

Streetscape improvements may include all or portions of the following:

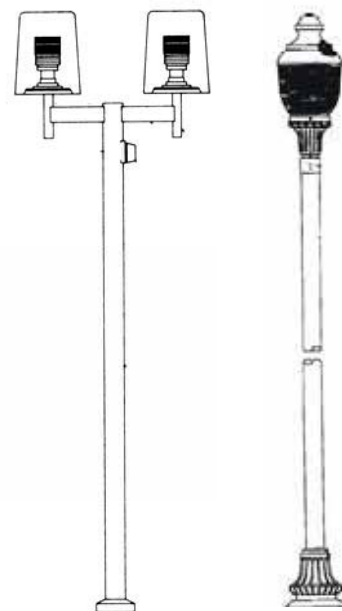
- *Removal of existing sidewalk and replacement with decorative sidewalks containing aggregate concrete and brickpavers.*
- *Widening of narrow sidewalks and sidewalks at intersections.*
- *Removal of the overhead streetlights and poles and replacement with new pedestrian lighting. The DDA may wish to replace existing pedestrian lighting with an alternative lighting fixture creating a more traditional appearance and linking the Downtown and Gateway Section streetscape enhancements.*
- *Provision of benches, trash receptacles, telephones and information centers.*
- *Provision of street trees.*

The streetscape program may be funded through a combination of sources including, but not limited to the DDA operating budget, TIF revenues, special assessments through a Principle Shopping District (PSD), and federal and state enhancement grants such as the TEA-21 program.

Lighting Fixtures

The downtown streetscape lighting was previously a contemporary design with straight lines and simple bronze globes. The city maintained that lighting since their installation, replacing damaged equipment as required. Issues arose with regard to the design of the light fixtures, its dated appearance, and the availability replacement parts. The existing a two-fixture light replacement costs were approximately \$2,800 per fixture. The DDA considered updating the existing streetscape elements with a more traditional design that would unify the downtown with the Regional Business District streetscape design. Recent developments along the Main Street corridor to the south of downtown have provided streetscape amenities as part of their approved site plan.

The alternate design for the lighting included the replacement of the globe and improvements to the arm and base. The existing poles were utilized with slight modifications. The costs for updating light fixtures with the alternate design was nearly one-half that of replacing the existing lights. To purchase the new fixtures with single lamps for the streets on the DDA's priority list, the total equipment cost were \$76,310. Equipment cost to retrofit the 372 fixtures in the downtown into single globe units was approximately \$325,128, however those costs did not include installation costs. The installation costs for retrofitting the lighting fixtures was approximately \$75,000.



Original Fixture

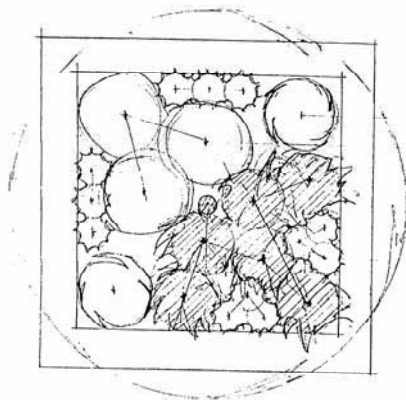
Updated Fixture

The alternate streetlight design is now also utilized for all new installations of streetscapes. The total cost of new streetlights for 65 new fixtures on the DDA's priority list was approximately \$76,000. It is estimated that \$94,000 will be needed to replace the approximately 80 remaining "cobra head" and "shoe box" style light fixtures remaining along streets and in public parking facilities throughout the Development Area. The total costs will be incorporated into the streetscape installation, including brick pavers, tree grates, benches, and waste receptacles.

Planter Boxes

The DDA is in the process of redesigning the plant material in the existing concrete planter boxes located along Main Street, Washington Avenue, Fourth Street and Fifth Street. This may require the removal of a large majority of the existing contents in each planter. Some soil in each planter would be removed and new topsoil and mulch added. Depending on the new planting design, additional shrubs or flowers would then be planted. There are a total of concrete planter boxes of 8 and 10 feet square. It is estimated that \$16,000 would be required to complete the landscaping in all 42 planter boxes at \$375 to \$400 per box.

There are some locations within the downtown where planting material does not appear feasible. At these locations (Main Street and Fourth Street), decorative tree or planter box grates are being investigated. The planter boxes and grates may be funded through a combination of funding sources including but not limited to the DDA operating budget, TIF revenues, special assessments through a Principle Shopping District (PSD), etc.



Planter Box Design and Composition

Typical Planter Box Composition

Euonymus (2)
"Emerald Variety"
Holly
"Blue Prince" (1)
"Blue Princess" (2)
Daylily (16)
Mixed Variety or
Combination of
Shasta Daisies and
Black Eyed Susan
Silver Mound (12)

Interactive Information Sources

The DDA has explored the options of providing information sources throughout the downtown, which could provide direction to businesses, parking, civic areas and the like. The kiosks would provide an opportunity to create interactive stations throughout the downtown. These electronic kiosks provide an opportunity for downtown merchants and special events coordinators to post special events, advertise special sales, menus, entertainment and the like. The interactive information kiosks have the capacity to provide

information about the downtown, heighten awareness of the DDA and provide a vehicle for local businesses to advertise to existing pedestrian traffic. The kiosks could be located at high volume corners of the downtown.

Gateway to Downtown

The next step in improving and enhancing the streetscape of downtown Royal Oak is to establish gateways and create special treatments that signal entry into the downtown. This could include incorporating bold and simple identification signage, well-integrated special event signage, logo graphics, and bright, colorful pageantry in the form of changeable flags or banners. These same elements should be incorporated into directional and traffic signs. The goal is to develop a coordinated, downtown-wide plan for seasonal lighting, banners, signage, decorations and flower plantings. This effort should be coordinated with the Chamber of Commerce and downtown businesses.



Visual Link Through Streetscape Design

The Regional Business District developments have incorporated streetscape designs into their site improvements. New developments between the downtown and I-696 have also been required through site plan approval to provide streetscape improvements. As redevelopment occurs along these corridors, businesses will be required to incorporate streetscape improvements into their site plan. It is essential that a comprehensive plan be developed to ensure continuity in design and placement of trees and lighting elements.

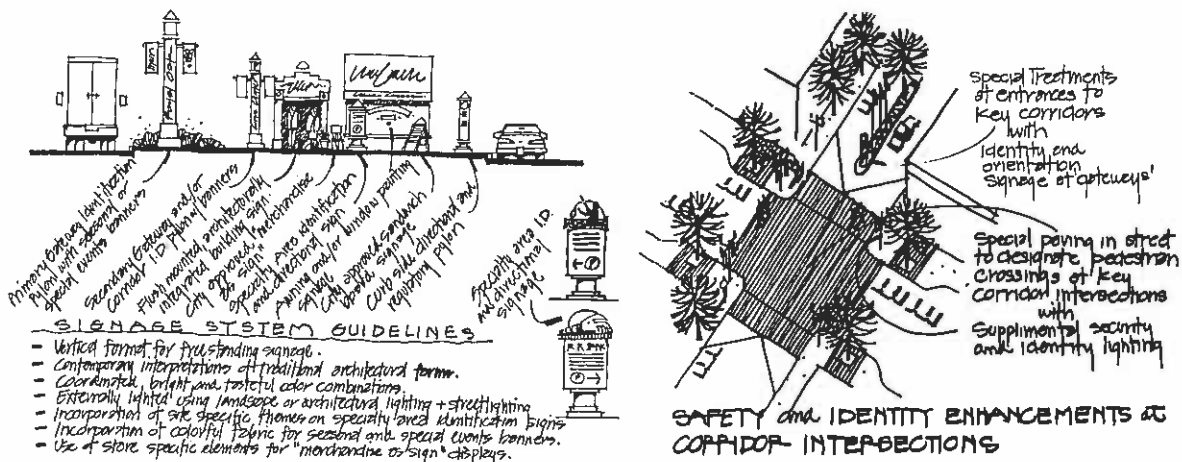
The Engineering Department would design the streetscape plan along Main Street, with installation along both sides. As redevelopment occurs, property owners will incorporate the streetscape into their landscaping plan. Installation of the streetscape should occur when an entire block or section is developed. The estimated cost to design all remaining streetscape elements has not been determined. It is anticipated that some of the design cost will be incurred as new development occurs. The DDA may provide funding for design work to assist in coordinating the entire corridor.

Coordination of Signage and Wayfinding

The DDA is also exploring the possibility of consolidating, redesigning and reducing the number of traffic control and directional signs in the downtown. The DDA recognizes that the design and location of many traffic control devices are governed by specific regulations; however, where appropriate the reduction or combination of such may assist in reducing sign clutter and providing enhanced clarity.

It may be possible to redesign the poles, or place the signs on other structures already existing along the streetscape. Another option could be the installation of new “mast arm” support poles which would extend across lanes of traffic and contain not only traffic control devices but illuminated street name signs, too. Mast arm support poles can reduce the number of poles needed for traffic control devices, eliminate unnecessary overhead wires, and improve the aesthetics of intersections. The design of the mast arm support poles should reflect the more traditional design of the updated lighting fixtures. Pedestrian traffic control devices could also be incorporated onto the mast arm support poles, thereby eliminating unnecessary poles and reducing streetscape clutter.

The cost of this effort is to be determined by the results of further analysis. There are over 300 traffic control devices within the Development Area.



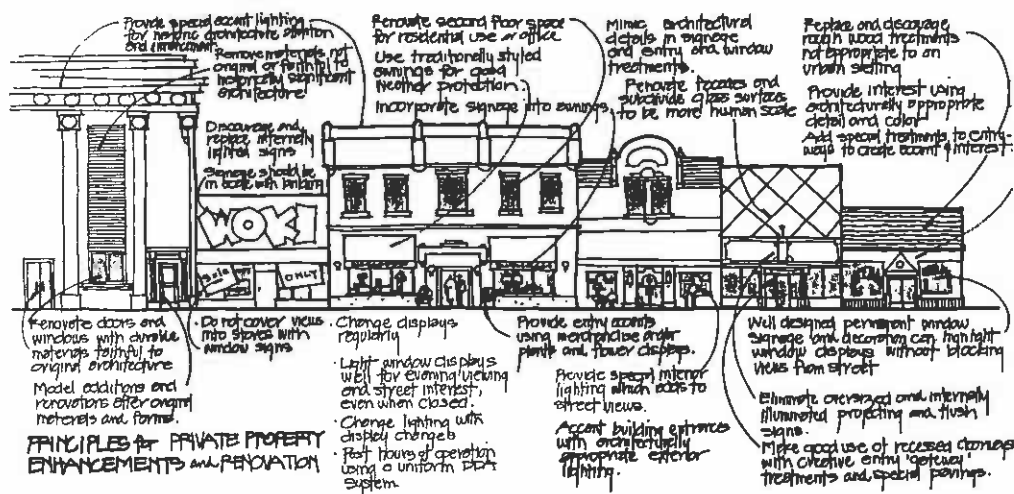
Wayfinding Recommendations

Building Renovations Program

The DDA was involved in a façade improvement program for several years. The program was conducted through the joint effort with the Community Development Block Grant program (CDBG). The program is no longer active, due in part to a determination that CDBG funds could not be utilized for downtown façade improvements. The DDA believes a façade improvement program should be re-established, details of the program have yet to be determined. The HEPY study reviewed the existing façades and encouraged the following principles:

- ◆ *Maintain the traditional, human scale of 1 to 3 story structures with large (open or paned) display windows on the street level and small single windows on the 2nd and 3rd floors.*
- ◆ *Create or reestablish recessed entrances for additional display, protection from the weather, interesting building massing and relief, and a welcoming gesture in the architecture.*

- ◆ *Use durable, traditional materials. Favor stone, brick (painted or unpainted), painted wood, and solid metals. Avoid veneers, extruded or sheet metals, rustic woods and plastics.*
- ◆ *Use awnings for weather protection, projecting yet attractive signage, soft lighting effects, color, personalized graphics, and a traditional feeling. Favor traditional angular awnings. Discourage barrel awnings.*
- ◆ *Remove applied façades and restore to original form and materials when they are of good quality.*
- ◆ *Give definition to entrances using awnings, lighting, along with special paving and architectural treatments in recessed entrances.*
- ◆ *Create consistency of expression (i.e., do not treat upper floors differently than the street level façades). Remember to accent the highest part of the building – it forms the skyline and should not be forgotten.*
- ◆ *Consider the design of all elements – nothing should be an after thought, such as weak sign supports, exposed wiring, or tack-on lighting.*
- ◆ *Reference traditional forms found in the more historic existing buildings. These can be dealt with creatively and need not be trite or imitative. A column, for example, can be very traditional or very modern and playful, while still referencing the historic column form.*



Façade Improvement Techniques

There are many sites within the downtown that are in need of façade improvements. The city does not have design guidelines for the downtown and building renovations. Discussion has occurred with regard to incorporating these guidelines in the Master Plan or Zoning Ordinance. Businesses which present minimal windows fronting public right-of-ways, projecting and neon signs, and façades that do not reference the buildings traditional history create a void in the character of the traditional downtown.



Fifth Street & Center Street – Awnings & Recessed Entrances.



Fourth Street & Washington – Potential Façade Improvement Sites

The continual improvement of properties and awareness of the downtown's historic significance is evident in recent renovations and designs. The DDA is interested in providing downtown businesses with incentives to make improvements to the façades of their buildings. One of the methods that may be used to encourage such improvements is through a façade redesign grant program. A grant program would provide a business owner with reimbursement of costs to hire an architect to design façade renovations consistent with proposed design guidelines. Grants could also be provided for actual façade renovation and restoration activities. The start-up cost for this type of program is estimated at \$50,000. Another option that the DDA may wish to explore is providing a low interest loan program for façade improvements.

Signage improvements consistent with the city's Sign Ordinance should be tied to any financial assistance for façade improvements. Participants should be required to remove all nonconforming signs and replace them with ones in compliance with the Sign Ordinance simultaneously with any façade renovations.

The DDA is also interested in including building renovations for barrier-free accessibility along with a façade improvement program. Although details have yet to be established, such improvements would include those required to meet the Americans with Disabilities Act, such as the removal of stepped entrances at doorways and the addition of elevators to multiple story buildings. Such assistance could be coupled with other financial incentives to encourage the restoration and conversion of vacant upper stories into useable space, especially for offices and residential units in the Downtown Section of the Development Area.

Amtrak Shelter and Walkway

The 1994 HEPY Downtown Study included a recommendation that improvements should be made along the entire railroad right-of-way, from Eleven Mile Road to Main Street. This was to be accomplished through cooperative efforts between private landowners, the DDA, city and railroad property owners.

HEPY recommended that the improvements should include walkways and landscape treatments, such as an attractive low separator wall in lieu of the existing chain-link fence. Planting of trees, shrubs and grasses should be designed to provide shade, visual buffering of the tracks and parking areas and for seasonal interest. The goals were to:

- *Enhance unification of the downtown, both visually and functionally, to orient the user and make circulation easier.*
- *Establish convenient, easy-to-find and inviting facilities.*
- *Provide a linked system of public open spaces and amenities to accommodate and promote pedestrian activity.*



Pedestrian Circulation Improvements



Amtrak Platform – Temporary Shelter

In April 1996 the DDA applied for financial assistance under the Transportation Enhancement Program (ISTEA, now TEA-21). In July 1996, the DDA's project was selected for funding. The total project costs were \$170,000. MDOT provided \$75,000 and the remaining amount was provided by the DDA. The project: 1) began creation of a linked system of public open spaces to accommodate and promote pedestrian activity in the Central Business District; 2) improved pedestrian safety at road and railroad crossings; and 3) improved circulation and therefore, enhancing unification of the downtown. The first phase of the project took place between the train platform and Fifth Street. The project included the installation of a passenger shelter on the existing AMTRAK platform and the continuation of the existing pedestrian path south of Washington Avenue to Fifth Street, a distance of approximately 2 city blocks, or 700 feet.

It is the DDA's desire, in the long run, to continue this pedestrian system to Main Street and the decorative railroad fencing as appropriate in the Downtown Section. In April of 1997, the DDA submitted application for additional funds to continue the railroad walkway between Fourth Street and Fifth Street. The estimated cost of this project is \$62,403. Enhancement funds were requested in the amount of \$25,000. It is estimated that an additional \$150,000 will be needed to extend the walkway to Main Street.

Portions of the current and future improvements would take place within both the Canadian National Railroad (CN) right-of-way and city right-of-way. CN has been contacted about the improvement plans and have expressed their support for the current projects.

Other work has also been considered. CN has indicated that extensive railroad tie replacement and subgrade undercutting is scheduled for the area between Washington Avenue and Lincoln Avenue. The railroad will be replacing all underground circuit wiring for road crossing flashers and gates in the area. This work will require extensive trenching within the CN right-of-way and possibly some public sidewalk removal and replacement. This work will also involve the removal of screening bushes and shrubbery in the railroad right-of-way in the area between Fourth Street and Sixth Street. These bushes and shrubs are on the railroad right-of-way, but have been trimmed and maintained by city crews for some years. As part of the railroad tie replacement, CN will also install new drainage ditches on both sides of the track to improve drainage.

MDOT has completed a diagnostic safety study of all at-grade railroad crossings south of Washington Avenue. The study included several recommendations to improve safety, and this included the following:

- ◆ *The Center Street pedestrian crossing should be eliminated. The existing pedestrian crossing flasher on the west side of the railroad at the Fifth Street pedestrian crossing should be relocated and a new flasher added on the east side of the crossing.*
- ◆ *A new crosswalk will be installed between Fourth Street and Fifth Street. The Engineering Department has secured \$10,000 through MDOT's Railroad Safety Program. This is a cooperative effort with CN.*

The potential re-opening of Fifth Street (see accompanying priority) should be considered along with this project. The improvements proposed by the DDA will be designed in a fashion to be compatible with the work indicated above. Completion of the proposed project will also be coordinated with the work described above.

Reopen Fifth and Seventh Streets

In order to promote better traffic circulation in the downtown, it is the belief of the DDA, HEPY and many downtown business owners that both Fifth and Seventh Streets should be opened to two-way traffic between Main Street and Washington Avenue.

Fifth and Seventh Streets provide desirable locations to make eastbound left turns onto Main Street. (Sixth Street does not provide a desirable stacking distance for eastbound traffic entering Main Street.) Vehicles sometimes stack across the railroad tracks west of Main



Seventh Street and Center Street

Street. Southbound traffic on Main Street turning right onto Fifth or Seventh Street will not have the potential to stack on Main Street because of a railroad obstruction.

The cost of reopening Fifth Street has been estimated by the Engineering Department at over \$640,000. This includes new crossing gates, bells, fencing, sidewalks, landscaping and new concrete crossings. The Seventh Street right-of-way is currently leased to an automobile dealer for displaying new cars. According to the lease, the cost of restoring the right-of-way is the responsibility of the dealer or lessee and are estimated at \$61,000.

Potential problems with a new railroad crossing at these locations may need to be addressed. The CN Railroad has been working toward eliminating access points for vehicular and pedestrian traffic that traverse the tracks. The reopening of these streets may present some issues from with regard to safety.

Alley Improvement Program

An ongoing effort has been taking place to improve the alleyways that support area businesses. Alleys are vital to the viability of downtown businesses as they provide access for loading and unloading of goods and materials as well as refuse storage and pickup. The efforts, to date, have included the requirement for businesses along public parking areas and spaces to enclose their refuse within their building through the use of a roll up door thereby leaving the alleyway available for pedestrian and vehicular traffic.



Typical Downtown Alley with Unenclosed Dumpsters

Another method of clearing the alleyway and maintaining their appearance is through the consolidation of refuse containers or compactors. The consolidation and shared use of refuse containers can allow businesses to lower their overall cost, while helping to maintain clear access for operational functions. The majority of alleyways in the downtown are less than twenty feet in width. These narrow passageways create a challenge when attempting to access multiple refuse containers and access rear entryways for loading and unloading.

The DDA has expressed an interest in assisting area businesses through the development of a comprehensive alley improvement program. It is anticipated that a plan will be developed with assistance from Engineering, Code Enforcement and Inspection, and Public Works Departments. The cost of implementation will be determined after analysis has been completed. The funding for this project could be received through a fee based collection from participating merchants, special assessment through the Principle Shopping District (PSD) and other sources. It may include the acquisition of property to locate consolidated dumpsters and compactors.



Alley with Roll-up Refuse Enclosure Doors

The alley improvement plan would identify alleyways in need of infrastructure improvements, discuss options for refuse consolidation, identify utilities and determine a maintenance program that may include the installation of hose bibs for cleanup and maintenance and the creation of a lighting plan for heightened security. In addition, a directional study of the existing alleys to determine traffic flow, refuse handling and accessibility for delivery vehicles would be developed.

Also, the alley improvement plan will include a program for burying exiting overhead utility lines underground. The alleys are the last places where overhead utility lines are still predominant in the

downtown. Although somewhat shielded by buildings, the overhead lines create a poor visual image and detract from the appearance of the downtown. Burying the overhead lines will not only improve the aesthetics of alleys but also their viability for pedestrian circulation.

One of the key elements to a successful alley improvement plan is to establish an on-going maintenance review program to identify issues early and assist businesses in coordinating efforts with shared alley access and use. The city's Code Enforcement Department has been working with area businesses to maintain their existing refuse collection system and encouraging alternative methods where applicable.

Trolley Operation

It is the intent of the DDA to be involved in a trolley operation. The DDA supported the purchase and operation of two trolleys, which were purchased by the city and were leased to the Chamber of Commerce through June 26, 1999. The contract with the operating company expired at that time and the Chamber did not renew the lease agreement. The focus of the trolley operation was to assist in the movement of downtown customers and patrons, provide a link to the Gateway Section, and alleviate traffic and parking congestion. The trolleys used advertising and some rental fees to cover costs. However, daily ridership did not cover operational costs. The DDA continues to support alternative transportation. Utilization of the trolleys for special events and downtown activities may continue to provide relief from vehicular and parking congestion and links between the Downtown and Gateway Sections of the Development Area. Cost estimates are dependent upon the type of service required.

Public Restrooms

A pedestrian amenity lacking in nearly all downtowns is public restrooms, hampering efforts to lure families downtown, encourage public gathering spots, and promote festivals and special events. Self-contained restroom structures are available that are self-cleaning and resistant to vandalism. Although too large for placement within the streetscape, restroom units could be placed within parking lots and structures, and at other public attractions such as the Farmer's Market. Specific

locations, acquisition and installation costs, and a program of continuous maintenance should be determined with further research and study.

Enhancement Areas

The DDA has explored various options with regard to redevelopment within its boundaries. Several significant enhancements have occurred over the past 5 to 10 years through the development of properties that the DDA was instrumental in guiding. The DDA's role in these enhancements has been through the acquisition and purchase of property, request for proposals and review of proposed developments. It is anticipated that future DDA involvement with this enhancement area will include the financing of necessary projects and activities through, among other sources, general obligation and/or tax increment bond issues.

Enhancement Area I – Civic Center Complex

The Civic Center Area was added to the DDA and Downtown Section of the Development Area in 1994 in anticipation of the DDA assisting in both the acquisition and improvement of the area. The area is bounded by Troy, Knowles, and Fourth Streets and Eleven Mile Road. The city acquired the Farmers' Market, Elk's Club, Oakland County Office Building and some private properties along Eleven Mile Road. The city used the site for the new District Court, with additional plans for an improved Farmers' Market with enhanced parking.



The new 44th District Court building opened in 2001. The city has hired an interim Market Master to oversee the operation of the Farmers' Market. A Farmers' Market Committee has also been established to make recommendations to the City Commission regarding rehabilitation and needed improvements. The city has also retained a consulting firm to do an evaluation of City Hall, Police Department Headquarters, the Royal Oak Public Library, and the

Farmer's Market. The evaluation will address needed interior and exterior renovations, building expansions and additions, and whether new buildings may be necessary. The DDA is expected to participate in the funding of the required renovations, expansions and additions for these buildings, as well as any new structures that may be needed.

Additional DDA involvement with this process will be focused around the support and implementation of site improvements. In April of 1997, the DDA submitted an application for enhancement funds to assist with the financing of streetscapes along Eleven Mile Road and Troy Street. The total streetscape project is \$354,052. The DDA has committed \$85,000 to this proposed project. The introduction of streetscapes in this area will assist in linking the site with the downtown area.

In addition to the streetscape project, the DDA is also interested in pursuing site improvements which include redesigning and reconstructing parking areas with better drainage, enhancement of lighting, landscaping, signage, and possibly parking meters or other methods for payment. Some or all of these parking related improvements may be accomplished with funds from the parking system or in combination with tax increment revenue. Other improvements, such as the development of a flexible outdoor activity plaza for outdoor dining leisure, concerts and other special events, as well as new streetscapes and courtyard improvements that could tie the area together with the downtown are a priority to the DDA.



Farmer's Market Parking Lots

New outdoor vendor stalls and banners designed to be colorful and festive in character should be also added. In addition, improvements to the building to enhance its year-around viability as a community center are being reviewed by the Farmer's Market Committee. The ability to leverage parking system funds with DDA funds to complete a total redesign of the Market area is being considered.

It is possible that this redevelopment effort could be separated into two parts, a north and south parking area. After completion of the proposed improvements, the north parking lot would increase from approximately 86 to 115 parking spaces, with the south lot increasing from approximately 191 to 248 spaces, for a net increase of approximately 86 total parking spaces. Reconstruction of the parking lot has been estimated to cost \$700,000. The cost of the other site improvements will depend upon the scale and design that is finally approved. The Farmer's Market Committee has requested funds for a Master Plan for the Market.

Enhancement Area II – Senior Residential Development

The properties between Main, Troy, Lincoln and Sixth Streets plus those fronting the east side of Troy Street from Fifth to Seventh Streets were called out in the HEPY Plan for a senior housing redevelopment parcel. The proposed development parcel is sited adjacent to an existing senior apartment complex.

Existing land uses include nonconforming industrial uses, residential dwellings and a medical office building. The property to the on the east side of Troy Street between Sixth and Seventh Streets has been developed with a multiple-family condominium project, and is not included in the DDA. Land uses in the area include the following:

<u>Land Use</u>	<u>Area</u>	<u>Buildings</u>
Non-profit/Quasi Public	80,683 square feet	12
Commercial/Industrial	177,501 square feet	12
Vacant	21,398 square feet	0
Residential	31,408 square feet	4
Total	310,990 square feet/7.1 acres	20

In addition, it was proposed by HEPY to rezone the property to the south of this area to a medium density residential or commercial district. The City of Royal Oak Master Plan designates this area for mixed-use development. This designation would allow a mixture of commercial and residential land uses.

Enhancement Area III – Second Street Residential/Office Development

This enhancement area is located to the south of Second Street between Washington Avenue and Center Street. It is immediately south of the United States Post Office and north of the Center Street parking deck and a commercial establishment. The site is appropriate for a mixed-use development with a combination of office and residential uses, or a single use development with additional parking for the public and the development.

The Center Street parking lot contains 81 surface parking spaces. Improvements proposed for the lot may include the addition of parking spaces with streetscape elements being added to the project. It is anticipated that the number of public spaces will be doubled. The project may also require the relocation of utility lines. It is estimated that the project will cost \$10,000 to \$12,000 per parking space. The total cost will depend on the final development design. Funding may include private funds, TIF revenues, and other sources.

Enhancement Area IV – Main Street Development

This enhancement area is located on the west side of Main Street at the southern end of the Downtown Section of the Development Area. It includes the three blocks south from Fourth Street to Seventh Street, between Center Street and Main Street. A developer has recently approached the city regarding the development of the property on the blocks between Fourth Street and Sixth Street for a mixed-use project. The proposal may include condominiums with associated parking, destination retail space, restaurants, and entertainment venues such as a motion picture theater. The DDA may be involved through the funding of a 400 to 500 space public parking deck at another site in this enhancement area. The estimated cost of the parking deck would be \$16,000 to \$18,000 per parking space. Both projects may require the closure of public rights-of-way, traffic improvements, acquisition of property, relocation and/or enhancement of public utilities, as well as streetscape enhancements and the preservation of historically significant buildings.

Enhancement Area V – Parking Lot Developments

Third Street Area

The DDA has expressed an interest in enhancing businesses along Fourth Street east of Troy Street. One of the issues that businesses along Fourth Street face is the lack of on-site parking. Third Street may provide an option for parking to enhance the viability of the businesses and allow for higher-intensity uses to occur. In order to accomplish this, properties will need to be identified and estimated costs for acquisition and development compiled. If such a development becomes a viable option, the DDA and city staff will need to continue the research necessary to incorporate this project into the Development Plan, possibly with a future amendment.

Fifth Street and Lafayette Avenue Deck

Both the HEPY and Rich & Associates Parking Studies recognize the need for additional parking spaces in the Lafayette Avenue / Fifth Street area of the downtown. The DDA considers the inclusion of an office, retail and/or residential component essential. The HEPY Plan designated the two block area bounded by Fourth Street, Sixth Street, Lafayette Avenue and West Street to accommodate further office developments in conjunction with a municipal parking deck.

A parking deck is under construction south of Fifth Street and east of Lafayette Avenue as a public parking facility to serve additional office development and to provide additional parking for expanded retail uses along Washington and Lafayette Avenues. The city's present system of issuing bonds to finance parking structures (as was used for the Lafayette Avenue garage) is financing the construction of the deck.

Facade treatments are being employed on the outer edges of the parking deck to mimic traditional downtown buildings and compliment existing architecture and building patterns. A landscaped area is being installed on the West Street side which gives the deck a setback compatible with adjacent residences. A generous streetscape development for frontage along Fifth Street and Lafayette Avenue is also being installed.

National City Drive-Through Bank Site (southwest corner of Third and Williams)

It is the intent of the DDA and city to acquire this property, legally described as Lot 1, and the East 0.07 feet of Lot 2, and all of Lots 3, 4, 5, Block 14, Assessor's Plat No. 20. Upon acquisition, Williams Street between Third Street and Fourth Street may be closed or reduced in size and incorporated into the development, as was done north of Third Street. Thereafter, the site will be cleared of all existing uses and structures. This includes the bank's drive-through building and its associated parking lot. The site will be excavated, graded and designed to allow construction of a municipal surface parking lot of approximately 116 spaces. Development of the site will include streetscapes installed along both Third Street and Fourth Street, installation of parking meters, lighting and signage.

A surface lot could be constructed on this site with approximately 116 parking spaces for a net addition of 96 spaces. This would include using part of Williams Street. This area should be land banked for either future development or the construction of a parking structure. A multiple-level parking structure as part of a mixed-use development or single use may also be considered. A multiple-level parking structure on this site could support retail uses on the first level.

Williams Street Parking Structure (between Eleven Mile Road and Third Street)

The Williams Street parking lot is currently a 223 space municipal parking facility located between Eleven Mile Road, Third Street, a north/south alley east of Main Street and the east right-of-way line of vacated Williams Street. The parking lot has previously been reconstructed and otherwise improved with lighting, landscaping, drainage, and other amenities as part of the Development Plan.

It was previously proposed that all or a portion of the parking lot should be reconstructed as a parking deck. The current parking lot is divided into approximately two equal areas by a landscaped walking plaza. If either area was redeveloped as a parking structure, it is estimated to be capable of providing approximately 195 to 200 parking spaces. Given proposed redevelopment activities, this may need to be a multiple-level deck. It is anticipated that any parking structure that may be constructed in the Williams Street lot would be depressed approximately one-half level below grade. The Williams Street Lot is a prime parking location. This site would be feasible if a multiple-level parking structure could be built. If four supported floors could be built (to elevation more than 43 feet) there could be approximately 400 spaces provided for a net addition of 289 spaces. From an aesthetic standpoint, the height of this facility may be a problem.

The top level to the parking structure could be used as a central, downtown park or square. Royal Oak currently lacks such gathering place, except for a small area between City Hall and the library. Such squares are an essential feature and focal point of many successful downtowns for community events, festivals, and just everyday passive recreation. The landscape of the top level should consist of lawns, paths and trees formally disposed. This square could provide the much needed open space for a flexible outdoor activity plaza called for with the Civic Center Complex in Enhancement Area I.

Parking Behind Main Street

The Downtown Master Parking Plan calls for extending the linear parking concept behind the Main Street retail uses that has been started at the City Hall surface lot. This means the development of the area between Williams Street and the alleys behind the Main Street stores from Third Street to Fifth Street for surface parking with the potential for deck development in the future. One possible location for developing additional public parking is a privately-owned parking lot north of Fifth Street and west of Williams Street.

Center Street Deck

Exterior improvements should be considered for the Center Street parking deck. In addition to the lighted glass stair tower proposed in the HEPY study as a visual terminus to Third Street, façade treatments similar to those proposed for the parking structure at Fifth Street and Lafayette Avenue could be employed along the east, south and west sides to mimic traditional downtown buildings and compliment existing architecture and building patterns. Improvements to the north side would need to be coordinated with the Second Street residential-office development. Enhancing the façade of this parking deck would improve its appearance, make it more readily identifiable, and help make the south and east stair towers more visible and approachable for pedestrians as called for in the HEPY study.

Enhancement Area VI – Main Street / Eleven Mile Road Development

This enhancement area is located at the northwest corner of Main Street and Eleven Mile Road at the northern end of the Downtown Section of the Development Area, immediately north of the Central Business District. It includes the block bordered by Main Street, Eleven Mile Road, Troy Street and University Avenue. At present this area includes a grocery store, apartments, an art house movie theater, a wine shop, a video rental store, a floor covering contractor, a diner, and two vacant buildings.

A developer recently approached the city regarding the redevelopment of the property for a mixed-use project. The proposal may include condominiums and other residences with associated parking, a public parking deck, retail space, restaurants, offices, a health club, and relocation of the Main Art Theater. The project may also require DDA assistance with traffic improvements, replacement or upgrading of public utilities, burying overhead utilities underground, and assisting the city's Brownfield Redevelopment Authority with any needed remediation of environmental contamination. These upgrades would not include participation in parking facilities.

Miscellaneous Public Services

Other public services, improvements and infrastructure may become necessary over the length of this Plan, particularly the continual maintenance and replacement of infrastructure and utilities. Installation of new facilities could also become necessary. Specific items that will need to be addressed include, among others, the following:

- ❑ *Replacement and repair of damaged brick pavers, decorative street lights, and other unique streetscape elements (waste cans, benches, bicycle racks, etc.).*
- ❑ *Installation and removal of holiday lights, banners, flowers, and other seasonal decorations.*
- ❑ *Replacement of street trees, planters and other landscaping.*
- ❑ *Street resurfacing and reconstruction.*
- ❑ *Sidewalk and curbing replacement; replacement of water and sewer mains.*
- ❑ *Street and sidewalk cleaning.*
- ❑ *Installation and replacement of traffic control signs and devices.*
- ❑ *Installation of kiosks and wayfinding signs.*
- ❑ *Installation of coordinated newspaper racks.*

These activities could be completed on an as-needed basis with available funds. Such public services and improvements will be undertaken as deemed necessary by the DDA with approval from the City Commission.

Public Safety

Downtown Royal Oak has become one of the most popular gathering spots and entertainment districts in metro Detroit. It's where avid motorcyclists converge throughout the summer, and sports fans celebrate championships of Detroit's professional sports teams. Because of its popularity, the downtown is in need of increased police and fire protection to manage the growing crowds. The DDA will assist in the funding for additional patrols, equipment, and other crowd control measures that are necessary. The DDA will most likely enter into a contract with the City Commission to fund a proportion of the city's public safety costs in the downtown.



Revelers celebrate the Detroit Red Wings' 2002 Stanley Cup victory at Third and Main.

Redevelopment of Gateway Section

One of the most significant developments has occurred in the Regional Business District, the Gateway Section of the Development Area. The project area includes proposals for condominiums, an office complex, regional hotel and convention center, and assisted living facility. It is proposed that the entire Gateway Section be cleared of all existing uses and be redeveloped with a mixed-use project of regional significance. The ranges of uses proposed in the concept are as follows:

<i>Use</i>	<i>Mixed-Use</i>
<i>Office</i>	<i>339,150 square feet</i>
<i>Hotel</i>	<i>130 rooms</i>
<i>Conference/Convention</i>	<i>10,000 square feet</i>
<i>Entertainment/Cultural</i>	<i>246,000 square feet</i>
<i>Residential</i>	<i>118 units</i>
<i>Parking</i>	<i>1,506 spaces</i>

It should be noted that in the plans for the final project, the ultimate extent of each use would undoubtedly vary from that indicated above. Market forces may dictate a need to increase the amount of office space while reducing the amount of conference or convention space, or cost considerations may necessitate the elimination or reduction of the cultural facilities. Final plans will be market responsive while still being compatible with the established conceptual framework.

There are no new streets proposed for the Gateway Section of the Development Area, but several existing streets may be closed, vacated or otherwise altered in character. These include Maryland, Rhode Island and California Avenues between Main Street and the alley to the east of Main Street. It may also be necessary to close, vacate or otherwise alter West Kenilworth Avenue and Allenhurst Avenue between Main Street and Washington Avenue.

All the proposed categories of land uses herein referenced will be privately owned and operated, with the possible exception of the entertainment, cultural and parking facilities. These facilities may be publicly owned and operated. In addition, the project will contain open space and plaza areas which may also be publicly owned and operated.

In 1998, the city received a proposal for a mixed-use development with condominiums, two office buildings and a multiple-story hotel. To date, the majority of the condominiums have been constructed, the hotel and office buildings have received site plan approval, and the assisted living care facility was proposed through a request-for-proposals. The condominium development was the first element of the plan to occur with over 240 units constructed between I-696 and Kenilworth Avenue, as shown on the next page.



Main Street Square is a townhouse design with rear entry garages and common space. This development incorporated 124 living units. All units have been sold and are occupied.



The southern portion of the site is vacant. The approved site plan includes two office buildings and a multiple-story hotel.

All existing improvements within the Gateway Section of the Development Area, exclusive of those within street rights-of-way, will be demolished. This includes, but is not necessarily limited to, the buildings and any accessory structures and parking lots at the locations listed in Table 8, Descriptions of Existing Improvements to be Demolished, Repaired or Altered:

**TABLE 8
DESCRIPTION OF EXISTING IMPROVEMENTS
TO BE DEMOLISHED, REPAIRED OR ALTERED**

NO.	LOCATION	DESCRIPTION
1	106 Allenhurst	1,009 s.f., one-story wood frame residence
2	113 Allenhurst	1,802 s.f. two-story wood frame residence – commercial use
3	117 Allenhurst	1,136 s.f. one-story wood frame residence
4	123 Allenhurst	1,019 s.f. one-story wood frame residence
5	127 Allenhurst	879 s.f. one-story wood frame residence
6	126-130 Allenhurst	2,334 s.f. two-story wood frame residence
7	129 Allenhurst	901 s.f. one-story wood frame residence
8	203 Allenhurst	1,027 s.f. one-story wood frame residence
9	207 Allenhurst	1,760 s.f. two-story wood frame residence
10	107 W. Kenilworth	1,549 s.f. one-story wood frame residence
11	117 W. Kenilworth	996 s.f. one-story wood frame residence
12	203 W. Kenilworth	1,064 s.f. one-story wood frame residence
13	323 W. Kenilworth	1,360 s.f. two-story wood frame residence
14	1305-1313 S. Main St.	8,000 s.f. one-story masonry commercial building
15	1312 S. Main St.	633 s.f. one-story masonry commercial building
16	1321 S. Main St.	2,300 s.f. one-story masonry commercial building
17	Lot 4 of Hannan & Weber's Sunset Park Subdivision	Two 10' x 18' billboards each 25 feet high
18	1411 S. Main St.	5,000 s.f. one-story masonry commercial building

All existing improvements within the Redevelopment Area, exclusive of those within street rights-of-way, will be demolished. This includes, but is not necessarily limited to, the buildings and any accessory structures and parking lots at the following locations:

19	1412 S. Main St.	6,695 s.f. one-story masonry commercial building
20	1415 S. Main St.	2,743 s.f. one-story masonry commercial building
21	1503 S. Main St.	6,880 s.f. one-story masonry commercial building
22	1513 S. Main St.	1,682 s.f. one-story masonry commercial building
23	1603 S. Main St.	2,404 s.f. one-story masonry commercial building
24	1302 S. Washington	1,150 s.f. one-story wood frame residence – commercial use
25	1303 S. Washington	2,114 s.f. two-story wood frame residence – commercial use
26	1307 Washington	3,688 s.f. two-story wood frame residence – commercial use
27	1312 S. Washington	1,298 s.f. two-story wood frame residence – commercial use
28	1316 S. Washington	754 s.f. one-story masonry commercial building
29	1317 S. Washington	2,640 s.f. two-story wood frame residence – commercial use
30	1323 S. Washington	1,148 s.f. two-story wood frame residence – commercial use
31	1332 S. Washington	2,596 s.f. two-story wood frame residence with attached one-story masonry addition – commercial use
32	1401 S. Washington	6,060 s.f. one-story masonry commercial building
33	1402 S. Washington	1,176 s.f. two-story wood frame residence – commercial use
34	1411 S. Washington	5,087 s.f. one-story masonry commercial building
35	1413 S. Washington	1,523 s.f. one-story masonry commercial building
36	1315 S. Woodward	9,450 s.f. one-story masonry commercial building
37	1337 S. Woodward	4,356 s.f. one-story masonry commercial building

Estimated Cost of Proposed Improvements and Estimate of Time Required for Completion

TABLE 9 ESTIMATED COST OF PROPOSED IMPROVEMENTS & COMPLETION TIME REQUIRED						
PROJECT/IMPROVEMENTS	ESTIMATED COST	ESTIMATED TIME REQUIRED FOR COMPLETION	POSSIBLE FUNDING SOURCES			
Downtown Manager Position	\$40,000 to \$75,000	Immediate/Ongoing	GF	OB	PSD	BID
Market Analysis and Marketing Plan	\$45,000 to \$60,000	Immediate	GF	OB	TIF	PSD
Attraction/Retention Program and Marketing Tools	\$8,000 to \$15,000	Immediate	BID			
			GF	OB	TIF	PSD
			FBS	CC	OCED	BID
Parking Advertising Program	\$7,500	3 to 6 Months / Ongoing	GF	OB	TIF	PSD
			BID			
Expansion of TIF Boundaries	N/A	N/A	N/A			
New Streetscape Installation	\$6,670,000	1 to 5 Years	OB	TIF	TEA	PF
Refurbishing of Existing Street Lighting	Materials: \$425,000 Installation: \$100,000	1 to 3 Years / Ongoing	OB	TIF	PSD	BID
Planter Boxes	\$16,000	Immediate	OB	TIF	PSD	BID
Interactive Information Sources and Kiosk	\$20,000 to \$25,000	1 to 3 Years	OB	TIF	PSD	BID
Banners and Signage	\$50,000	Immediate	OB	TIF	PSD	BID
Link Through Streetscape Design	N/A	1 to 3 Years	N/A			
Coordination of Signage and Wayfinding	Study: \$100,000 Materials: To Be Determined	3 to 5 Years / Ongoing	OB	TIF	TEA	
Building Renovations Program (start up costs)	\$50,000	1 to 3 Years	OB	LFI		
Amtrak Shelter and Walkway	\$250,000	3 to 6 Months	OB	TIF	TEA	
Reopen Fifth and Seventh Streets	\$640,000	3 to 5 years	OB	TIF	TEA	PD
			PSD	BID	PF	TRAN
Alley Improvements	\$5,000,000	1 to 3 Years	OB	TIF	TEA	PD
			PSD	BID	BOND	
Trolley Operation	To Be Determined	1 to 3 Years / Ongoing	OB	TIF	TEA	PD
			PSD	BID	FBS	
Public Restrooms	\$500,000	3 to 5 Years	OB	TIF	TEA	PD
			PSD	BID	FBS	
Landscape Gateway – MDOT Property	\$50,000 to \$100,000	1 to 2 years	OB	TIF	TEA	
Enhancement Area I – Civic Center Complex Streetscape	\$85,000	3 to 6 Months	GF	OB	TIF	

TABLE 9
ESTIMATED COST OF PROPOSED IMPROVEMENTS &
COMPLETION TIME REQUIRED

PROJECT/IMPROVEMENTS	ESTIMATED COST	ESTIMATED TIME REQUIRED FOR COMPLETION	POSSIBLE FUNDING SOURCES			
Enhancement Area I – Civic Center Complex Parking Lot	\$700,000	1 to 2 Years	GF	OB	TIF	
Enhancement Area I – Civic Center Complex Building Renovations and Expansions	\$2,500,000	5 to 15 Years	GF	OB	TIF	BOND
Enhancement Area I – Civic Center Complex New Structures	\$7,000,000	5 to 15 Years	GF	OB	TIF	BOND
Enhancement Area II – Senior Residential Development	\$2,500,000	5 to 15 Years	GF	OB	TIF	BOND
Enhancement Area III – Second Street Residential/Office Development	\$5,000,000	5 to 15 Years	GF	OB	TIF	BOND
Enhancement Area IV – Main Street Development	\$10,000,000	5 to 15 Years	GF	OB	TIF	BOND
Enhancement Area V – Parking Lot Developments:		2 to 15 Years	GF	OB	TIF	BOND
▪ Third Street	\$10,000,000					
▪ National City Drive-Through Bank Site	\$10,000,000					
▪ Williams Street Deck	\$10,000,000					
▪ Parking Behind Main Street	\$5,000,000					
▪ Center Street Deck	\$2,500,000					
Miscellaneous Public Services	\$10,000,000	Ongoing	GF	OB	TIF	PSD
			BID	BOND		
Public Safety	To Be Determined	Ongoing	GF	OB	TIF	PSD
			BID			
Redevelopment of Gateway Section:			GF	OB	TIF	BOND
▪ Land Acquisition	\$4,164,000	Completed 1/90				
▪ Relocation Assistance	\$656,000	Completed 6/90				
▪ Demolition	\$394,000	Completed 10/90				
▪ Utility Alterations	\$2,500,000	2 to 5 Years				
▪ Parking Facilities	\$21,600,000 to \$52,700,000	2 to 5 Years				
▪ Mixed-use Development Project	\$100,000,000	2 to 5 Years				

Funding Key

GF City of Royal Oak General Fund
 OB DDA Operating Budget
 BOND General Obligation or TIF Bonds
 FBS Fee Based Service
 TEA Federal/State Enhancement Grants (TEA-21)
 LFI Joint Effort with Local Financial Institution
 OCED Oakland County Economic Development
 PF Privately Funded
 TBD To Be Determined

TIF Tax Increment Revenues
 PSD Special Assessment from Principal Shopping District
 BID Special Assessment from Building Improvement District
 CC Chamber of Commerce
 DROA Joint Effort with Downtown Royal Oak Association
 PD Private Development
 TRAN MDOT or Road Commission
 OT Other Sources (Foundations, etc.)

Stages of Construction Planned and Estimate of Time Required for Completion

The stages of construction planned and the estimated time of completion for each stage have yet to be determined.

Description of Open Space Areas and Uses

The DDA believes that preserving greenspace and enhancing public open spaces is important to the vitality of the downtown. The Development Plan encourages the development of open space areas and walkways through many of its projects, i.e., streetscapes, landscaped entryways, enhancement areas, plazas, and other amenities. The following open space areas are existing and will be preserved within the Downtown Section of the Development Area:

- *A parcel of property containing 24,500 square feet on the southwest corner of Pingree Boulevard and Troy Street. This parcel will be utilized as a park for the senior citizens' apartment building and surrounding neighborhood.*
- *A parcel of property located between Main Street and the senior citizens' apartment building. This parcel contains approximately two acres and will be utilized as a park for the senior citizens' apartment building and the surrounding neighborhood. This parcel, at some future time, may be utilized by the city as the site of a senior community center.*
- *A parcel of property containing 22,400 square feet located on the southwest corner of University Avenue and Troy Street. This parcel contains many large, mature trees and will serve as a passive park area for the senior citizens' apartment building.*
- *A parcel of property containing 33,000 square feet located between the Municipal Library and City Hall. This area currently contains a walkway, a grass area, several trees and some benches. Development of this area is intended to enhance its use as a public gathering spot and exhibit space.*

In addition to the above noted open spaces, the Gateway Section of the Development Area shall, unless otherwise amended, include open space as required by the Royal Oak Zoning Ordinance. These requirements are as follows:

- ❑ *Not less than 20% of the total net site area; i.e., approximately 3.2 acres of the net site area of 16.5 acres, will be developed as public outdoor open space, such as landscaped areas, plazas, amphitheaters, courtyards, and cafés.*
- ❑ *There will be a landscaped area, plaza, or courtyard which will serve as a central focus for the project and which will contain not less than 45%, nor more than 55%, of the open space required for the total project.*

Portions of Development Area Where DDA Desires to Sell, Donate, Exchange or Lease to or from City

It is anticipated that all property now owned or which may be owned in the future by the city will be conveyed to the DDA. The terms of the conveyance have yet to be determined, but will be as necessary to allow the DDA to accomplish the purposes for which it was created.

Description of Desired Zoning, Street and Utility Changes

Other than Enhancement Area VI, there are no proposed or expected zoning changes since all property improvements can be accomplished within the existing zoning classifications of the Central Business District, Multiple Family Residential, General Commercial, and Regional Business zoning districts. In order to facilitate the Main Street / Eleven Mile Road Development of Enhancement Area VI, it may be advantageous to rezone the site to Planned Unit Development (PUD). This can ensure the project is developed in a cohesive manner instead of in a piecemeal, haphazard fashion due to the location's current multiple zoning districts. The PUD method also allows for more input from both the City Commission and Plan Commission during the development review process.

In the Gateway Section of the Development Area there are no new streets proposed, but several existing streets may be closed, vacated or otherwise altered in character. These include Maryland, Rhode Island and California Avenues between Main Street and the alley to the east of Main Street. It may also be necessary to close, vacate or otherwise alter West Kenilworth Avenue and Allenhurst Avenue between Main Street and Washington Avenue.

Street changes proposed in the downtown include the closure of Williams Street from Third Street to Fourth Street. Upon its closure, the street right-of-way will become an integrated part of the parking lot design proposed for the National City drive-through site. A portion of the right-of-way will be devoted to parking spaces, with the remainder providing vehicular traffic access to the proposed parking lot and adjacent private parking lots.

The need to make utility changes will be determined on a project-by-project basis. As required, an engineering analysis of the proposed improvements and the capabilities of the existing systems will be reviewed.

Estimated Cost of Development, Proposed Method of Financing, and Ability of DDA to Arrange Financing

The estimated total cost of all public and private improvements in the Development Area is expected to exceed \$10,000,000, not including redevelopment of the Gateway Section of the Development

Area. It is anticipated the DDA will finance all of the estimated total costs of the public improvements.

Designation of Whom Development is to be Leased, Sold, or Conveyed and Beneficiary of Development

At the present time, none of the proposed projects are being undertaken for the benefit of anyone other than the citizens of Royal Oak and the existing property owners and businesspersons of the Royal Oak Downtown District. Some of the enhancement projects may include the sale, lease or conveyance of property and/or air rights to a private person, natural or corporate, responsible for a development. No private person, natural or corporate, has been selected for any enhancement projects defined in this Development Plan.

Procedures for Bidding, Leasing, Purchasing or Conveying, All or Portion of Improvements

The DDA does not anticipate completion of any improvement for the benefit of any private person, natural or corporate, or which may be leased, sold, or conveyed to any private person, natural or corporate; unless there is an expressed or implied agreement between the DDA and private persons, natural or corporate. However, should some improvement, or portion thereof, be completed without such agreements, it will be sold, leased or conveyed in accordance with all applicable laws and the City Charter of the City of Royal Oak.

Estimate of Number of Persons Residing In Development Area and Number to be Displaced

Downtown Section of Development Area

It is estimated that approximately 70 persons reside in the Downtown Section of the Development Area. This is based upon the finding that there are 38 occupied dwelling units in the Downtown Section. Of these, 24 dwelling units are rental apartments and 14 are one-family detached dwelling units. (The estimated number of persons is based upon assumptions of 1.5 persons per apartment unit and 2.5 persons per one-family dwelling unit.)

It is possible that 31 occupied dwelling units could be acquired and their residents, approximately 53 persons, displaced. The 25 dwelling units are located within three residential structures at 612 and 620 South Center street and 202 West Sixth Street. All these properties are located within that area designated for commercial redevelopment.

If and when any of these parcels are designated for acquisition, a relocation survey will be conducted as required by Act 197, to determine family composition, income, racial composition, housing needs and problems that might impede relocation activities.

In 1994, it was estimated that approximately 69 persons reside in the areas being added to the Downtown Section of the Development Area. This is based upon the finding that there are 37 occupied dwelling units in this area. The estimated number of persons is based upon assumptions of 1.8 persons per apartment unit, and 2.5 persons per one-family dwelling unit.

There are no immediate plans to displace or relocate any families or individuals. If it is determined that persons are to be displaced or relocated, the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 will be followed.

Gateway Section of Development Area

As of the 1988, there were 9 one-family residential structures, 2 two-family residential structures, 1 three-family residential structure, and 1 dwelling unit located within a commercial building in the Gateway Section of the Development Area. It is estimated that a total of 16 persons reside in these seventeen units. Eight of these units are vacant. All persons will be displaced.

Statistical Description of the Housing Supply

Inasmuch as it is possible that occupied residents may be designated for acquisition, a statistical description of the supply of housing in Royal Oak is provided per the requirements of Act 197. A survey of these individuals, including their income and racial composition, has been conducted and is on file also as required by Act 197. Also, inasmuch as individuals are to be displaced, Act 197 requires a statistical description of the Royal Oak housing supply be included in this Plan. This description follows.

As of the time of the 1980 census, there were 28,782 dwelling units in the city. Of these, 20,162 or 70.1%, were owner-occupied, 8,015 or 27.8% were renter-occupied, and 605 or 2.1% were vacant. Of the 605 vacant units, 119 were for sale, 248 were for rent and 238 were being held for other use. This translates into a for-sale vacancy rate of 0.59%, and a rental vacancy rate of 3.1%. Since the 1980 Census, information compiled by the U.S. Postal Service indicates that rental vacancy rates have been consistently below one percent. All dwelling units in the city are privately owned; there are no public housing facilities.

A survey conducted by Market Opinion Research Corporation indicated that approximately 20% of the city's rental units and 7% of the ownership units change hands each year. This constitutes approximately 3,000 housing transactions in the existing housing stock each year. In addition to annual turnover, Vilcan-Leman & Associates has estimated there is demand for approximately 150 new dwelling units each year in the city.

The condition of housing within the city is reflected in 1976 Housing Conditions Survey by Vilcan-Leman & Associates. The results were as follows:

<i>Stable/Good Condition.....</i>	<i>82.3%</i>
<i>Minor Conservation/Maintenance.....</i>	<i>14.8%</i>
<i>Moderate Conservation/Rehabilitation</i>	<i>2.0%</i>
<i>Major Conservation/Rehabilitation.....</i>	<i>0.8%</i>
<i>Redevelopment/Clearance.....</i>	<i>0.1%</i>

Based upon the Department of Housing and Urban Development's Fair Market Rents, the average rental rate for a one-bedroom apartment unit in the city is approximately \$441 per month. The average rental for a two-bedroom unit is approximately \$514 per month. While up-to-date information is not available, the sale price of ownership units varies widely in the city, but could be said to range predominately between \$45,000 and \$150,000, with an average price in 1986 of approximately \$60,000.

Plan for Establishing Priority for Relocation of Persons Displaced by Development in any New Housing

If and when any persons are to be displaced from developments, as indicated above in this report, a plan for establishing priority for the relocation of these persons into new housing which may be available in the Development Area, at the time of displacement, will be prepared by the DDA or a private relocation consultant.

Provision for Costs of Relocation Persons Displaced by Development

If persons are to be displaced, the costs of relocating all persons and financial assistance and reimbursement of expenses, including litigation expenses and expenses incidental to the transfer of title will be made from tax increment revenues or other available funds, in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, being Public Law 91-646.

Plan for Compliance with Act No. 227 of 1972

Financial assistance and relocation assistance advisory services will be provided to those persons displaced consistent with Act No. 227 of 1972. Relocation assistance will be accomplished through the City of Royal Oak Planning Department and any relocation specialist or private relocation consultant it may find necessary to retain for this purpose.

Businesses and Property Which may be Acquired

At this time there are no plans for any businesses within the Development Area, or other property not otherwise specified in this Plan, to be acquired by the DDA. However, the acquisition of any business or property within the Development Area that becomes available in the future may be pursued if the DDA considers it to be an integral part of a public improvement that is being undertaken. The DDA may also consider the acquisition of any business or property within the Development Area that may become blighted or dilapidated, or that the City Commission condemns or determines to be a nuisance.

TAX INCREMENT FINANCING PLAN

Section 11 of Act 197 provides that the activities of the DDA may be financed through various funding sources, including the proceeds of a tax increment financing plan. Section 14 of Act 197 further provides that:

"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, the duration of the program, and it 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 that portion intended to be used by the authority shall be clearly stated in the tax increment plan."

The Royal Oak DDA has determined that it is necessary for the achievement of the purposes of Act 197 to prepare and submit to the City Commission a tax increment financing plan for the Development Area, including both the Downtown and Gateway Sections.

Tax Increment Financing Procedures

A detailed explanation of the tax increment finance procedure is found in Sections 14 through 19 of Act 197, a copy of which is found in the Appendix.

To summarize, tax increment revenue available to the DDA is generated when the current assessed value of all property within a development area exceeds the initial assessed value of that property. The initial assessed value is defined in Act 197 as "the assessed value, as equalized, of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved..." The current assessed value refers to the assessed value of all property within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current assessed value exceeds the initial assessed value is defined as the "captured assessed value."

The tax increment revenue available to the DDA results from applying the total tax levy of all eligible taxing bodies to the captured assessed value, except for the state education tax and local or intermediate school districts. (Captured assessed value from the state education tax and local or intermediate school districts can be used to fund "eligible obligations" issued prior to 1994, however.) Increases in assessed values within a development area which result in the generation of tax increment revenues can result from any of the following:

- ❑ *Construction of new developments occurring after the date establishing the "initial assessed value."*
- ❑ *Construction through rehabilitation, remodeling alterations, or additions occurring after the date establishing the "initial assessed value."*
- ❑ *Increases in property values which occur for any other reasons, including inflationary growth.*

Tax increment revenues transmitted to the DDA can be used either as they accrue annually, i.e., pay-as-you-go, or can be pledged for debt service on general obligation bonds issued by the municipality or tax increment bonds issued by the DDA.

If general obligation bonds are sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty (30) years. If tax increment revenues are insufficient for any reason, the Michigan Municipal Finance Act provides that if the bond issue has been approved by the electors of the municipality, the municipality must meet debt service requirements from its general fund, and, if necessary, levy whatever additional taxes are required. If the bond issue has not been approved by the electors, meeting debt service requirements becomes a first budget obligation of the general fund.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the respective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan. However, the tax increment plan may not be abolished until the principal of, and any interest on, bonds issued pursuant to the plan have been paid, or until funds sufficient to make such payments have been segregated.

Estimated Captured Assessed Value and Tax Increment Revenue

The Barton/Lafayette Development Area and Woodward/I-696 Development Areas were combined in 1992 by Ordinance No. 92-6. Per that ordinance, the Tax Increment Finance Plan was amended to include both Development Areas. This Tax Increment Finance Plan will serve as a compilation and amendment of the Barton/Lafayette and Woodward/I-696 Development and Tax Increment Financing Plans and any subsequent amendments thereto. The Tax Increment Finance Plan will continue to use the initial assessed values for the Development Area. The DDA has completed projects which required the obligation of funds. Until the 1999-2000 fiscal year, the DDA paid debt on certain obligations. Beginning with the 2000-2001 fiscal year, the DDA fulfilled its obligations and started to capture tax increment revenues which can be utilized for the projects proposed in the Development Plan.

Table 11, Projected Captured Value and Tax Increment Revenue, at the end of this section presents the captured assessed values and tax increment revenue estimated to be available to the DDA over a 20-year period commencing with the date of this amendment to this Plan. It is the intent of the DDA to use all of the captured assessed value generated from within the Development Area, including any inflationary growth, so long as the capture of that assessed value is necessary to the financing of any public improvements provided for in the Development Plan and undertaken by the DDA. Any revenues not so required in any year will be considered surplus and will be distributed proportionately to all taxing jurisdictions. The DDA intends to apply the maximum tax rate available, including any debt service levies, to the captured assessed value in order to generate maximum tax increment revenues. The generation of such revenues will allow the DDA to finance any public improvements it undertakes over the shortest duration possible, thereby generating surplus revenues at the earliest possible date. Although the actual tax increment revenues available to the DDA will undoubtedly vary from the estimates herein provided, the estimates of tax increment revenue are based upon the following:

- *An initial assessed valuation of \$18,555,620. In accordance with the requirements of Act 197, this is the assessed value established on December 31 of 1979, 1988, 1994, 2001, and 2003, and finally equalized in May of 1980, 1989, 1995, 2002, and 2004.*
- *A projected Taxable Value of \$130,126,224 in 2021.*
- *Annual appreciation in value of 2.5%.*
- *A tax rate of 22.9994 mills, which is the 2002 total levy of all jurisdictions except for the local school district and the state education tax. Tax rates for these jurisdictions are 8.1500 for homestead properties of Royal Oak Schools, 21.2061 mills for non-homestead properties of Royal Oak Schools, and 6.000 mills for the state education tax.*

Use of Tax Increment Revenues

Tax increment revenues derived from the Development Area will be utilized to finance all or a portion of the public improvements within the Development Area as proposed in the Development Plan. The manner in which tax increment revenues will be utilized to finance these public improvements is herein set forth.

1. General Obligation Bonds. Tax increment revenues may be pledged as debt service on one or more series of general obligation bonds issued by the City of Royal Oak pursuant to Section 16(1) of P.A. 197 of 1975.
2. Tax Increment Bonds. Tax increment revenue may be pledged as debt service on one or more series of tax increment bonds issued by the DDA pursuant to Section 16(2) of P.A. 197 of 1975.
3. Debt Service Reserve. For each series of bonds issued, a debt service reserve account may be established pursuant to the requirements of applicable statutes.

4. Annual Accruals. To the extent not financed from the proceeds of a bond issue, and as deemed necessary by the DDA, tax increment revenues may be used to finance all or part of any public improvement the DDA may undertake on an annual accrual or “pay-as-you-go” basis.
5. Reimbursement. Tax increment revenues may be used by the DDA to reimburse the City of Royal Oak for any funds advanced to the DDA for use in financing those public improvements, or any portion thereof, indicated in the Development Plan. To the extent the city may be called upon to meet any debt service insufficiencies as a result of a full or limited faith and credit pledge behind a bond issue, tax increment revenues will be used to reimburse the city in the amount of any such advance it has made.
6. Administrative and Operating Costs. Tax increment revenues may be used by the DDA to pay administrative and operating costs such as, but not necessarily limited to: the employment and compensation of a director, treasurer, secretary, legal counsel and other personnel considered necessary to the DDA; the reimbursement to DDA members of actual and necessary expenses; the administrative costs related to the acquisition and disposal of real and personal property, demolition of structures, site preparation, and relocation of businesses; costs assessed to the DDA by the city for handling and auditing the DDA’s funds; and other costs incurred by the DDA in connection with the performance of its authorized functions, including, but not limited to, architects, engineers, legal, appraisal, testing and accounting fees.
7. Surplus Funds. Funds not required for any of the preceding purposes will be considered surplus and shall be distributed proportionately to all taxing jurisdictions.

Maximum Amount of Bonded Indebtedness

It is the intention of the DDA to finance portions of the projects described in the Development Plan with the issuance of tax exempt and taxable bonds by the authority or city, or other entities empowered to issue bonds on behalf of the authority and to pledge the tax increment revenues for payment of those bonds. The maximum amount of bonded indebtedness contemplated under this Plan would be the amount sufficient to acquire the projects described in the Development Plan. While it is not possible at this time to include an actual bond schedule within this plan, an example of such a schedule (based on 1, 3 and 5 year obligations) is shown in the Appendix.

Duration of Tax Increment Financing Plan

This tax increment financing plan commenced upon the date the ordinance adopting the amendment to this plan was approved by the Royal Oak City Commission. It shall last until the principal and interest on bonds issued pursuant to this Plan have been paid, or until funds sufficient to make such payments have been segregated, or until all improvements have been

financed if bonds are not sold, whichever comes first. The duration of this Plan as herein stated may be amended or modified as deemed necessary as provided for by Act 197.

Estimated Impact on Assessed Value of All Taxing Jurisdictions

As indicated in the following tax increment revenue projections, it is anticipated that, in the short term, assessed values in the Development Area may decline from current levels as a result of properties becoming publicly owned. It is projected that values may remain at this level for approximately two years, after which they will begin to rise significantly as construction of the Development Area improvements begin. As values rise above the level of the "initial assessed value," all taxing jurisdictions will again receive revenue equal to that which they received prior to adoption of the Plan.

In the long term, improvements proposed for the Development Area will provide stability and growth in the Downtown District and the city as a whole. This will greatly benefit all taxing jurisdictions. This benefit will result from: increases in property valuations surrounding the Development Area; increases in property valuations in the Development Area at the time the tax increment financing plan is completed; and increases in property valuations throughout the entire community, which, to a significant degree, are dependent upon the well being of the Downtown District for stability and growth.

Table 10
Captured Value and Tax Increment Revenue by Taxing Jurisdiction – 2003

Taxing Unit	* Base Taxable Value	# Current Taxable Value	Captured Taxable Value	Tax Rate 2002	Revenue of Base Value	Revenue of Captured Value
City of Royal Oak	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	11.0001	\$ 200,404	\$ 691,268
Oakland Community College	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	1.6090	\$ 29,313	\$ 101,113
Oakland County	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	4.6523	\$ 84,757	\$ 292,360
ISD	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	3.4224	\$ 62,351	\$ 215,070
DDA	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	1.7156	\$ 31,255	\$ 107,812
PTA	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	0.6000	\$ 10,931	\$ 37,705
Royal Oak Schools (Homestead)						
Operating	\$ 1,238,820	\$ 20,741,340	\$ 19,502,520	4.7500	\$ 5,884	\$ 92,637
Debt Service	\$ 1,238,820	\$ 20,741,340	\$ 19,502,520	3.4000	\$ 4,212	\$ 66,309
SET	\$ 1,238,820	\$ 20,741,340	\$ 19,502,520	6.0000	\$ 7,433	\$ 117,015
Royal Oak Schools (Nonhomestead)						
Operating	\$ 16,979,560	\$ 60,318,980	\$ 43,339,420	17.8061	\$ 302,340	\$ 771,706
Debt Service	\$ 16,979,560	\$ 60,318,980	\$ 43,339,420	3.4000	\$ 57,731	\$ 147,354
SET	\$ 16,979,560	\$ 60,318,980	\$ 43,339,420	6.0000	\$ 101,877	\$ 260,037
TOTAL	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940		\$ 898,489	\$ 2,900,384

* Base Years & Base Taxable Values of Downtown Section of Development Area = 1980 (\$8,408,900), 1995 (\$4,031,450), 2002 (\$2,565,820), and 2004 (\$720,060).
 Base Year & Base Taxable Value of Gateway Section of Development Area = 1989 (\$2,492,150).
 # Current Taxable Value = 2002 Taxable Value plus properties in Tables 7a & 7b.

Table 11
Projected Captured Value and Tax Increment Revenue
2002-2021

Year	Base Taxable Value	Current Taxable Value	Captured Taxable Value	Captured Revenue	
2002	\$ 18,218,380	\$ 81,060,320	\$ 62,841,940	\$ 2,900,384	
2003	\$ 18,218,380	\$ 83,086,828	\$ 64,868,448	\$ 2,995,356	
2004	\$ 18,218,380	\$ 85,163,999	\$ 66,945,619	\$ 2,316,206	(a)
2005	\$ 18,218,380	\$ 87,293,099	\$ 69,074,719	\$ 1,738,677	(b)
2006	\$ 18,218,380	\$ 89,475,426	\$ 71,257,046	\$ 1,788,869	
2007	\$ 18,218,380	\$ 91,712,312	\$ 73,493,932	\$ 1,840,316	
2008	\$ 18,218,380	\$ 94,005,120	\$ 75,786,740	\$ 1,893,050	
2009	\$ 18,218,380	\$ 96,355,248	\$ 78,136,868	\$ 1,947,101	
2010	\$ 18,218,380	\$ 98,764,129	\$ 80,545,749	\$ 1,852,504	(c)
2011	\$ 18,218,380	\$ 101,233,232	\$ 83,014,852	\$ 1,909,292	
2012	\$ 18,218,380	\$ 103,764,063	\$ 85,545,683	\$ 1,967,499	
2013	\$ 18,218,380	\$ 106,358,164	\$ 88,139,784	\$ 2,027,162	
2014	\$ 18,218,380	\$ 109,017,118	\$ 90,798,738	\$ 2,088,317	
2015	\$ 18,218,380	\$ 111,742,546	\$ 93,524,166	\$ 2,151,000	
2016	\$ 18,218,380	\$ 114,536,110	\$ 96,317,730	\$ 2,215,250	
2017	\$ 18,218,380	\$ 117,399,513	\$ 99,181,133	\$ 2,281,107	
2018	\$ 18,218,380	\$ 120,334,501	\$ 102,116,121	\$ 2,348,610	
2019	\$ 18,218,380	\$ 123,342,863	\$ 105,124,483	\$ 2,417,800	
2020	\$ 18,218,380	\$ 126,426,435	\$ 108,208,055	\$ 2,488,720	
2021	\$ 18,218,380	\$ 129,587,096	\$ 111,368,716	\$ 2,561,414	

- (a) Payments on the first Parking Bond expire in 2004 reducing the amount of school taxes eligible for capture.
- (b) HUD 108 reimbursement payments expire in 2005 further reducing the amount of school taxes eligible for capture.
- (c) Streetscape Bond payments expire in 2009, eliminating all school taxes from eligibility for capture.

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: Downtown Development Authority Act.

Popular Name: DDA.

The People of the State of Michigan enact:

125.1651 Definitions. [M.S.A. 5.3010(1)]

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 211.157.

(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 (x), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

(g) “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.

(h) “Development area” means that area to which a development plan is applicable.

(i) “Development plan” means that information and those requirements for a development set forth in section 17.

(j) “Development program” means the implementation of the development plan.

(k) “Downtown district” means an area in a business district that is specifically designated by ordinance of the governing body of the municipality pursuant to this act.

(l) “Eligible advance” means an advance made before August 19, 1993.

(m) “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.

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

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

(p) "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 (x). In the case of a municipality having a population of less than 35,000 which 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.

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

(r) "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.

(s) "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.

(t) "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.

(u) “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.

(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.

(v) “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 state construction code act of 1972, 1972 PA 230, MCL 125.1501 to 125.1531.

(w) “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 the refunding obligation meets both of the following: (i) 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.

(ii) The net present value of the sum of the tax increment revenues described in subdivision (z)(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 (z)(ii) and the distributions under section 13 b to repay the obligation being refunded, as calculated using a method approved by the department of treasury.

(x) “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.

(y) “State fiscal year” means the annual period commencing October 1 of each year.

(z) “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.

(iv) The amount of tax increment revenues authorized to be included under subparagraph (ii), 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 which 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).

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.

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1651a Legislative findings. [M.S.A. 5.3010(1a)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1652 Authority; establishment; restriction; public body corporate; powers generally. [M.S.A. 5.3010(2)]

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: Downtown Development Authority Act.

Popular Name: DDA.

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; adoption, filing, and publication of ordinance; altering or amending boundaries. [M.S.A. 5.3010(3)]

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. 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.

(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 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.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975; --Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1653a Authority of annexing or consolidated municipality; obligations, agreements, and bonds. [M.S.A. 5.3010(3a)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1653b Ratification and validation of ordinance and actions; applicability of section. [M.S.A. 5.3010(3b)]

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.

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.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1653c Proceedings or findings; validity. [M.S.A. 5.3010(3c)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1654 Board; appointment, terms, and qualifications of members; vacancy; compensation and expenses; election of chairperson; 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. [M.S.A. 5.3010(4)]

Sec. 4. (1) Except as provided in subsections (7) and (8), 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. 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.

(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, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The board shall adopt rules consistent with Act No. 267 of the Public Acts of 1976 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, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(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 Act No. 285 of the Public Acts of 1931, being sections 125.31 to 125.45 of the Michigan Compiled Laws, serve as the board provided for in subsection (1).

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.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1655 Director, acting director, treasurer, secretary, legal counsel, and other personnel. [M.S.A. 5.3010(5)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1656 Participation of employees in municipal retirement and insurance programs. [M.S.A. 5.3010(6)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1657 Powers of board. [M.S.A. 5.3010(7)]

Sec. 7. 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 state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

(e) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(f) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.

(g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(h) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.

(i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(j) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(k) Lease any building or property under its control, or any part thereof.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975; --Am. 1985, Act 221, Imd. Eff. Jan. 10, 1986.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1658 Board serving as planning commission; agenda. [M.S.A. 5.3010(8)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1659 Authority as instrumentality of political subdivision. [M.S.A. 5.3010(9)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1660 Taking, transfer, and use of private property. [M.S.A. 5.3010(10)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1661 Financing activities of authority; disposition of money received by authority; municipal obligations. [M.S.A. 5.3010(11)]

Sec. 11. (1) The activities of the authority shall be financed from 1 or more of the following sources: (a) Donations to 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: Downtown Development Authority Act.

Popular Name: DDA.

125.1662 Ad valorem tax; borrowing in anticipation of collection. [M.S.A. 5.3010(12)]

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 therefor pursuant to the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws, 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.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1663 Revenue bonds. [M.S.A. 5.3010(13)]

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: Downtown Development Authority Act.

Popular Name: DDA.

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. [M.S.A. 5.3010(13a)]

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: Downtown Development Authority Act.

Popular Name: DDA.

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. [M.S.A. 5.3010(13b)]

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)(e) 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: Downtown Development Authority Act.

Popular Name: DDA.

125.1664 Tax increment financing plan; preparation and contents; limitation; definition; public hearing; fiscal and economic implications; recommendations; agreements; modification of plan. [M.S.A. 5.3010(14)]

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, Act No. 62 of the Public Acts of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws. 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, Act No. 224 of the Public Acts of 1985, being section 125.2113 of the Michigan Compiled Laws.

(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.

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.

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: Downtown Development Authority Act.

Popular Name: DDA.

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. [M.S.A. 5.3010(15)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1666 General obligation bonds and tax increment bonds; qualified refunding obligation. [M.S.A. 5.3010(16)]

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 or to refund bonds issued under this section 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 shall mature in not more than 30 years and shall be subject to the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws. 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 bonds are approved by the department of treasury in those instances in which an exception to prior approval is not available under section 11 of chapter III of Act No. 202 of the Public Acts of 1943, being section 133.11 of the Michigan Compiled Laws, or if the governing body of the municipality adopts the resolution authorizing the bonds and prior approval of the department of treasury is not required pursuant to section 11 of chapter III of Act No. 202 of the Public Acts of 1943, 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 Act No. 202 of the Public Acts of 1943.

(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 or to refund or refund in advance obligations issued under this act. 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 bonds shall mature in not more than 30 years and shall bear interest and be payable upon the terms and conditions determined by the authority in the resolution approving the

bonds and shall be sold at public or private sale by the authority. 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. Except for the requirement of Act No. 202 of the Public Acts of 1943 that the authority receive the approval or an exception from approval from the department of treasury prior to the issuance of bonds under this subsection, the terms of Act No. 202 of the Public Acts of 1943 shall not apply to bonds issued pursuant to this subsection that pledge revenue received pursuant to section 11 for repayment of the bonds.

(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 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.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1667 Development plan; preparation; contents; improvements related to qualified facility. [M.S.A. 5.3010(17)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1668 Ordinance approving development plan or tax increment financing plan; public hearing; notice; record. [M.S.A. 5.3010(18)]

Sec. 18. (1) The governing body, before adoption of an ordinance approving a development plan or 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.

(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 deems 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 thereto. 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.
Popular Name: Downtown Development Authority Act.
Popular Name: DDA.

125.1669 Development plan or tax increment financing plan as constituting public purpose; determination; ordinance; considerations. [M.S.A. 5.3010(19)]

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

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.
Popular Name: Downtown Development Authority Act.
Popular Name: DDA.

125.1670 Notice to vacate. [M.S.A. 5.3010(20)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1671 Development area citizens council; establishment; appointment and qualifications of members; representative of development area. [M.S.A. 5.3010(21)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1672 Development area citizens council; advisory body. [M.S.A. 5.3010(22)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1673 Consultation. [M.S.A. 5.3010(23)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1674 Development area citizens council; meetings; notice; record; information and technical assistance; failure to organize, consult, or advise. [M.S.A. 5.3010(24)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1675 Citizens district council as development area citizens council. [M.S.A. 5.3010(25)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1676 Notice of findings and recommendations. [M.S.A. 5.3010(26)]

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: Downtown Development Authority Act.
Popular Name: DDA.

125.1677 Development area citizens council; dissolution. [M.S.A. 5.3010(27)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1678 Budget; cost of handling and auditing funds. [M.S.A. 5.3010(28)]

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: Downtown Development Authority Act.

Popular Name: DDA.

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.

(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.

Popular Name: Downtown Development Authority Act.

Popular Name: DDA.

125.1680 Dissolution of authority; disposition of property and assets; reinstatement of authority; contesting validity of proceedings, findings, and determinations. [M.S.A. 5.3010(30)]

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: Downtown Development Authority Act.

Popular Name: DDA.

125.1681 Proceedings to compel enforcement of act; rules. [M.S.A. 5.3010(31)]

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: Downtown Development Authority Act.

Popular Name: DDA.

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Legal Description of Downtown District

Beginning at the intersection of the center line of Lincoln Avenue and the west right-of-way line of Main Street, thence south along the west right-of-way line of Main Street to the north right-of-way line on Kenilworth Avenue, thence west along the north right-of-way line of Kenilworth Avenue to the easterly right-of-way line of Woodward Avenue, thence southerly along the easterly right-of-way line of Woodward Avenue to the northerly right-of-way line of Interstate Highway 696, thence easterly along the northerly right-of-way line of Interstate Highway 696 to the east right-of-way line of Main Street, thence north along the east right-of-way of Main Street to the south lot line of Lot 14 of Hannan & Webber's Sunset Park Subdivision, thence east along the south lot line of Lot 14 to the west lot line of Lot 61 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 61 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 62 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 105 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 106 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 115 of Hannan & Webber's Sunset Park Subdivision to the northwest lot corner of Lot 115, thence northerly to the southwest corner of Lot 116 of Hannan & Webber's Sunset Park Subdivision, thence northerly from the southwest corner of Lot 116 along the west lot line of Lot 116 to the west lot line of Lot 51 of Donnelly's Subdivision, thence north along the west lot line of Lot 51 to the north right-of-way line of Kenilworth Avenue, thence westerly along the north right-of-way of Kenilworth Avenue to the east right-of-way line of Main Street, thence north along the east right-of-way line of Main Street to the center line of Lincoln Avenue, thence east along the center line of Lincoln Avenue to the center line of Troy Street, thence north along the center line of Troy Street to the south right-of-way line of Fourth Street, thence east along the south right-of-way line of Fourth Street to the east right-of-way line of Knowles Street, thence north along the east right-of-way line of Knowles Street to the most northerly right-of-way line of Third Street, thence west 33.04 feet along the north right-of-way line of Third Street, thence north 262.16 feet along the west property line of Lot 29 of Assessor's Plat No. 9, thence easterly along the north line of Lot 29 35.20 feet to the beginning of the east right-of-way line of Knowles Street at the northeast corner of Lot 29 of Assessor's Plat No. 9, thence north along the east right-of-way line of Knowles Street to the north right-of-way line of Eleven Mile Road, thence west along the north right-of-way line of Eleven Mile Road to the center line of Troy Street, thence north along the center line of Troy Street to the center line of Pingree Boulevard, thence west along the center line of Pingree Boulevard to the center line of Main Street, thence south along the center line of Main Street to the center line of Eleven Mile Road, thence west along the center line of Eleven Mile Road to the center line of West Street, thence south along the center line of West Street to the center line of Lincoln Avenue, thence easterly along the center line of Lincoln Avenue to the point of beginning.

Said property is legally described as Lots 2 through 10 and the west 105.93 feet of Lot 11, Assessor's Plat No. 12; plus Lots 1 through 13, High School Addition Subdivision; plus Blocks 1 through 42, Assessor's Plat No. 20; plus Lots 17 through 24 and Lots 46 through 91, Hudson & Hannan Subdivision No. 2; plus Lots 20 through 23 and Lots 34 through 36, Lucking's Subdivision; plus Lots 1 through 18, Royal Court Subdivision; plus Lots 1 through 15, Royal Court Extension Subdivision; plus Lots 1 and 2, Donnelley's Subdivision; plus Lots 1 through 14, Hannan & Webber's Sunset Park Subdivision; plus Lots 1 through 6, Connor's Subdivision; plus Lots 7 through 18 and 30 of Assessor's Plat No. 9; plus Lots 1 through 13 of Hamilton Court Subdivision; plus lots 635 through 671 of Fourth Avenue Subdivision No. 1; and the Allenhurst Avenue, California Avenue, Center Street, Eleven Mile Road, Fifth Street, Fourth Street, Kenilworth Avenue, Knowles Street, Lafayette Avenue, Lincoln Avenue, Main Street, Maryland Avenue, Pingree Boulevard, Rhode Island Avenue, Second Street, Seventh Street, Sherman Drive, Sixth Street, Third Street, Troy Street, University Avenue, Washington Avenue, West Street, Williams Street, Interstate Highway 696, Grand Trunk Western Rail Road, and adjacent alley rights-of-way as described above.

Legal Description of Development Area

Beginning at the intersection of the center line of Lincoln Avenue and the west right-of-way line of Main Street, thence south along the west right-of-way line of Main Street to the north right-of-way line on Kenilworth Avenue, thence west along the north right-of-way line of Kenilworth Avenue to the easterly right-of-way line of Woodward Avenue, thence southerly along the easterly right-of-way line of Woodward Avenue to the northerly right-of-way line of Interstate Highway 696, thence easterly along the northerly right-of-way line of Interstate Highway 696 to the east right-of-way line of Main Street, thence north along the east right-of-way line of Main Street to the south lot line of Lot 14 of Hannan & Webber's Sunset Park Subdivision, thence east along the south lot line of Lot 14 to the west lot line of Lot 61 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 61 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 62 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 105 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 106 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 115 of Hannan & Webber's Sunset Park Subdivision to the northwest lot corner of Lot 115, thence northerly to the southwest corner of Lot 116 of Hannan & Webber's Sunset Park Subdivision, thence northerly from the southwest corner of Lot 116 along the west lot line of Lot 116 to the west lot line of Lot 51 of Donnelly's Subdivision, thence north along the west lot line of Lot 51 to the north right-of-way line of Kenilworth Avenue, thence westerly along the north right-of-way of Kenilworth Avenue to the east right-of-way line of Main Street, thence north along the east right-of-way line of Main Street to the south right-of-way line of Sixth Street, thence east along the south right-of-way line of Sixth Street to the west right-of-way line of Williams Street, thence south along the west right-of-way line of Williams Street to the north right-of-way line of Seventh Street, thence west along the north right-of-way line of Seventh Street to the easterly right-of-way line of the Grand Trunk Western Rail Road, thence southerly along the easterly right-of-way line of the Grand Trunk Western Rail Road to the center line of Lincoln Avenue, thence easterly along the centerline of Lincoln Avenue to the center line of Troy Street, thence north along the center line of Troy Street to the south right-of-way line of Fourth Street, thence east along the south right-of-way line of Fourth Street to the east right-of-way line of Knowles Street, thence north along the east right-of-way line of Knowles Street to the most northerly right-of-way line of Third Street, thence west 33.04 feet along the north right-of-way line of Third Street, thence north 262.16 feet along the west property line of Lot 29 of Assessor's Plat No. 9, thence easterly along the north line of Lot 29 35.20 feet to the beginning of the east right-of-way line of Knowles Street at the northeast corner of Lot 29 of Assessor's Plat No. 9, thence north along the east right-of-way line of Knowles Street to the north right-of-way line of Eleven Mile Road, thence west along the north right-of-way line of Eleven Mile Road to the center line of Troy Street, thence north along the center line of Troy Street to the center line of Pingree Boulevard, thence west along the center line of Pingree Boulevard to the center line of Main Street, thence south along the center line of Main Street to the center line of Eleven Mile Road, thence west along the center line of Eleven Mile Road to the center line of West Street, thence south along the center line of West Street to the south right-of-way line of Sixth Street, thence east along the south right-of-way line of Sixth Street to the projected west property line of Lot 7, Assessor's Plat No. 20, Block 29, thence north 127.95 feet on and parallel to the west property line of Lot 7 to the north property line of Lot 7, thence east 110.19 feet along the north property line of Lot 7 to the west right-of-way line of Washington Avenue, thence south along the west right-of-way line of Washington Avenue to the center line of Lincoln Avenue, thence easterly along the center line of Lincoln Avenue to the point of beginning.

Said property is legally described as Lots 2 through 10 and the west 105.93 feet of Lot 11, Assessor's Plat No. 12; plus Lots 1 through 13, High School Addition Subdivision; plus Blocks 1 through 28, Lots 1 through 6 and 8 through 11 of Block 29, Block 30, Blocks 33 through 34, Blocks 36 through 37, and Blocks 39 through 40 of Assessor's Plat No. 20; Lots 17 through 24 and Lots 46 through 91, Hudson & Hannan Subdivision No. 2; plus Lots 20 through 23 and Lots 34 through 36, Lucking's Subdivision; plus Lots 1 through 18, Royal Court Subdivision; plus Lots 1 through 15, Royal Court Extension Subdivision; plus Lots 1 and 2, Donnelley's Subdivision; plus Lots 1 through 14, Hannan & Webber's Sunset Park Subdivision; plus Lots 1 through 6, Connor's Subdivision; plus Lots 7 through 18 and 30 of Assessor's Plat No. 9; plus Lots 1 through 13 of Hamilton Court Subdivision; plus lots 635 through 671 of Fourth Avenue Subdivision No. 1; and the Allenhurst Avenue, California Avenue, Center Street, Eleven Mile Road, Fifth Street, Fourth Street, Kenilworth Avenue, Knowles Street, Lafayette Avenue, Lincoln Avenue, Main Street, Maryland Avenue, Pingree Boulevard, Rhode Island Avenue, Second Street, Seventh Street, Sherman Drive, Sixth Street, Third Street, Troy Street, University Avenue, Washington Avenue, West Street, Williams Street, Interstate Highway 696, Grand Trunk Western Rail Road, and adjacent alley rights-of-way as described above.

Ordinance No. 04-11

AN ORDINANCE TO AMEND ORDINANCE NO. 80-7 ENTITLED, "AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE ROYAL OAK BARTON/LAFAYETTE DOWNTOWN DEVELOPMENT AREA PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975," AND TO PROVIDE FOR ALL MATTERS RELATED THERETO.

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. DEFINITIONS. Section 1 of Ordinance No. 80-7 is hereby amended to read as follows:

Section 1. Definitions. The terms used in this Ordinance shall have the following meaning unless the context clearly requires otherwise:

"Base Year Assessment Roll" means the base year assessment roll prepared by the City Assessor in accordance with Section 4 of this Ordinance.

"Captured Assess Value" means the amount in any one year by which the current assessed value as finally equalized of all taxable property in the Downtown Development Area exceeds the Initial Assessed Values.

"Development Area" shall mean the area legally described in Exhibit A and which is hereby made a part of this Ordinance.

"Development Plan" means the Downtown Development and Tax Increment Financing Plan, consisting of the former Barton/Lafayette Tax Increment Financing and Development Plan dated September, 1980, as modified by amendments dated February 1, 1983, April 20, 1983, February 15, 1984, June 7, 1989, and November 7, 1990; the former Woodward/I-696 Tax Increment Financing and Development Plan dated March, 1989; and Downtown Development and Tax Increment Financing Plan Amendments dated October 19, 1994, September 18, 2002, and April 15, 2004; and transmitted to the City Commission by the Royal Oak Downtown Development Authority, copies of which are on file in the office of the City Clerk.

"Downtown Development Authority" means the City of Royal Oak Downtown Development Authority.

"Initial Assessed Value" means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of adoption of this Ordinance.

"Development Fund" means the Downtown Development Authority Development Fund established pursuant to Section 6 of this Ordinance.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on property in the Development Area.

SECTION 2. BOUNDARIES OF DOWNTOWN DEVELOPMENT AREA. Section 3 of Ordinance No. 80-7 is hereby amended to read as follows:

Section 3. Boundaries of Development Area. The boundaries of the Downtown Development Area as described in the Development Plan, as amended through April 15, 2004, are hereby adopted and confirmed.

SECTION 3. CONFLICT AND SEVERABILITY. All ordinances, resolutions and order or parts thereof in conflict with the provisions of this Ordinance are, to the extent such conflict, hereby repealed, and each section of this 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 this Ordinance.

SECTION 4. PARAGRAPH HEADINGS. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of the Ordinance.

SECTION 5. PUBLICATION AND RECORDATION. This Ordinance shall be published in full promptly after its adoption in the Mirror, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in then Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after the final passage thereof.

Made and adopted by the Royal Oak City Commission at a Regular Meeting held April 5, 2004.

Ordinance No. 02-02

AN ORDINANCE TO AMEND ORDINANCE 80-7 ENTITLED, 'AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE ROYAL OAK BARTON/LAFAYETTE DOWNTOWN DEVELOPMENT ARE PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975,' AND TO PROVIDE FOR ALL MATTERS RELATED THERETO.

THE CITY OF ROYAL OAK ORDINANS:

SETION 1. DEFINITIONS. Section 1 of Ordinance No. 80-7 is hereby amended to read as follows:

Section 1. Definitions. The terms used in this Ordinance shall have the following meaning unless the context clearly requires otherwise:

"Base Year Assessment Roll" means the base year assessment roll prepared by the City Assessor in accordance with Section 4 of this Ordinance.

"Captured Assess Value" means the amount in any one year by which the current assessed value as finally equalized of all taxable property in the Downtown Development Area exceeds the Initial Assessed Values.

"Development Area" shall mean the area legally described in Exhibit A and which is hereby made a part of this Ordinance.

"Development Plan" means the Downtown Development and Tax Increment Financing Plan, consisting of the former Barton/Lafayette Tax Increment Financing and Development Plan dated September, 1980, as modified by amendments dated February 1, 1983, April 20, 1983, February 15, 1984, June 7, 1989, and November 7, 1990; the former Woodward/I-696 Tax Increment Financing and Development Plan dated March, 1989; and Downtown Development and Tax Increment Financing Plan Amendments dated October 19, 1994 and August 19, 2002; and transmitted to the City Commission by the Royal Oak Downtown Development Authority, copies of which are on file in the office of the City Clerk.

"Downtown Development Authority" means the City of Royal Oak Downtown Development Authority.

"Initial Assessed Value" means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of adoption of this Ordinance.

"Development Fund" means the Downtown Development Authority Development Fund established pursuant to Section 6 of this Ordinance.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on property in the Development Area.

SETION 2. BOUNDARIES OF DOWNTOWN DEVELOPMENT AREA. Section 3 of Ordinance No. 80-7 is hereby amended to read as follows:

Section 3. Boundaries of Development Area. The boundaries of the Downtown Development Area as described in the Development Plan, as amended through August 19, 2002, are hereby adopted and confirmed.

SECTION 3. CONFLICT AND SEVERABILITY. All ordinances, resolutions and order or parts thereof in conflict with the provisions of this Ordinance are, to the extent such conflict, hereby repealed, and each section of this 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 this Ordinance.

SECTION 4. PARAGRAPH HEADINGS. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of the Ordinance.

SECTION 5. PUBLICATION AND RECORDATION. This Ordinance shall be published in full promptly after its adoption in the Mirror, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in then Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after the final passage thereof.

Made and adopted by the Royal Oak City Commission at a Regular Meeting held September 9, 2002.

Ordinance No. 76-26

AN ORDINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY IN ROYAL OAK PURSUANT TO ACT 197, PUBLIC ACTS OF MICHIGAN, 1975; TO PROVIDE FOR ESTABLISHMENT OF A BOARD OF TRUSTEES FOR THE AUTHORITY; TO DEFINE BOUNDARIES OF THE DOWNTOWN DISTRICT CONSTITUTING THE DOWNTOWN DEVELOPMENT AUTHORITY; TO PROVIDE FOR LEVY AND COLLECTION OF A DOWNTOWN DEVELOPMENT TAX; AND TO PROVIDE FOR ALL OTHER MATTERS NECESSARY AND RELATED THERETO.

THE CITY OF ROYAL OAK ORDAINS:

Section 1. Title of Ordinance. This Ordinance shall be known and may be cited as the “Downtown Development Authority Ordinance.”

Section 2. Definitions. The terms used in this Ordinance shall have the following meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this Ordinance:

“Authority” means the Royal Oak Downtown Development Authority created by this Ordinance.

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

“Board” or “Board of Trustees” means the Board of Trustees of the Authority, the governing body of the Authority.

“Chief Executive Officer” means the City Manager of the City.

“City” means the City of Royal Oak, Michigan.

“Downtown District” means the Downtown District designated by this Ordinance as now existing or hereafter amended.

“Downtown Development Tax” means the tax authorized by this Ordinance pursuant to Act 197 to be imposed by the Authority in the downtown area.

“Commission” or “City Commission” means the City Commission of the City.

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

Section 4. Creation of Authority. There is hereby created pursuant to Act 197 a Downtown Development Authority for the City of Royal Oak, Michigan. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “Royal Oak Downtown Development Authority.” 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 corporation as provided by this Ordinance and Act 197. The enumeration of a power in this Ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Description of 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 City of Royal Oak, Michigan, subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197:

Beginning at the intersection of the center line of Lincoln Avenue and the west right-of-way line of Main Street, thence south along the west right-of-way line of Main Street to the north right-of-way line on Kenilworth Avenue, thence west along the north right-of-way line of Kenilworth Avenue to the easterly right-of-way line of Woodward Avenue, thence southerly along the easterly right-of-way line of Woodward Avenue to the northerly right-of-way line of Interstate Highway 696, thence easterly along the northerly right-of-way line of Interstate Highway 696 to the east right-of-way line of Main Street, thence north along the east right-of-way of Main Street to the south lot line of Lot 14 of Hannan & Webber’s Sunset Park Subdivision, thence east along the south lot line of Lot 14 to the west lot line of Lot 61 of Hannan & Webber’s Sunset Park

Subdivision, thence north along the west lot line of Lot 61 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 62 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 105 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 106 of Hannan & Webber's Sunset Park Subdivision, thence north along the west lot line of Lot 115 of Hannan & Webber's Sunset Park Subdivision to the northwest lot corner of Lot 115, thence northerly to the southwest corner of Lot 116 of Hannan & Webber's Sunset Park Subdivision, thence northerly from the southwest corner of Lot 116 along the west lot line of Lot 116 to the west lot line of Lot 51 of Donnelly's Subdivision, thence north along the west lot line of Lot 51 to the north right-of-way line of Kenilworth Avenue, thence westerly along the north right-of-way of Kenilworth Avenue to the east right-of-way line of Main Street, thence north along the east right-of-way line of Main Street to the center line of Lincoln Avenue, thence east along the center line of Lincoln Avenue to the center line of Troy Street, thence north along the center line of Troy Street to the south right-of-way line of Fourth Street, thence east along the south right-of-way line of Fourth Street to the east right-of-way line of Knowles Street, thence north along the east right-of-way line of Knowles Street to the most northerly right-of-way line of Third Street, thence west 33.04 feet along the north right-of-way line of Third Street, thence north 262.16 feet along the west property line of Lot 29 of Assessor's Plat No. 9, thence easterly along the north line of Lot 29 35.20 feet to the beginning of the east right-of-way line of Knowles Street at the northeast corner of Lot 29 of Assessor's Plat No. 9, thence north along the east right-of-way line of Knowles Street to the north right-of-way of Eleven Mile Road, thence west along the north right-of-way line of Eleven Mile Road to the center line of Troy Street, thence north along the center line of Troy Street to the center line of Pingree Boulevard, thence west along the center line of Pingree Boulevard to the center line of Main Street, thence south along the center line of Main Street to the center line of Eleven Mile Road, thence west along the center line of Eleven Mile Road to the center line of West Street, thence south along the center line of West Street to the center line of Lincoln Avenue, thence easterly along the center line of Lincoln Avenue to the point of beginning.

Said property is legally described as Lots 2 through 10 and the west 105.93 feet of Lot 11, Assessor's Plat No. 12; plus Lots 1 through 13, High School Addition Subdivision; plus Blocks 1 through 42, Assessor's Plat No. 20; plus Lots 17 through 24 and Lots 46 through 91, Hudson & Hannan Subdivision No. 2; plus Lots 20 through 23 and Lots 34 through 36, Lucking's Subdivision; plus Lots 1 through 18, Royal Court Subdivision; plus Lots 1 through 15, Royal Court Extension Subdivision; plus Lots 1 and 2, Donnelley's Subdivision; plus Lots 1 through 14, Hannan & Webber's Sunset Park Subdivision; plus Lots 1 through 6, Connor's Subdivision; plus Lots 7 through 18, 29 and 30 of Assessor's Plat No. 9; plus Lots 1 through 13 of Hamilton Court Subdivision; plus lots 635 through 671 of Fourth Avenue Subdivision No. 1; and the Allenhurst Avenue, California Avenue, Center Street, Eleven Mile Road, Fifth Street, Fourth Street, Kenilworth Avenue, Knowles Street, Lafayette Avenue, Lincoln Avenue, Main Street, Maryland Avenue, Pingree Boulevard, Rhode Island Avenue, Second Street, Seventh Street, Sherman Drive, Six Street, Third Street, Troy Street, University Avenue, Washington Avenue, West Street, Williams Street, Interstate Highway 696, Grand Trunk Western Rail Road, and adjacent alley rights-of-way as described above.

(Amended by Ordinances 77-22, 88-07 and 94-19.)

Section 6. Board of Trustees.

- a) The City of Royal Oak Downtown Development Authority shall be under the supervision and control of a Board consisting of the City Manager and not less than eight (8) or more than ten (10) members as determined by the City Commission. Members shall be appointed by the City Manager, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than one (1) of the members shall be a resident of the Downtown District, if the Downtown District has one hundred (100) or more persons residing within it. Of members first appointed, one (1) shall be appointed for one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four (4) years. A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for four (4) years. An appointment to fill a vacancy shall be made by the City Manager subject to approval by the City Commission for the unexpired term. Members of

the Board shall serve without compensation, but shall be reimbursed for actual or necessary expenses. The Chairman of the Board shall be elected by the Board. *(Amended by Ordinances 93-18 and 96-2.)*

- b) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.
- c) The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the City Commission of the City of Royal Oak. Special meetings may be held when called in the manner provided in the rules of the Board and in accordance with applicable state law. Meetings of the Board shall be open to the public.
- d) Pursuant to notice and an opportunity to be heard, a member of the Board may be removed for cause by the City Commission of the City of Royal Oak. Removal of a member is subject to review by the Circuit Court.
- e) All expense items of the Authority shall be publicized monthly and the financial records shall always be open to the public.

Section 7. 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 8. Fiscal Year; Adoption of Budget.

- a) The fiscal year of the Authority shall commence on the first day of July in each year. *(Amended by Ordinance 93-18.)*
- b) The Board shall annually prepare a budget and shall submit it to the Commission on or before the first day of May prior to the ensuing fiscal year. *(Amended by Ordinance 93-18.)*
- c) The Authority shall submit financial reports to the City Commission on a quarterly basis. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall be filed with the Commission. *(Amended by Ordinance 93-18.)*

Section 9. Downtown Development Tax.

- a) The Authority is hereby authorized by the City to impose an ad valorem tax on all taxable property in the Downtown District for the purposes provided in Act 197. The tax shall not exceed two (2) mills on the value of taxable property in the Downtown District as finally equalized.
- b) In order to impose the tax, the Board shall include in its budget each year an estimate of the amount necessary to be raised from the Downtown Development Tax. The amount of tax imposed shall not exceed the amount necessary to be raised from the Downtown Development Tax. The amount of tax imposed shall not exceed the amount necessary as estimated in the budget and approved by the City Commission. The Board shall certify to the proper tax assessing official of the City the amount so determined in the same manner and at the same time as general city taxes are certified for collection.
- c) The City shall collect the Downtown Development Tax at the same time and in the same manner as other City taxes are collected. The tax shall be paid to the Treasurer of the Authority and credited to the general fund of the Authority for the purpose provided by Act 197. The City Commission 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.

Section 10. The Authority shall be deemed an instrumentality of the City of Royal Oak.

Section 11. Section Headings; Severability; Repealer. Section headings are provided for convenience and are not intended to be part of this Ordinance. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Ordinance No. 80-07

AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE ROYAL OAK BARTON/LAFAYETTE DOWNTOWN DEVELOPMENT AREA PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975, AND TO PROVIDE FOR ALL MATTERS RELATED THERETO.

THE CITY OF ROYAL OAK ORDAINS:

Section 1. Definitions. The terms used in this Ordinance shall have the following meaning unless the context clearly requires otherwise:

“Base Year Assessment Roll” means the base year assessment roll prepared by the City Assessor in accordance with Section 4 of this Ordinance.

“Captured Assess Value” means the amount in any one year by which the current assessed value as finally equalized of all taxable property in the Downtown Development Area exceeds the Initial Assessed Value. *(Amended by Ordinance 94-20.)*

“Development Area” shall mean the area legally described in Exhibit A and which is hereby made a part of this Ordinance.

“Development Plan” means the Downtown Development Plan, consisting of the Barton/Lafayette Tax Increment Financing and Development Plan dated September, 1980, as modified by amendments dated February 1, 1983, April 20, 1983, February 15, 1984, June 7, 1989, and November 7, 1990; the Woodward/I-696 Tax Increment Financing and Development Plan dated March, 1989, and a Development Plan Amendment dated October 19, 1994, and transmitted to the City Commission by the Royal Oak Downtown Development Authority, copies of which are on file in the office of the City Clerk. *(Amended by Ordinances 83-3, 83-10, 84-6, 89-14, 90-18, and 94-20.)*

“Downtown Development Authority” means the City of Royal Oak Downtown Development Authority.

“Initial Assessed Value” means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of adoption of this Ordinance.

“Development Fund” means the Downtown Development Authority Development Fund established pursuant to Section 6 of this Ordinance.

“Taxing Jurisdiction” shall mean each unit of government levying an ad valorem property tax on property in the Development Area.

Section 2. Approval and Adoption of Development Plan. The Development Plan as submitted by the Downtown Development Authority is hereby approved and adopted by the City Commission. The duration of the plan shall be thirty (30) years from the date of issuance of the last series of bonds issued pursuant to the Development Plan, except as it may be extended by subsequent amendment of the Plan and this Ordinance. A copy of the Plan and all amendments thereto shall be maintained on file in the City Clerk’s office and cross-indexed to this Ordinance.

Section 3. Boundaries of Development Area. The boundaries of the Downtown Development Area as described in the Development Plan, as amended through October 19, 1994, as hereby adopted and confirmed. *(Amended by Ordinances 92-6 and 94-20.)*

Section 4. Preparation of Base Year Assessment Roll.

- a) Within sixty (60) days of the effective date of this Ordinance, the City Assessor shall prepare the initial Base Year Assessment Roll. The initial Base Year Assessment Roll shall list each Taxing Jurisdiction in which the Barton/Lafayette Development Area is located, the Initial Assessed Value of the Barton/Lafayette Development Area on the effective date of this Ordinance and the amount of tax revenue derived by each Taxing Jurisdiction from ad valorem taxes on property in the Development Area.
- b) The Assessor shall transmit copies of the initial Base Year Assessment Roll to the City Treasurer, County Treasurer, Downtown Development Authority and each Taxing Jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this Ordinance and the Tax Increment Financing Plan contained in the Development Plan approved by this Ordinance.

Section 5. Preparation of Annual Base Year Assessment Roll. Each year within fifteen (15) days following the final equalization of property in the Barton/Lafayette Development Area, the Assessor shall prepare an updated Base Year Assessment Roll. The updated Base Year Assessment Roll shall show the information required in the initial Base Year Assessment Roll and, in addition, the Captured Assessed Value for that year. Copies of the annual Base Year Assessment Roll shall be transmitted by the Assessor to the same persons as the initial Base Year Assessment Roll, together with a notice that it has been prepared in accordance with this Ordinance and the Development Plan.

Section 6. Establishment of Development Fund; Approval of Depository. The Treasurer of the Downtown Development Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the City Treasurer of the City of Royal Oak to be designated Downtown Development Authority Barton/Lafayette Fund. All moneys in that fund and earnings thereon shall be used only in accordance with the Development Plan and this Ordinance.

Section 7. Payment of Tax Increments to Downtown Development Authority. The City and County Treasurer shall, as ad valorem taxes are collected on property in the Development Area, pay that proportion of the taxes, except for penalties and collection fees, that the Captured Assessed Value bears to the Initial Assessed Value to the Treasurer of the Downtown Development Authority for deposit in the Development Fund. The payments shall be made on the date or dates on which the City and County Treasurers are required to remit taxes to each of the taxing jurisdictions.

Section 8. Use of Moneys in the Development Fund. The money credited to the Development Fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

- a) To pay into the debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to this Plan an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- b) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this Plan, an amount equal to one-fifth (1/5) of the largest combined annual principal and interest payments due on bonds issued pursuant to this Plan until the amount to the credit of the reserve account is equal to the largest combined annual principal and interest requirements on bonds issued pursuant to this Plan. Any amounts to the credit of the reserve account at the beginning of a fiscal year in excess of this requirement of the preceding sentence shall be considered tax increment revenue for that year.
- c) To pay, to the extent determined desirable by the City Commission based upon the recommendation of the Downtown Development Authority, the cost of the Initial Stage and Second Stage public improvements as set forth in the Development Plan to the extent those costs are not financed from the proceeds of bonds.
- d) To pay administrative and operating costs of the Downtown Development Authority to the extent provided in the annual budget of the Downtown Development Authority.
- e) To reimburse the City for funds advanced to acquire property, clear land, make preliminary plans and improvements necessary for the development of the Development Area in accordance with this Plan.
- f) Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert proportionately to the Taxing Jurisdictions.

Section 9. Annual Report. Within ninety (90) days after the end of each fiscal year, the Downtown Development Authority shall submit to the City Commission, with copies to each Taxing Jurisdiction, a report on the status of the Development Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the Initial Assessed Value of the Barton/Lafayette Development Area, the Captured Assessed Value of the Barton/Lafayette Development Area, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the City Commission deemed appropriate by the Downtown Development Authority. The Secretary of the Downtown Development Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the City.

Section 10. Section Headings. Section headings are provided for convenience and are not intended to be part of this Ordinance. If any portion of this Ordinance shall be found unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall take effect ten (10) days after the final passage thereof.

Ordinance No. 89-07

AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE ROYAL OAK WOODWARD/I-696 DOWNTOWN DEVELOPMENT AREA PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975, AND TO PROVIDE FOR ALL MATTERS RELATED THERETO.

THE CITY OF ROYAL OAK ORDAINS:

Section 1. Definitions. The terms used in this Ordinance shall have the following meaning unless the context clearly requires otherwise:

“Base Year Assessment Roll” means the base year assessment roll prepared by the City Assessor in accordance with Section 4 of this Ordinance.

“Captured Assess Value” means the amount in any one year by which the current assessed value, as finally equalized, of all taxable property in the Woodward/I-696 Development Area exceeds the Initial Assessed Value.

“Development Area” shall mean the area legally described in Exhibit A and which is hereby made a part of this Ordinance.

“Development Plan” means the Woodward/I-696 Tax Increment Financing and Development Plan dated March, 1989, as transmitted to the City Commission by the Royal Oak Downtown Development Authority for public hearing, copies of which are on file in the office of the City Clerk.

“Downtown Development Authority” means the City of Royal Oak Downtown Development Authority.

“Initial Assessed Value” means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of adoption of this Ordinance.

“Development Fund” means the Downtown Development Authority Development Fund established pursuant to Section 6 of this Ordinance.

“Taxing Jurisdiction” shall mean each unit of government levying an ad valorem property tax on property in the Development Area.

Section 2. Approval and Adoption of Development Plan. The Development Plan, as submitted by the Downtown Development Authority is hereby approved and adopted by the City Commission. The duration of the plan shall be thirty (30) years from the date of issuance of the last series of bonds issued pursuant to the Development Plan, except as it may be extended by subsequent amendment of the Plan and this Ordinance. A copy of the Plan and all amendments thereto shall be maintained on file in the City Clerk’s office and cross-indexed to this Ordinance.

Section 3. Boundaries of Development Area. The boundaries of the Woodward/I-696 Development Area, as illustrated on Map 2 of the Plan, shall be expanded to include the Barton/Lafayette Development Area, and the resulting Development Area will be as shown on the attached Exhibit C. The legal description of the resulting Development Area consists of the two (2) parcels described on Exhibits D and E. *(Amended by Ordinance 92-6.)*

Section 4. Preparation of Base Year Assessment Roll.

- a) Within sixty (60) days of the effective date of this Ordinance, the City Assessor shall prepare the initial Base Year Assessment Roll. The initial Base Year Assessment Roll shall list each Taxing Jurisdiction in which the Woodward/I-696 Development Area is located, the Initial Assessed Value of the Woodward/I-696 Development Area on the effective date of this Ordinance and the amount of tax revenue derived by each Taxing Jurisdiction from ad valorem taxes on property in the Development Area.
- b) The Assessor shall transmit copies of the initial Base Year Assessment Roll to the City Treasurer, County Treasurer, Downtown Development Authority and each Taxing Jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this Ordinance and the Tax Increment Financing Plan contained in the Development Plan approved by this Ordinance.

Section 5. Preparation of Annual Base Year Assessment Roll. Each year within fifteen (15) days following the final equalization of property in the Woodward/I-696 Development Area, the Assessor shall prepare an updated Base

Year Assessment Roll. The updated Base Year Assessment Roll shall show the information required in the initial Base Year Assessment Roll and, in addition, the Captured Assessed Value for that year. Copies of the annual Base Year Assessment Roll shall be transmitted by the Assessor to the same persons as the initial Base Year Assessment Roll, together with a notice that it has been prepared in accordance with this Ordinance and the Development Plan.

Section 6. Establishment of Development Fund; Approval of Depository. The Treasurer of the Downtown Development Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the City Treasurer of the City of Royal Oak to be designated Downtown Development Authority Woodward/I-696 Fund. All moneys in that fund and earnings thereon shall be used only in accordance with the Development Plan and this Ordinance.

Section 7. Payment of Tax Increments to Downtown Development Authority. The City and County Treasurer shall, as ad valorem taxes are collected on property in the Development Area, pay that proportion of the taxes, except for penalties and collection fees, that the Captured Assessed Value bears to the Initial Assessed Value to the Treasurer of the Downtown Development Authority for deposit in the Development Fund. The payments shall be made on the date or dates on which the City and County Treasurers are required to remit taxes to each of the taxing jurisdictions.

Section 8. Use of Moneys in the Development Fund. The money credited to the Development Fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

- a) To pay into the debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to this Plan an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- b) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this Plan, an amount equal to that required by P.A. 197 of 1975, as amended, from time to time. Any amounts to the credit of the reserve account at the beginning of a fiscal year in excess of this requirement of the preceding sentence shall be considered tax increment revenue for that year.
- c) To pay the cost of public improvements as set forth in the Development Plan on a pay-as-you-go basis, to the extent those costs are not financed from the proceeds of bonds.
- d) To pay administrative and operating costs of the Downtown Development Authority to the extent provided in the annual budget of the Downtown Development Authority.
- e) To reimburse the City for funds advanced to the Downtown Development Authority for use in financing those public improvements, or any portion thereof, indicated in the Development Plan. To the extent the City may be called upon to meet any debt service insufficiencies, tax increment revenues will be used to reimburse the City in the amount of any such advance it has made.
- f) Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert proportionately to the Taxing Jurisdictions.

Section 9. Annual Report. Within ninety (90) days after the end of each fiscal year, the Downtown Development Authority shall submit to the City Commission, with copies to each Taxing Jurisdiction, a report on the status of the Development Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the Initial Assessed Value of the Woodward/I-696 Development Area, the Captured Assessed Value of the Woodward/I-696 Development Area, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the City Commission deemed appropriate by the Downtown Development Authority. The Executive Director of the Downtown Development Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the City.

Section 10. Section Headings. Section headings are provided for convenience and are not intended to be part of this Ordinance. If any portion of this Ordinance shall be found unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall take effect ten (10) days after the final passage thereof.

Possible Participation in Bond Issue for Parking Structure**\$8,015,000****City of Royal Oak Downtown Development Authority
Limited Tax Bonds – Series 2004****ESTIMATED DDA SHARE OF DEBT SERVICE**

09/01/05	\$	285,000.00	2.750%	\$	154,498.75	\$	439,498.75	\$	593,997.50
03/01/06				\$	150,580.00	\$	150,580.00		
09/01/06	\$	295,000.00	2.850%	\$	150,580.00	\$	445,580.00	\$	596,160.00
03/01/07				\$	146,376.25	\$	146,376.25		
09/01/07	\$	300,000.00	2.950%	\$	146,376.25	\$	446,376.25	\$	592,752.50
03/01/08				\$	141,951.25	\$	141,951.25		
09/01/08	\$	315,000.00	3.000%	\$	141,951.25	\$	456,951.25	\$	598,902.50
03/01/09				\$	137,226.25	\$	137,226.25		
09/01/09	\$	325,000.00	3.000%	\$	137,226.25	\$	462,226.25	\$	599,452.50
03/01/10				\$	132,351.25	\$	132,351.25		
09/01/10	\$	335,000.00	3.000%	\$	132,351.25	\$	467,351.25	\$	599,702.50
03/01/11				\$	127,326.25	\$	127,326.25		
09/01/11	\$	345,000.00	3.000%	\$	127,326.25	\$	472,326.25	\$	599,652.50
03/01/12				\$	122,151.25	\$	122,151.25		
09/01/12	\$	355,000.00	3.300%	\$	122,151.25	\$	477,151.25	\$	599,302.50
03/01/13				\$	116,293.75	\$	116,293.75		
09/01/13	\$	365,000.00	3.500%	\$	116,293.75	\$	481,293.75	\$	597,587.50
03/01/14				\$	109,906.25	\$	109,906.25		
09/01/14	\$	375,000.00	4.000%	\$	109,906.25	\$	484,906.25	\$	594,812.50
03/01/15				\$	102,406.25	\$	102,406.25		
09/01/15	\$	395,000.00	4.000%	\$	102,406.25	\$	497,406.25	\$	599,812.50
03/01/16				\$	94,506.25	\$	94,506.25		
09/01/16	\$	400,000.00	4.000%	\$	94,506.25	\$	494,506.25	\$	589,012.50
03/01/17				\$	86,506.25	\$	86,506.25		
09/01/17	\$	425,000.00	4.000%	\$	86,506.25	\$	511,506.25	\$	598,012.50
03/01/18				\$	78,006.25	\$	78,006.25		
09/01/18	\$	425,000.00	4.150%	\$	78,006.25	\$	503,006.25	\$	581,012.50
03/01/19				\$	69,187.50	\$	69,187.50		
09/01/19	\$	460,000.00	4.300%	\$	69,187.50	\$	529,187.50	\$	598,375.00
03/01/20				\$	59,297.50	\$	59,297.50		
09/01/20	\$	480,000.00	4.400%	\$	59,297.50	\$	539,297.50	\$	598,595.00
03/01/21				\$	48,737.50	\$	48,737.50		
09/01/21	\$	500,000.00	4.500%	\$	48,737.50	\$	548,737.50	\$	597,475.00
03/01/22				\$	37,487.50	\$	37,487.50		
09/01/22	\$	520,000.00	4.500%	\$	37,487.50	\$	557,487.50	\$	594,975.00
03/01/23				\$	25,787.50	\$	25,787.50		
09/01/23	\$	545,000.00	4.600%	\$	25,787.50	\$	570,787.50	\$	596,575.00
03/01/24				\$	13,252.50	\$	13,252.50		
09/01/24	\$	570,000.00	4.650%	\$	13,252.50	\$	583,252.50	\$	596,505.00
		<u>\$8,015,000.00</u>			<u>\$ 3,907,672.50</u>		<u>\$ 11,922,672.50</u>		<u>\$ 11,922,672.50</u>

Dated Date: 09/01/04

