

**ORDINANCE NO. 2016-2**  
**VILLAGE OF FARWELL, COUNTY OF CLARE, MICHIGAN**  
**CODE OF ORDINANCES TO CREATE A DOWNTOWN DEVELOPMENT AUTHORITY**

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**DOWNTOWN DEVELOPMENT AUTHORITY**

**§ XXXX CREATION; PURPOSE.**

(A) There is created pursuant to Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 *et seq.*, a downtown development authority. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Farwell Downtown Development Authority." The Authority may adopt a seal, may sue and be sued in any court for this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this subchapter and Public Act 197. The enumeration of a power in this subchapter or in Public Act 197 shall not be construed as a limitation upon the general powers of the Authority.

(B) The Village Council hereby determines that it is necessary for the best interest of the village to halt property value deterioration and increase property tax valuation where possible in the business district of the village, to eliminate the causes of that deterioration, and to promote economic growth by establishing a downtown development authority pursuant to Act 197.

**§ XXXX DEFINITIONS.**

The terms used in this subchapter shall have the same meaning as given to them in Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 *et seq.*, or as hereinafter in this section provided unless the context clearly indicates to the contrary.

**AUTHORITY.** The Farwell Downtown Development Authority created by this subchapter.

**ACT 197.** Public Act 197 of 1975 as now in effect or hereafter amended, being M.C.L.A. 125.1651 *et seq.* and MSA 5.3010 (1) *et seq.*

**BOARD** or **BOARD OF TRUSTEES.** The Board of Trustees of the Authority, the governing body of the Authority.

**CHIEF EXECUTIVE OFFICER.** The President of the Village Council.

**DOWNTOWN DISTRICT.** The downtown district designated by this subchapter as now existing or hereafter amended.

**§ XXXX BOARD OF TRUSTEES.**

(A) The Authority shall be under the supervision and control of a Board of Trustees consisting of the Chief Executive Officer of the village and eight members as provided by Act 197 of 1975, as amended, being M.C.L.A. 125.1654. The members shall be appointed by the Chief Executive Officer subject to approval by the Council.

(B) Five members shall be persons having an interest in property located in the downtown district. Not less than one 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, three each shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve a term of four years. An appointment to fill a vacancy shall be made by the Chief Executive Officer subject to the approval of Council, for the unexpired term only.

(C) Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(D) The Chairperson of the Board shall be elected by the Board.

(E) The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with Public Act 267 of 1976, being M.C.L.A. §§ 15.261 through 15.275. The Board shall adopt rules consistent with the act governing its procedure and the holding of regular meetings, subject to the approval of the governing body.

(F) 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.

(G) Records of the authority shall be available to the public in compliance with Public Act 442 of 1976, being M.C.L.A. §§ 15.231 through 15.246.

#### **§ XXXX POWERS OF AUTHORITY.**

Except as specifically otherwise provided in this subchapter, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein. The Authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law, and as finally equalized in the downtown district at the rate of not more than two mills each year if the Village Council annually approves the levy thereof by the Authority.

#### **§ XXXX DIRECTOR; BOND.**

If a Director is employed as authorized by Public Act 197 of 1975, being M.C.L.A. 125.1655(1), they shall post bond in the penal sum of [\$5,000] as required by that section of the statutes, payable to the Authority for use and benefit of the Authority, and filed with the Village 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.

**§ XXXX FISCAL YEAR; BUDGET.**

(A) The fiscal year of the Authority shall begin on March 1 of each year and end on the day before March 1 of the following year, or such other fiscal year as may hereafter be adopted by the village.

(B) The Board shall annually prepare a budget and shall submit it to the Council on the same date that the proposed budget for the village is required by the Village Charter to be submitted to the Council. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Village Council. 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 by the ordinance authorizing the revenue bonds.

(C) The Authority shall submit financial reports to the Village Council monthly. All expense items shall be publicized monthly. The Authority shall be audited annually by the same independent auditors auditing the Village and copies of the audit report shall be filed with the Council.

**§ XXXX DOWNTOWN DISTRICT.**

The Downtown District in which the Authority shall exercise its powers as provided by Act 197 shall consist of the following described territory in the village, subject to such changes as may hereinafter be made pursuant to this subchapter and Act 197.

An area in the Village of Farwell, Michigan, within the boundaries described as follows:

Beginning at the northeast corner of parcel 041-631-008-10; thence south along the east line of parcels 041-631-008-10 and 041-634-002-50 to the northwest corner of parcel 041-025-400-19; thence in an easterly direction 150 ft. to the northeast corner of parcel 041-025-400-18; thence south 150 ft. to the southeast corner of said parcel 041-025-400-018; thence in a westerly direction 150 ft. to the southwest corner of parcel 041-025-400-019; thence south crossing the Pere Marquette Trail to the southeast corner of parcel 041-636-001-00; thence in a westerly direction 1,590 ft. to the southwest corner of parcel 041-636-001-00 and the east edge of the Ellen Street right-of-way (undeveloped); thence south along the east edge of the Ellen Street

right-of-way to the southeast corner of the Ellen Street right-of-way; thence in a westerly direction 584 ft. along the south line of the Ellen Street right-of-way to its intersection with the east line of the Weber Street right-of-way; thence north along the east edge of the Weber Street right-of-way to the south edge of the Illinois Street right-of-way extended; thence west along the south edge of the Illinois Street right-of-way extended to the south edge of the Illinois Street right-of-way (undeveloped); thence west along the south edge of the Illinois Street right-of-way (undeveloped) to the east edge of the Superior Street right-of-way; thence west along the south edge of the Illinois Street right-of-way to the northeast corner parcel 041-240-013-10 (Lot 13, Block 40); thence north to the north edge of the Illinois Street right-of-way and the southeast corner of parcel 041-235-001-00 (Lot 1 and West ½ of Lot 2, Block 35); thence north 150 ft. to the northeast corner of parcel 041-235-001-00; thence in a westerly direction along the south line of the Pere Marquette Trail to the west edge of the Corning Vandecar St. right-of-way (also the west edge of the Mill Street right-of-way); thence southwest along the west edge of Mill Street to the northwest corner of parcel 041-800-038-00 (Lot 38, Supervisor's Plan of Siegle's Addition to Village of Farwell); thence northwesterly to the east corner of parcel 041-026-402-11; thence northwesterly to the northwest corner of parcel 041-026-402-11; thence northwesterly to the northernmost point of parcel 041-026-402-13; thence in a westerly direction along the north lines of parcels 041-026-402-013; 041-800-032-05; 041-800-031-00 (Lot 31, Supervisor's Plat of Siegle's Addition to Village of Farwell); 041-800-004-01 (Lots 4-5-28-29 and 30, Supervisor's Plat of Siegle's Addition to Village of Farwell); and 041-800-001-10 (Lots 1-2-3, Supervisor's Plat of Siegle's Addition to Village of Farwell) to the west Village boundary line; thence north along the west Village boundary line to the north line of parcel 041-026-200-02; thence east along the north line of parcel 041-026-200-02 to the northeast corner of parcel 041-026-200-02; thence north 329.02 ft. to the northwest corner of parcel 041-026-200-03; thence in a southeasterly direction along the north lines of parcels 041-026-200-03; 041-026-200-04; 041-026-200-25, and 041-026-200-26 to the point where the north line of parcel 041-026-200-026 intersects the west line of parcel 041-026-200-22; thence north 471.75 ft. to the northwest corner of parcel 041-026-200-22 and the south right-of-way line of Coker Drive; thence east 600.10 ft. along the south right-of-way line of Coker Drive to the northeast corner of parcel 041-026-200-22; thence south 100 ft. to the southwest corner of parcel 041-026-200-16; thence east to the southeast corner of parcel 041-426-014-00 (Lot 14, Coker Addition to the Village of Farwell); thence south along the west line of the Corning Street right-of-way to the northeast corner of parcel 041-026-200-09 (West 80 ft. of Lots 9 and 10, Block 20) and the south line of the Michigan Street right-of-way extended; thence along the south right-of-way line of Michigan Street to the northwest corner of parcel 041-220-009-00; thence south 120 ft. along the east edge of the Superior Street right-of-way; thence east to the east edge of parcel 041-220-007-00; thence north 60 ft.; thence east along the north right-of-way line of Michigan

Street extended to a point on the west edge of parcel 041-217-004-00 that is 60 ft. south of the northwest corner of said parcel; thence east to the east edge of parcel 041-217-004-00; thence south to the southwest corner of parcel 041-634-001-00; thence east to the northeast corner of parcel 041-634-001-50; thence north to the northwest corner of parcel 041-634-001-60; thence east 286.93 ft. to the southeast corner of parcel 041-631-001-00; thence north 150 ft. to the northeast corner of parcel 041-631-001-00; thence northeasterly 57 ft. to the north line of 041-631-011-00; thence in an easterly direction along the north lines of parcels 041-631-011-00, 041-631-011-04, and 041-631-008-10 to the point of beginning; excluding parcels 041-026-401-04 and 041-026-450-00.

**§ XXXX COUNCIL DETERMINATION.**

Based on a public hearing held on June 6, 2016 in compliance with the provisions of Act 197, the Village Council hereby determines that:

- (A) The development plan constitutes a public purpose.
- (B) The tax increment financing plan constitutes a public purpose.
- (C) The development and tax increment financing plan meets the requirements set forth in § 17(2) of Act 197.
- (D) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
- (E) The development is reasonable and necessary to carry out the purposes of this Act.
- (F) Any 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.
- (G) The development plan is in reasonable accord with the master plan of the village.
- (H) Public services, including fire and police protection and utilities, are adequate to service the project area.
- (I) Changes in zoning, streets, street levels, and utilities are reasonably necessary for the project.

**§ XXXX APPROVAL; AMENDMENTS.**

(A) The development and tax increment financing plan for the Downtown Development Authority district as recommended by the Authority and presented at the public hearing on June 6, 2016 is hereby approved and adopted, subject to modifications hereafter set forth in division (B) of this section.

(B) The Development and Tax Increment Financing Plan for the Downtown Development Authority shall extend through the earlier of February 28, 2045 or the completion of the projects described in the development plan.

At the June 6, 2016 Regular meeting of the Farwell Village Council, Village Trustee Joe Hilyard motioned to approve the Adoption of the DDA ordinance as presented with the exclusion of two properties between Superior and Potter Street per the April 4, 2016 map, supported by Village Trustee Brewer; and motion carried.

AYES: Chris Brewer, Vicky Gunden, Joe Hilyard, Joe Manley, and President Gina Hamilton

NAYES:

ABSENT: Jeff Linton, Gerry Osborn

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a true copy of the Resolution duly made and passed by the Farwell Village Council at their regular meeting held on Tuesday June 6, 2016 at 6 pm in Farwell, Michigan, with a quorum present.

  
Village Clerk

  
Date