its power to legislate tax increment financing as authorized in this act and in the exercise of this power to mandate the transfer of tax increment revenues by city, village, township, school district, and county treasurers to authorities created under this act in order to effectuate the legislative government programs to eliminate property value deterioration and to promote economic growth.

(f) That halting property value deterioration and promoting economic growth in the state are essential governmental functions and constitute essential public purposes.

(g) That economic development strengthens the tax base upon which local units of government rely and that government programs to eliminate property value deterioration benefit local units of government and are for the use of the local units of government.

(h) That the provisions of this act are enacted to provide a means for local units of government to eliminate property value deterioration and to promote economic growth in the communities served by those local units of government.

History: Add. 1988, Act 425, Imd. Eff. Dec. 27, 1988.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1652 Authority; establishment; restriction; public body corporate; powers generally.

Sec. 2. (1) Except as otherwise provided in this subsection, a municipality may establish 1 authority. If, before November 1, 1985, a municipality establishes more than 1 authority, those authorities may continue to exist as separate authorities. Under the conditions described in section 3a, 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1653 Resolution of intent to create and provide for operation of authority; public hearing on proposed ordinance creating authority and designating boundaries of downtown district; notice; exemption of taxes from capture; action by library board or commission;

adoption, filing, and publication of ordinance; altering or amending boundaries; agreement with adjoining municipality; agreement with qualified township.

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 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 or more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the governing body proposing to create the authority shall also mail notice of the hearing to the property taxpayers of record in the proposed district and for a public hearing to be held after February 15, 1994 to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Failure of a property taxpayer 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 or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the 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 the notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.

(3) Not more than 60 days after a public hearing held after February 15, 1994, the governing body of a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality proposing to create the authority. The resolution takes effect when filed with that clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk. If a separate millage for public library purposes was levied before January 1, 2017, and all obligations and other protected obligations of the authority are paid, then the levy is exempt from capture under this act, unless the library board or commission allows all or a portion of its taxes levied to be included as tax increment revenues and subject to capture under this act under the terms of a written agreement between the library board or commission and the authority. The written agreement shall be filed with the clerk of the municipality. However, if a separate millage for public library purposes was levied before January 1, 2017, and the authority alters or amends the boundaries of a downtown district or extends the duration of the existing finance plan, then the library board or commission may, not later than 60 days after a public hearing is held under this subsection, exempt all or a portion of its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality that created the authority. For ad valorem property taxes or specific local taxes attributable to those ad valorem property taxes levied for a separate millage for public library purposes approved by the electors after December 31, 2016, a library board or commission may allow all or a portion of its taxes levied to be included as tax increment revenues and subject to capture under this act under the terms of a written agreement between the library board or commission and the authority. The written agreement shall be filed with the clerk of the municipality. However, if the library was created under section 1 or 10a of 1877 PA 164, MCL 397.201 and 397.210a, or established under 1869 LA 233, then any action of the library board or commission under this subsection shall have the concurrence of the chief executive officer of the city that created the library to be effective, and, if the action of the library board or commission involves any bond issued by this state or a state agency, the concurrence of the state treasurer.

(4) Not less than 60 days 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 or her 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.

(5) 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 pursuant to the same requirements for adopting the ordinance creating the authority.

(6) A municipality that has created an authority may enter into an agreement with an adjoining municipality that has created an authority to jointly operate and administer those authorities under an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(7) A municipality that has created an authority may enter into an agreement with a qualified township to operate its authority in a downtown district in the qualified township under an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. The interlocal agreement between the municipality and the qualified township shall provide for, but is not limited to, all of the following:

- (a) Size and makeup of the board.
- (b) Determination and modification of downtown district, business district, and development area.
- (c) Modification of development area and development plan.
- (d) Issuance and repayment of obligations.
- (e) Capture of taxes.
- (f) Notice, hearing, and exemption of taxes from capture provisions described in this section.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 2004, Act 521, Imd. Eff. Jan. 3, 2005;—Am. 2005, Act 13, Imd. Eff. May 4, 2005;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005;—Am. 2016, Act 506, Imd. Eff. Jan. 9, 2017.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1653a Authority of annexing or consolidated municipality; obligations, agreements, and bonds.

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.

History: Add. 1985, Act 159, Imd. Eff. Nov. 15, 1985.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1653b Ratification and validation of ordinance and actions; compliance.

Sec. 3b. (1) An ordinance enacted by a municipality that has a population of less than 50,000 establishing an authority, creating a district, or approving a development plan or tax increment financing plan, or an amendment to an authority, district, or plan, and all actions taken under that ordinance, including the issuance of bonds, are ratified and validated notwithstanding that notice for the public hearing on the establishment of the authority, creation of the district, or approval of the development plan or tax increment financing plan, or on the amendment, was not published, posted, or mailed at least 20 days before the hearing, if the notice was published or posted at least 15 days before the hearing or the authority was established in 1984 by a village that filed the ordinance with the secretary of state not later than March, 1986. This section applies only to an ordinance adopted by a municipality before February 1, 1991, and shall include any bonds or amounts to be used by the authority to pay the principal of and interest on bonds that have been issued or that are to be issued by the authority, the incorporating municipality, or a county on behalf of the incorporating municipality. An authority for which an ordinance or amendment to the ordinance establishing the authority has been published before February 1, 1991 is considered for purposes of section 3(4) to have promptly filed the ordinance or amendment to the ordinance with the secretary of state if the ordinance or amendment to the ordinance is filed with the secretary of state before October 1, 1991. As used in this section, "notice was published" means publication of the notice occurred at least once.

(2) A development plan and tax increment financing plan approved by a resolution adopted by the village council of a village having a population of less than 3,000 before June 15, 1988 rather than by adoption of an ordinance is ratified and validated, if an amendment to the plans was adopted by the village council in compliance with sections 18 and 19.

(3) A development plan and tax increment financing plan approved by a resolution adopted by the village

council of a village having a population of less than 7,000 before June 1, 1998 rather than by adoption of an ordinance is ratified and validated if an amendment to the plans was adopted by the village council in compliance with sections 18 and 19.

History: Add. 1989, Act 242, Imd. Eff. Dec. 21, 1989;—Am. 1991, Act 66, Imd. Eff. July 3, 1991;—Am. 1993, Act 42, Imd. Eff. May 27, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 2006, Act 329, Imd. Eff. Aug. 10, 2006.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1653c Proceedings or findings; validity.

Sec. 3c. The validity of the proceedings or findings establishing an authority, or of the procedure, adequacy of notice, or findings with respect to the approval of a development plan or tax increment financing plan is conclusive with respect to the capture of tax increment revenues for an other protected obligation that is a bond issued after October 1, 1994.

History: Add. 1994, Act 381, Imd. Eff. Dec. 28, 1994.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1653d Establishment or amendment of authority, district, or plan; notice; publication or posting.

Sec. 3d. An ordinance enacted by a municipality that has a population of greater than 1,000 and less than 2,000 establishing an authority, creating a district, or approving a development plan or tax increment financing plan, or an amendment to an authority, district, or plan, and all actions taken or to be taken under that ordinance, including the issuance of bonds, are ratified and validated notwithstanding that notice for the public hearing on the establishment of the authority, creation of the district, or approval of the development plan or tax increment financing plan, or on the amendment, was not published, posted, or mailed at least 20 days before the hearing, provided that the notice was either published or posted at least 10 days before the hearing or that the authority was established in 1990 by a municipality that filed the ordinance with the secretary of state not later than July 1991. This section applies only to an ordinance or an amendment adopted by a municipality before January 1, 1999 and shall include any bonds or amounts to be used by the authority to pay the principal of and interest on bonds that have been issued or that are to be issued by the authority or the incorporating municipality. An authority for which an ordinance or amendment to the ordinance establishing the authority has been published before February 1, 1991 is considered for purposes of section 3(3) to have promptly filed the ordinance or amendment to the ordinance with the secretary of state if the ordinance or amendment to the ordinance is filed with the secretary of state before December 31, 2002. The validity of the proceedings or findings establishing an authority described in this section, or of the procedure, adequacy of notice, or findings with respect to the approval of a development plan or tax increment financing plan for an authority described in this section is conclusive with respect to the capture of tax increment revenues for a bond issued after June 1, 2002 and before June 1, 2006. As used in this section, "notice was either published or posted" means either publication or posting of the notice occurred at least once.

History: Add. 2002, Act 460, Imd. Eff. June 21, 2002.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1654 Board; appointment, terms, and qualifications of members; vacancy; compensation and expenses; election of chairperson; appointment as public official; oath; conducting business at public meeting; public notice; special meetings; removal of members; review; expense items and financial records; availability of writings to public; single board governing all authorities; member as resident or having interest in property; planning commission serving as board in certain municipalities; modification by interlocal agreement.

Sec. 4. (1) Except as provided in subsections (7), (8), and (9), 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 shall be persons having an interest in property located in the downtown district or officers, members, trustees, principals, or employees of a legal entity having an interest in property located in the downtown district. Not less than 1 of the members shall be a resident of the

downtown district, if the downtown district has 100 or more persons residing within it. 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. Thereafter, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board. The rules of procedure or the bylaws of the authority may provide that a person be appointed to the board in his or her capacity as a public official, whether appointed or elected. The rules of procedure or bylaws may also provide that the public official's term shall expire upon expiration of his or her service as a public official. In addition, the public official's membership on the board expires on his or her resignation from office as a public official.

(2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

(4) 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 governing body. Removal of a member is subject to review by the circuit court.

(5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(6) In addition to the items and records prescribed in subsection (5), a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) By resolution of its governing body, a municipality having more than 1 authority may establish a single board to govern all authorities in the municipality. The governing body may designate the board of an existing authority as the board for all authorities or may establish by resolution a new board in the same manner as provided in subsection (1). A member of a board governing more than 1 authority may be a resident of or have an interest in property in any of the downtown districts controlled by the board in order to meet the requirements of this section.

(8) By ordinance, the governing body of a municipality that has a population of less than 5,000 may have the municipality's planning commission created pursuant to former 1931 PA 285 or the Michigan planning enabling act, 2008 PA 33, MCL 125.3801 to 125.3885, serve as the board provided for in subsection (1).

(9) If a municipality enters into an agreement with a qualified township under section 3(7), the membership of the board may be modified by the interlocal agreement described in section 3(7).

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1978, Act 521, Imd. Eff. Dec. 20, 1978;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985;—Am. 1987, Act 66, Imd. Eff. June 25, 1987;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005;—Am. 2006, Act 279, Imd. Eff. July 7, 2006;—Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1655 Director, acting director, treasurer, secretary, legal counsel, and other personnel.

Sec. 5. (1) The board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality. 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 his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the authority payable to the authority for use and benefit of the authority, approved by the board, and filed with the municipal clerk. The premium on the bond shall be deemed 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 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1656 Participation of employees in municipal 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1657 Powers of board; creation, operation, or funding of retail business incubator.

Sec. 7. (1) 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 Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(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 considers 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 in property, 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 to that property.

(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 to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.

(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 of a building or property.

(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) Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.

(o) Contract for broadband service and wireless technology service in the downtown district.

(p) Operate and perform all duties and exercise all responsibilities described in this section in a qualified township if the qualified township has entered into an agreement with the municipality under section 3(7).

(q) Create, operate, and fund a loan program to fund improvements for existing buildings located in a downtown district to make them marketable for sale or lease. The board may make loans with interest at a market rate or may make loans with interest at a below market rate, as determined by the board.

(r) Create, operate, and fund retail business incubators in the downtown district.

(2) If it is the express determination of the board to create, operate, or fund a retail business incubator in the downtown district, the board shall give preference to tenants who will provide goods or services that are not available or that are underserved in the downtown area. If the board creates, operates, or funds retail business incubators in the downtown district, the board and each tenant who leases space in a retail business incubator shall enter into a written contract that includes, but is not limited to, all of the following:

(a) The lease or rental rate that may be below the fair market rate as determined by the board.

(b) The requirement that a tenant may lease space in the retail business incubator for a period not to exceed 18 months.

(c) The terms of a joint operating plan with 1 or more other businesses located in the downtown district.

(d) A copy of the business plan of the tenant that contains measurable goals and objectives.

(e) The requirement that the tenant participate in basic management classes, business seminars, or other business education programs offered by the authority, the local chamber of commerce, local community colleges, or institutions of higher education, as determined by the board.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 221, Imd. Eff. Jan. 10, 1986;—Am. 2004, Act 196, Imd. Eff. July 8, 2004;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005;—Am. 2008, Act 226, Imd. Eff. July 17, 2008.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1658 Board serving as planning commission; agenda.

Sec. 8. If a board created under this act serves as the planning commission under section 2 of Act No. 285 of the Public Acts of 1931, being section 125.32 of the Michigan Compiled Laws, the board shall include planning commission business in its agenda.

History: Add. 1987, Act 66, Imd. Eff. June 25, 1987.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1659 Authority as instrumentality 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1660 Taking, transfer, and use of private property.

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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1661 Financing activities of authority; disposition of money received by authority; municipal obligations.

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

(a) Donations of the authority for the performance of its functions.

(b) Proceeds of a tax imposed pursuant to section 12.

(c) Money borrowed and to be repaid as authorized by sections 13 and 13a.

(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.

(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 or otherwise authorized by law for use by the authority or the municipality to finance a development program.

(h) Money obtained pursuant to section 13b.

(i) Revenue from the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the Michigan Compiled Laws, or revenue transferred pursuant to section 11a of chapter 2 of the city income tax act, Act No. 284 of the Public Acts of 1964, being section 141.611a of the Michigan Compiled Laws.

(j) Revenue from the federal data facility act, Act No. 126 of the Public Acts of 1993, being sections 3.951 to 3.961 of the Michigan Compiled Laws, or revenue transferred pursuant to section 11b of chapter 2 of the city income tax act, Act No. 284 of the Public Acts of 1964, being section 141.611b of the Michigan Compiled Laws.

(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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1662 Ad valorem tax; borrowing in anticipation of collection.

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 under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of the ad valorem tax authorized in this section.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1983, Act 86, Imd. Eff. June 16, 1983;—Am. 2002, Act 234, Imd. Eff. Apr. 29, 2002.

Popular name: DDA

Popular name: Downtown Development Authority Act

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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1663a Borrowing money; issuing revenue bonds or notes; purpose; costs; security; pledge and lien of pledge valid and binding; filing or recordation not required; tax exemption; bonds or notes neither liability nor debt of municipality; statement; investment and deposit of bonds and notes.

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 public officers and the agencies and political subdivisions of this state for any purpose for which the deposit of bonds is authorized.

History: Add. 1981, Act 151, Imd. Eff. Nov. 19, 1981.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1663b Insufficient tax increment revenues to repay advance or pay obligation; contents, time, and payment of claim; appropriation and distribution of aggregate amount; limitations; distribution subject to lien; obligation as debt or liability; certification of distribution amount; basis for calculation of distributions and claim reports.

Sec. 13b. (1) If the amount of tax increment revenues lost as a result of the reduction of taxes levied by local school districts for school operating purposes required by the millage limitations under section 1211 of the school code of 1976, 1976 PA 451, MCL 380.1211, reduced by the amount of tax increment revenues received from the capture of taxes levied under or attributable to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, will cause the tax increment revenues received in a fiscal year by an authority under section 15 to be insufficient to repay an eligible advance or to pay an eligible obligation, the legislature shall appropriate and distribute to the authority the amount described in subsection (5).

(2) Not less than 30 days before the first day of a fiscal year, an authority eligible to retain tax increment revenues from taxes levied by a local or intermediate school district or this state or to receive a distribution under this section for that fiscal year shall file a claim with the department of treasury. The claim shall include the following information:

(a) The property tax millage rates levied in 1993 by local school districts within the jurisdictional area of the authority for school operating purposes.

(b) The property tax millage rates expected to be levied by local school districts within the jurisdictional area of the authority for school operating purposes for that fiscal year.

(c) The tax increment revenues estimated to be received by the authority for that fiscal year based upon actual property tax levies of all taxing jurisdictions within the jurisdictional area of the authority.

(d) The tax increment revenues the authority estimates it would have received for that fiscal year if property taxes were levied by local school districts within the jurisdictional area of the authority for school operating purposes at the millage rates described in subdivision (a) and if no property taxes were levied by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(e) A list and documentation of eligible obligations and eligible advances and the payments due on each of those eligible obligations or eligible advances in that fiscal year, and the total amount of all the payments due

on those eligible obligations and eligible advances in that fiscal year.

(f) The amount of money, other than tax increment revenues, estimated to be received in that fiscal year by the authority that is primarily pledged to, and to be used for, the payment of an eligible obligation or the repayment of an eligible advance. That amount shall not include excess tax increment revenues of the authority that are permitted by law to be retained by the authority for purposes that further the development program. However, that amount shall include money to be obtained from sources authorized by law, which law is enacted on or after December 1, 1993, for use by the municipality or authority to finance a development project.

(g) The amount of a distribution received pursuant to this act for a fiscal year in excess of or less than the distribution that would have been required if calculated upon actual tax increment revenues received for that fiscal year.

(h) A list and documentation of other protected obligations and the payments due on each of those other protected obligations in that fiscal year, and the total amount of all the payments due on those other protected obligations in that fiscal year.

(3) For the fiscal year that commences after September 30, 1993 and before October 1, 1994, an authority may make a claim with all information required by subsection (2) at any time after March 15, 1994.

(4) After review and verification of claims submitted pursuant to this section, amounts appropriated by the state in compliance with this act shall be distributed as 2 equal payments on March 1 and September 1 after receipt of a claim. An authority shall allocate a distribution it receives for an eligible obligation issued on behalf of a municipality to the municipality.

(5) Subject to subsections (6) and (7), the aggregate amount to be appropriated and distributed pursuant to this section to an authority shall be the sum of the amounts determined pursuant to subdivisions (a) and (b) minus the amount determined pursuant to subdivision (c), as follows:

(a) The amount by which the tax increment revenues the authority would have received for the fiscal year, excluding taxes exempt under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, if property taxes were levied by local school districts for school operating purposes at the millage rates described in subsection (2)(a) and if no property taxes were levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, exceed the tax increment revenues the authority actually received for the fiscal year.

(b) A shortfall required to be reported pursuant to subsection (2)(g) that had not previously increased a distribution.

(c) An excess amount required to be reported pursuant to subsection (2)(g) that had not previously decreased a distribution.

(6) The amount distributed under subsection (5) shall not exceed the difference between the amount described in subsection (2)(c) and the sum of the amounts described in subsection (2)(c) and (f).

(7) If, based upon the tax increment financing plan in effect on August 19, 1993, the payment due on eligible obligations or eligible advances anticipates the use of excess prior year tax increment revenues permitted by law to be retained by the authority, and if the sum of the amounts described in subsection (2)(c) and (f) plus the amount to be distributed under subsections (5) and (6) is less than the amount described in subsection (2)(e), the amount to be distributed under subsections (5) and (6) shall be increased by the amount of the shortfall. However, the amount authorized to be distributed pursuant to this section shall not exceed that portion of the cumulative difference, for each preceding fiscal year, between the amount that could have been distributed pursuant to subsection (5) and the amount actually distributed pursuant to subsections (5) and (6) and this subsection.

(8) A distribution under this section replacing tax increment revenues pledged by an authority or a municipality is subject to the lien of the pledge, whether or not there has been physical delivery of the distribution.

(9) Obligations for which distributions are made pursuant to this section are not a debt or liability of this state; do not create or constitute an indebtedness, liability, or obligation of this state; and are not and do not constitute a pledge of the faith and credit of this state.

(10) Not later than July 1 of each year, the authority shall certify to the local tax collecting treasurer the amount of the distribution required under subsection (5), calculated without regard to the receipt of tax increment revenues attributable to local or intermediate school district taxes or attributable to taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(11) Calculations of distributions under this section and claims reports required to be made under subsection (2) shall be made on the basis of each development area of the authority.

(12) The state tax commission may provide that the reimbursement calculations under this section and the calculation of allowable capture of school taxes shall be made for each calendar year's tax increment revenues

using a 12-month debt payment period used by the authority and approved by the state tax commission.

History: Add. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1994, Act 280, Imd. Eff. July 11, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 1996, Act 454, Imd. Eff. Dec. 19, 1996;—Am. 1997, Act 202, Imd. Eff. Jan. 13, 1998.

Compiler's note: Enacting section 1 of Act 202 of 1997 provides:
"The provisions of section 1 and section 13b, as amended by this amendatory act, are retroactive and effective for taxes levied after 1993."

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1663c Retention and payment of taxes levied under state education tax act; conditions; application by authority for approval; information to be included; approval, modification, or denial of application by department of treasury; appropriation and distribution of amount; calculation of aggregate amount; lien; reimbursement calculations; legislative intent.

Sec. 13c. (1) If the amount of tax increment revenues lost as a result of the personal property tax exemptions provided by section 1211(4) of the revised school code, 1976 PA 451, MCL 380.1211, section 3 of the state education tax act, 1993 PA 331, MCL 211.903, section 14(4) of 1974 PA 198, MCL 207.564, and section 9k of the general property tax act, 1893 PA 206, MCL 211.9k, will reduce the allowable school tax capture received in a fiscal year, then, notwithstanding any other provision of this act, the authority, with approval of the department of treasury under subsection (3), may request the local tax collecting treasurer to retain and pay to the authority taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, to be used for the following:

- (a) To repay an eligible advance.
- (b) To repay an eligible obligation.
- (c) To repay an other protected obligation.

(2) Not later than June 15, 2008, not later than September 30, 2009, and not later than June 1 of each subsequent year, except for 2011, not later than June 15, an authority eligible under subsection (1) to have taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained and paid to the authority under this section, shall apply for approval with the department of treasury. The application for approval shall include the following information:

(a) The property tax millage rates expected to be levied by local school districts within the jurisdictional area of the authority for school operating purposes for that fiscal year.

(b) The tax increment revenues estimated to be received by the authority for that fiscal year based upon actual property tax levies of all taxing jurisdictions within the jurisdictional area of the authority.

(c) The tax increment revenues the authority estimates it would have received for that fiscal year if the personal property tax exemptions described in subsection (1) were not in effect.

(d) A list of eligible obligations, eligible advances, and other protected obligations, the payments due on each of those in that fiscal year, and the total amount of all the payments due on all of those in that fiscal year.

(e) The amount of money, other than tax increment revenues, estimated to be received in that fiscal year by the authority that is primarily pledged to, and to be used for, the payment of an eligible obligation, the repayment of an eligible advance, or the payment of an other protected obligation. That amount shall not include excess tax increment revenues of the authority that are permitted by law to be retained by the authority for purposes that further the development program. However, that amount shall include money to be obtained from sources authorized by law, which law is enacted on or after December 1, 1993, for use by the municipality or authority to finance a development plan.

(f) The amount of a distribution received pursuant to this act for a fiscal year in excess of or less than the distribution that would have been required if calculated upon actual tax increment revenues received for that fiscal year.

(3) Not later than August 15, 2008; for 2009, not later than February 3, 2010; for 2011 only, not later than 30 days after the effective date of the amendatory act that amended this sentence; and not later than August 15 for 2010, 2012, and each subsequent year, based on the calculations under subsection (5), the department of treasury shall approve, modify, or deny the application for approval to have taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained and paid to the authority under this section. If the application for approval contains the information required under subsection (2)(a) through (f) and appears to be in substantial compliance with the provisions of this section, then the department of treasury shall approve the application. If the application is denied by the department of treasury, then the department of treasury shall provide the opportunity for a representative of the authority to discuss the denial within 21 days after the denial occurs and shall sustain or modify its decision within 30 days after receiving information

from the authority. If the application for approval is approved or modified by the department of treasury, the local tax collecting treasurer shall retain and pay to the authority the amount described in subsection (5) as approved by the department. If the department of treasury denies the authority's application for approval, the local tax collecting treasurer shall not retain or pay to the authority the taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906. An approval by the department does not prohibit a subsequent audit of taxes retained in accordance with the procedures currently authorized by law.

(4) Each year the legislature shall appropriate and distribute an amount sufficient to pay each authority the following:

(a) If the amount to be retained and paid under subsection (3) is less than the amount calculated under subsection (5), the difference between those amounts.

(b) If the application for approval is denied by the department of treasury, an amount verified by the department equal to the amount calculated under subsection (5).

(5) Subject to subsection (6), the aggregate amount under this section shall be the sum of the amounts determined under subdivisions (a) and (b) minus the amount determined under subdivision (c), as follows:

(a) The amount by which the tax increment revenues the authority would have received and retained for the fiscal year, excluding taxes exempt under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, if the personal property tax exemptions described in subsection (1) were not in effect, exceed the tax increment revenues the authority actually received for the fiscal year.

(b) A shortfall required to be reported under subsection (2)(f) that had not previously increased a distribution.

(c) An excess amount required to be reported under subsection (2)(f) that had not previously decreased a distribution.

(6) A distribution or taxes retained under this section replacing tax increment revenues pledged by an authority or a municipality are subject to any lien of the pledge described in subsection (1), whether or not there has been physical delivery of the distribution.

(7) Obligations for which distributions are made under this section are not a debt or liability of this state; do not create or constitute an indebtedness, liability, or obligation of this state; and are not and do not constitute a pledge of the faith and credit of this state.

(8) Not later than September 15 of each year, the authority shall provide a copy of the application for approval approved by the department of treasury to the local tax collecting treasurer and provide the amount of the taxes retained and paid to the authority under subsection (5).

(9) Calculations of amounts retained and paid and appropriations to be distributed under this section shall be made on the basis of each development area of the authority.

(10) The state tax commission may provide that the reimbursement calculations under this section and the calculation of allowable capture of school taxes shall be made for each calendar year's tax increment revenues using a 12-month debt payment period used by the authority and approved by the state tax commission.

(11) It is the intent of the legislature that, to the extent that the total amount of taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, that are allowed to be retained under this section and section 11b of the local development financing act, 1986 PA 281, MCL 125.2161b, section 15a of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2665a, and section 12b of the tax increment financing act, 1980 PA 450, MCL 125.1812b, exceeds the difference of the total school aid fund revenue for the tax year minus the estimated amount of revenue the school aid fund would have received for the tax year had the tax exemptions described in subsection (1) and the earmark created by section 515 of the Michigan business tax act, 2007 PA 36, MCL 208.1515, not taken effect, the general fund shall reimburse the school aid fund the difference.

History: Add. 2008, Act 157, Imd. Eff. June 5, 2008;—Am. 2009, Act 213, Imd. Eff. Jan. 4, 2010;—Am. 2012, Act 510, Imd. Eff. Dec. 28, 2012.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1664 Tax increment financing plan; preparation and contents; limitation; public hearing; fiscal and economic implications; recommendations; agreements; modification of plan; catalyst development project.

Sec. 14. (1) 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, 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. The authority or municipality may exclude from captured assessed value growth in property value resulting solely from inflation. The plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(2) The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan's percentage capture and use of taxes levied by a municipality or county for operating purposes. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. For purposes of this subsection, tax increment revenues used to pay bonds issued by a municipality under section 16(1) shall be considered to be used by the tax increment financing plan rather than shared with the municipality. The limitation of this subsection does not apply to the portion of the captured assessed value shared pursuant to an agreement entered into before 1989 with a county or with a city in which an enterprise zone is approved under section 13 of the enterprise zone act, 1985 PA 224, MCL 125.2113.

(3) Approval of the tax increment financing plan shall be pursuant to the notice, hearing, and disclosure provisions of section 18. 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 taxing jurisdictions levying taxes subject to capture to meet with the governing body. The authority shall fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area. The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions 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.

(6) Under a tax increment financing plan that includes a catalyst development project, an authority may pledge available tax increment revenues of the authority as security for any bonds issued to develop and construct a catalyst development project.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1979, Act 26, Imd. Eff. June 6, 1979;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1989, Act 108, Imd. Eff. June 23, 1989;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1665 Transmitting and expending tax increments revenues; reversion of surplus funds; abolition of tax increment financing plan; conditions; annual report on status of tax increment financing account; contents; publication.

Sec. 15. (1) The municipal and county treasurers shall transmit to the authority tax increment revenues.

(2) The authority shall expend the tax increment revenues 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 16 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 and the state tax commission a report on the status of the tax increment financing account. The report shall be published in a newspaper of general circulation in the municipality and shall include the following:

- (a) The amount and source of revenue in the account.
- (b) The amount in any bond reserve account.
- (c) The amount and purpose of expenditures from the account.
- (d) The amount of principal and interest on any outstanding bonded indebtedness.

- (e) The initial assessed value of the project area.
- (f) The captured assessed value retained by the authority.
- (g) The tax increment revenues received.
- (h) The number of jobs created as a result of the implementation of the tax increment financing plan.
- (i) Any additional information the governing body or the state tax commission considers necessary.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1979, Act 26, Imd. Eff. June 6, 1979;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1666 General obligation bonds and tax increment bonds; qualified refunding obligation.

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 and shall pledge its full faith and credit for the payment of the bonds. The municipality may pledge as additional security for the bonds any money received by the authority or the municipality pursuant to section 11. The bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Before the municipality may authorize the borrowing, the authority shall submit an estimate of the anticipated tax increment revenues and other revenue available under section 11 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 governing body of the municipality adopts the resolution authorizing the bonds, the estimate of the anticipated tax increment revenues and other revenue available under section 11 to be available for payment of principal and interest on the bonds shall be conclusive for purposes of this section. The bonds issued under this subsection shall be considered a single series for the purposes of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2801.

(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. The tax increment bonds issued by the authority under this subsection shall pledge solely the tax increment revenues of a development area in which the project is located or a development area from which tax increment revenues may be used for this project, or both. In addition or in the alternative, the bonds issued by the authority pursuant to this subsection may be secured by any other revenues identified in section 11 as sources of financing for activities of the authority that the authority shall specifically pledge in the resolution. However, the full faith and credit of the municipality shall not be pledged to secure bonds issued pursuant to this subsection. The bond issue may include a sum sufficient to pay interest on the tax increment bonds until full development of tax increment revenues 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 increment revenues and other revenues pledged by the resolution that 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 increment revenues and other revenues pledged under the resolution. Bonds issued under this subsection that pledge revenue received under section 11 for repayment of the bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) Notwithstanding any other provision of this act, if the state treasurer determines that an authority or municipality can issue a qualified refunding obligation and the authority or municipality does not make a good faith effort to issue the qualified refunding obligation as determined by the state treasurer, the state treasurer may reduce the amount claimed by the authority or municipality under section 13b by an amount equal to the net present value saving that would have been realized had the authority or municipality refunded the obligation or the state treasurer may require a reduction in the capture of tax increment revenues from taxes levied by a local or intermediate school district or this state by an amount equal to the net present value savings that would have been realized had the authority or municipality refunded the obligation. This subsection does not authorize the state treasurer to require the authority or municipality to pledge security greater than the security pledged for the obligation being refunded.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1983, Act 34, Imd. Eff. May 11, 1983;—Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

10, 1983;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 2002, Act 234, Imd. Eff. Apr. 29, 2002.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1667 Development plan; preparation; contents; improvements related to qualified facility.

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 13 or tax increment financing as authorized in sections 14, 15, and 16, it shall prepare a development plan.

(2) The development plan shall contain all of the following:

(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, 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 that 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, or 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 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 units 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 that the authority, local public agency, or governing body considers pertinent.

(3) A development plan may provide for improvements related to a qualified facility, as defined in the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the

Michigan Compiled Laws, that is located outside of the boundaries of the development area but within the district, including the cost of construction, renovation, rehabilitation, or acquisition of that qualified facility or of public facilities and improvements related to that qualified facility.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1668 Ordinance approving development plan or tax increment financing plan; public hearing; notice; record.

Sec. 18. (1) The governing body, before adoption of an ordinance approving or amending a development plan or approving or amending a 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 be not 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. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

(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 considers 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 to the development plan. 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 2005, Act 13, Imd. Eff. May 4, 2005.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1669 Development plan or tax increment financing plan as constituting public purpose; determination; ordinance; considerations; amendments; incorporation of catalyst development project plan.

Sec. 19. (1) The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice of the hearing 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:

(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).

(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.

(3) Proposed amendments made to an approved development plan to incorporate a catalyst development project plan shall be submitted by the authority to the Michigan strategic fund for approval or rejection of that part of the plan relating to the catalyst development project. Amendments not approved or rejected under this subsection by the Michigan strategic fund within 45 days of submission for approval shall be considered approved.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975; --Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1670 Notice to vacate.

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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1671 Development area citizens council; establishment; appointment and qualifications of members; representative of development area.

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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1672 Development area citizens council; advisory body.

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

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1673 Consultation.

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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1674 Development area citizens council; meetings; notice; record; information and technical 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1675 Citizens district council as development area citizens 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1676 Notice of 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1677 Development area citizens council; dissolution.

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 18 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1678 Budget; cost of handling and auditing funds.

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.

(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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1678a Exemption.

Sec. 28a. Beginning January 1, 2010, the authority shall be exempt from all taxation on its earnings or property. Instruments of conveyance from an authority are exempt from transfer taxes under 1966 PA 134, MCL 207.501 to 207.513, and the state real estate transfer tax act, 1993 PA 330, MCL 207.521 to 207.537.

History: Add. 2012, Act 396, Imd. Eff. Dec. 19, 2012.

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125.1679 Historic sites.

Sec. 29. (1) A public facility, building, or structure that is determined by the municipality to have significant historical interests shall be preserved in a manner as considered necessary by the municipality in accordance with laws relative to the preservation of historical sites. The preservation of facilities, buildings, or structures determined to be historic sites by a municipality shall include, at a minimum, equipping the historic site with a fire alarm system.

(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 the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, or the department of history, arts, and libraries for review.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 2001, Act 68, Imd. Eff. July 24, 2001;—Am. 2004, Act 66, Imd. Eff. Apr. 20, 2004.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1680 Dissolution of authority; disposition of property and assets; reinstatement of authority; contesting validity of proceedings, findings, and determinations.

Sec. 30. (1) An authority that 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 belong to the municipality.

(2) An authority established under this act before December 31, 1988, that is dissolved by ordinance of the governing body before September 30, 1990 and that is reinstated by ordinance of the governing body after notice and public hearing as provided in section 3(2) shall not be invalidated pursuant to a claim that, based upon the standards set forth in section 3(1), a governing body improperly determined that the necessary conditions existed for the reinstatement of an authority under the act if at the time the governing body established the authority the governing body determined or could have determined that the necessary conditions existed for the establishment of an authority under this act or could have determined that establishment of an authority under this act would serve to promote economic growth and notwithstanding that the boundaries of the downtown district are altered at the time of reinstatement of the authority.

(3) In the resolution of intent, the municipality shall set a date for the holding of a public hearing on the adoption of a proposed ordinance reinstating the authority. The procedure for publishing the notice of hearing, holding the hearing, and adopting the ordinance reinstating the authority shall be as provided in section 3(2), (4), and (5).

(4) The validity of the proceedings, findings, and determinations reinstating an authority shall be conclusive unless contested in a court of competent jurisdiction within 60 days after the last of the following occurs:

- (a) Publication of the ordinance reinstating the authority as adopted.
- (b) Filing of the ordinance reinstating the authority with the secretary of state.
- (c) May 27, 1993.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1993, Act 42, Imd. Eff. May 27, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: DDA

Popular name: Downtown Development Authority Act

125.1681 Proceedings to compel enforcement of act; rules.

Sec. 31. (1) The state tax commission may institute proceedings to compel enforcement of this act.

(2) The state tax commission may promulgate rules necessary for the administration of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1988, Act 425, Imd. Eff. Dec. 27, 1988.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: DDA