

ORDINANCE NO. 21
APPROVING AMENDMENT TO THE
DEVELOPMENT AND TAX INCREMENT FINANCING PLAN OF THE
TOWNSHIP OF TUSCARORA DOWNTOWN DEVELOPMENT AUTHORITY
TOWNSHIP OF TUSCARORA, COUNTY OF CHEBOYGAN

WHEREAS, the Township of Tuscarora Downtown Development Authority (the "Authority") has previously prepared and recommended for approval a Development and Tax Increment Financing Plan (the "Original Plan") which was approved by the Township Board of the Township of Tuscarora (the "Township") pursuant to Ordinance No. 21 adopted on May 21, 1996; and

WHEREAS, the Authority has prepared and recommended for approval an amendment attached hereto as Exhibit A (the "Plan Amendment") to the Amended Plan for the Development Area in the Downtown District within the Township; and

WHEREAS, on September 7, 2010, the Township Board held a public hearing on the Plan Amendment pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and

WHEREAS, the Township Board has given the taxing jurisdictions subject to capture in the Downtown District an opportunity to meet with the Township Board and to express their views and recommendations regarding the Plan Amendment, as required by the Act; and

WHEREAS, after consideration of the Plan Amendment, the Township Board has determined to approve the Plan Amendment.

NOW, THEREFORE, THE TOWNSHIP OF TUSCARORA ORDAINS:

1. Findings.
 - (a) The Plan Amendment meets the requirements set forth in the Act.
 - (b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
 - (c) The development is reasonable and necessary to carry out the purposes of the Act.
 - (d) The land included within the Development Area to be acquired, if any, is reasonably necessary to carry out the purposes of the Plan Amendment and the purposes of the Act in an efficient and economically satisfactory manner.
 - (e) The development plan portion of the Plan as amended by the Plan Amendment is in reasonable accord with the master plan of the Township.
 - (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan Amendment, are reasonably necessary for the project and for the Township.

(h) The Township Board has considered the findings and recommendations of the Development Area Citizens Council.

2. Public Purpose. The Township Board hereby determines that the Plan Amendment and the Plan, as amended, constitute a public purpose.

3. Best Interest of the Public. The Township Board hereby determines that it is in the best interests of the public to proceed with the Plan Amendment in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

4. Approval and Adoption of Plan Amendment. The Plan Amendment is hereby approved and adopted. A copy of the Plan Amendment and all later amendments thereto shall be maintained on file in the Township Clerk's office.

5. Amendment to Ordinance Number; Conflict and Severability. Ordinance No. ___ is hereby amended by this Ordinance. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

7. Publication and Recordation. The Ordinance shall be published promptly after its adoption in the Straitsland Resorter, a newspaper of general circulation in the Township, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Township, which recording shall be authenticated by the signature of the Township Clerk.

8. Effective Date. The Ordinance is hereby determined by the Township Board to be immediately necessary for the interests of the Township and shall be in full force and effect from and after its passage and publication as required by law.

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Ordinance 21, duly adopted by the Township Board of the Township of Tuscarora, County of Cheboygan, State of Michigan, at a regular meeting held on September 7, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following members of the Township Board were present at said meeting McGinnis, Balazovic, Ridley, Fisher, Waldron and that the following members were absent: none.

I further certify that Fisher moved adoption of said Ordinance and Waldron supported said motion.

I further certify that the following members of the Township Board voted for adoption of said Ordinance Balazovic, yes; Waldron, yes; McGinnis, yes; Fisher, yes; Ridley, yes and that the following members voted against adoption of said Ordinance: none.



Susan Fisher
Township Clerk

I hereby certify that the foregoing ordinance received legal publication in the Straitsland Resorter on September 16, 2010.



Susan Fisher
Township Clerk

*Amended
Sept 7, 2010*

**Ordinance No. 2/
Township of Tuscarora
Cheboygan County, Michigan**

An ordinance to establish a Downtown Development Authority pursuant to Michigan Public Act 197 of 1975, as amended; to provide for the establishment of a Board of Trustees for the Authority; to define the boundaries of the downtown district constituting the Downtown Development Authority; and to provide for all other matters necessary and related thereto.

The Township of Tuscarora Ordains:

Section 1. Downtown Development Authority. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Township of Tuscarora.

Section 2. Definitions. The terms used herein shall have the same meaning as given them in Act 197 or as hereinafter in this section provide, unless the context clearly indicates to the contrary and shall be in addition to the terms provided in Act 197.

"Authority" means the Downtown Development Authority of the Township of Tuscarora.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975 as now in effect or hereafter amended.

"Board" means the governing body of the Downtown Development Authority of the Township of Tuscarora.

"Chief Executive Officer" means the Supervisor of the Township of Tuscarora.

"Township" means the Township of Tuscarora, Cheboygan County, Michigan.

"Board of Trustees" means the Township Board of Trustees of the Township of Tuscarora.

"Downtown District" means the downtown district designated in this ordinance as now existing or hereafter amended.

Section 3. Determination of Necessity for Development Authority. The Township Board of Trustees of Tuscarora Township hereby determines that it is necessary for the best interest of the Township to halt property value deterioration and increase property tax valuation where possible in the business district of the Township to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197.

Section 4. Considerations. In accordance with Section 19 of Act 197, the Township Board of Trustees has considered the factors enumerated in that section and herein stated, making the following determinations:

- A. There being less than 100 residents in the Development Area, a development area citizens council was not formed.
- B. The Development Plan meets the requirements set forth in Section 17 (2) of Act 197.
- 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 Act 197.

Section 5. Creation of Authority. There is hereby created pursuant to Act 197 a Downtown Development Authority of the Township of Tuscarora, Cheboygan County, Michigan." The Authority shall be a public body corporate and shall be known and exercise its powers under title of "Downtown Development Authority of the Township of Tuscarora." The Authority may adopt a seal, may sue and be sued in any court of this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided herein and in Act 197. The enumeration of a power herein and in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 6. Description of Downtown District Boundaries. The Downtown District in which the Authority shall exercise its power as provided by Act 197, are legally described on Attachment A and delineated on attached map. The boundaries as herein established are subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197.

Section 7. Board. The Authority shall be under the supervision and control of a Board consisting of the Supervisor of the Township and nine (9) members. The members shall be appointed by the Supervisor, subject to approval by the Township Board. Eligibility for membership on the Board and terms of office shall be as provided in Act 197. All members shall hold office until the member's successor is appointed.

Section 8. Powers of the Authority. Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

Section 9. Bylaws. The Board shall adopt rules and regulations governing its procedures and the holding of regular meetings subject to the approval of the governing body of the Township.

Section 10. Fiscal Year, Adoption of Budget.

- A. The fiscal year of the Authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the Township.
- B. The Board shall annually prepare the budget and shall submit it to the Township Board of Trustees on the same date that the proposed budget for the Township is required. The Authority Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township Board of Trustees. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so.
- C. The Authority shall be audited annually by the same independent auditors auditing the Township and copies of the audit report shall be filed with the Township Board of Trustees.

Section 11. Termination. Upon completion of its purposes the Authority may be dissolved by the Tuscarora Township Board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Township.

Section 12. Section Heading, Severability, Repealer. Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portion shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This ordinance becomes effective on the 21st day of MAY 1996.

The foregoing ordinance was adopted by the Tuscarora Township Board of Trustees May 21, 1996 and was duly recorded, posted, and authenticated by the Supervisor and Township Clerk as provided by Law.

Eric J. Jacobson

Supervisor, Tuscarora Township

June E. Coddrey

Township Clerk, Tuscarora Township

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