

40.100

**DOWNTOWN DEVELOPMENT AUTHORITY
CITY OF GAYLORD, MICHIGAN
ord. no. 1985-09 eff. Nov. 4, 1985, further amend. eff. Mar. 2, 2008**

THE CITY OF GAYLORD ORDAINS:

40.101

ESTABLISHMENT; POWERS, DUTIES AND RESPONSIBILITIES.

Pursuant to Act No. 197, Public Acts of 1975, as amended, the City of Gaylord does hereby establish a Downtown Development Authority which shall be established and regulated pursuant to said Act 197. The Authority shall analyze the impact of economic changes and growth in the Downtown District and have all of the powers, duties and responsibilities as set forth in and granted by said Act 197.

(ord. no. 1985-09 eff. Nov. 4, 1985)

Whereas, the Gaylord Downtown Development Authority has heretofore prepared and submitted to the Gaylord City Council a Development Plan and a Tax Increment Financing Plan; and whereas, the Gaylord City Council has held the public hearings on these plans as required by Michigan Compiled Laws 125.1668 and has provided the opportunities set forth in Michigan Compiled Laws 125.164 (4); and whereas, the Gaylord City Council has determined that the Development Plan contains the information required by Michigan Compiled laws 125.1667(2) and has determined that the Development Plan and the Tax Increment Financing Plan constitute a public purpose; and whereas, the Gaylord City Council has considered the factors enumerated in Michigan Compiled Laws 125.1669(1), to the extent applicable and has determined that the plans meet the applicable requirements of the section; NOW THEREFORE the Gaylord City Council does hereby ordain that the Development Plan and the Tax Increment Financing Plan for the Gaylord Downtown Development Authority be and the same are hereby approved. The provisions of Michigan Compiled Laws 125.1664(1), 125.1664(3), 125.1665, and 125.1666 are hereby incorporated by reference into the Tax Increment Financing Plan.

(ord. amend. eff. June 15, 1992)

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BOUNDARIES OF DISTRICT.

The boundaries of the downtown District within which the DDA shall exercise its powers shall be as follows:

A parcel of land on part of Section 33 and 34, T31N-R3W, and part of Section 4, T30N-R3W, City of Gaylord, Otsego County, Michigan, described as BEGINNING at the NW corner of Block 7 of the Plat of Sanford W. Buck's Addition to the Village, now City, of Gaylord, as recorded in Liber 1, Page 10, Otsego County Records; thence South along the West line of said Plat of the City of Gaylord to the NW corner of Block 5 of said Plat of Sanford W. Buck's Addition to the Village, now City, of Gaylord; thence East along the North line of said Block 5 to the NE corner of said Block 5; thence South along the West line of

North Ohio Avenue to the NE corner of Block 4 of said Plat of the City of Gaylord; thence East to the NE corner of Outlot 33 of the City of Gaylord; thence East along the north line of Outlot 33 to the NE corner of said Outlet 33; thence North along the Easterly line of Outlot 34-1 of the City of Gaylord to the NE corner of said Outlot 34-1; thence East along the North lines of Outlots 34 and 29C of the City of Gaylord to the NE corner of said Outlot 29C; thence South along the West line of Wisconsin Avenue to the SE corner of Outlot 29B of the City of Gaylord; thence East to the SW corner of Lot 12, Block 5 of the Plat of the City of Gaylord, as recorded in Liber 1, Page 28, Otsego County Records; thence East along the South line of said Lot 12 to the NW corner of Lot 9 of said Block 5; thence North along the West line of Lot 7 of said Block 5, 16.5'; thence East parallel with the South line of said Lot 7, Block 5, to the East line of said Lot 7, Block 5; thence North along the West line of Illinois Avenue to the NE corner of said Lot 7, Block 5; thence East to the NW corner of Lot 12, Block 7, of the said Plat of the Village, now City, of Gaylord; thence East along the North line of said Lot 12 to the centerline of alley in said Block 7; thence South along centerline to a point West of the South line of Lot 7, Block 7; thence East along the South line of Lot 7, Block 7, to the SE corner of said Lot 7, Block 7; thence North along the West line of Indiana Avenue to the NE corner of said Block 7; thence East along the South line of Mitchell Street to the centerline of the alley of Block 1 of said Plat of the Village, now City, of Gaylord; thence South along the centerline of said alley of Block 1 to a point West of the SW corner of Lot 4, Block 1; thence East along the South line of Lot 4, Block 1, to the SE corner of Lot 4, Block 1; thence North along the West line of Court Avenue to a point West of the NW corner of Lot 4, Block 1 of the Plat of C.C. Mitchell's Addition to the City of Gaylord, as recorded in Liber 1, Page 53, Otsego County Records; thence East along the North line of said Lot 4, Block 1, to the centerline of the alley of said Block 1; thence North along the centerline of said alley to a point West of the NW corner of Lot 12 of said Block 1; thence East along the North line of said Lot 12, Block 1, to the NE corner of said Lot 12, Block 1; thence North along the West line of Center Avenue to the NE corner of said Block 1; thence East along the South line of Mitchell Street to the NE corner of Lot 7, Block 4, of the Plat of Marshall's Addition to the City of Gaylord, as recorded in Liber 1, page 52, Otsego County Records; thence South along the East lines of Lots 7, 8 and 2 of said Block 4 to the SE corner of said Lot 2, Block 4; thence West along the North line of Huron Street to the SW corner of said Block 4; thence South along the East line of Center Avenue to centerline of alley in Block 1 of said Plat of Marshall's Addition to the City of Gaylord; thence East along said centerline of alley to the East line of said Block 1; thence Northeasterly to the NW corner of Lot 1, Block 2, of said Plat of Marshall's Addition to the City of Gaylord; thence East along the North lines of Lots 1, 2, 3 and 4 of said Block 2; thence North along the West line of Oak Avenue to the NE corner of said Block 2; thence East along the South line of Huron Street to the NE corner of Lot 19, Block 3, of the Plat of George A. Badcon's Addition to the City of Gaylord, as recorded in Liber 1, Page 6, Otsego County Records; thence South along the East lines of Lots 19 and 2 of said Block 3 to the SE corner of said Lot 2, Block 3; thence West along the North line of Main Street to the SE corner of Block 1 of said Marshall's Addition to the City of Gaylord; thence South along the West line of Elm Avenue to the SE corner of Block 5 of the Plat of George H. Smith's Addition to the City of Gaylord, as recorded in Liber 1, page 82, Otsego County Records, thence West along the North line of First Street to the SE corner of Block 1 of said Plat of George H.

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Smith's Addition to the City of Gaylord; thence South along the West line of Center Avenue to the SE corner of Lot 1, Block 2, of said Plat of George H. Smith's Addition to the City of Gaylord; thence West along the North lines of Lots 9, 10, 11 and 12 of said Block 2 to the SW corner of Lot 4 of said Block 2; thence South along the East line of said Lot 7, Block 2, to the SE corner of Lot 7 of said Block 2; thence West along the South line of said Lot 7, Block 2, to the SE corner of Lot 8, Block 10, of the Plat of the City of Gaylord, as recorded in Liber 1, Page 28, Otsego County Records; thence North along the West line of Court Avenue to the SE corner of Lot 6 of said Block 10; thence West along the South lines of Lots 6 and 13 of said Block 10 to the NE corner of Lot 8, Block 9, of said Plat of the Village, now City, of Gaylord; thence South along the West line of Otsego Avenue to the centerline of Second Street; thence East along said centerline to a point North of the centerline of the alley in Block 11 of said Plat of the Village, now City, of Gaylord; thence South along the centerline of said alley to a point East of the SE corner of Lot 13 of said Block 11; thence West along the South line of said Lot 13, Block 11, to the NW corner of Lot 12 of said Block 11; thence North to a point East of the SE corner of Lot 1, Block 12, of said Plat of the Village, now City, of Gaylord; thence West along the South line of Lots 1, 2 and 3 of said Block 12 to the West line of said Block 12; thence Northeasterly along the East line of Railroad ROW line to the North line of Second Street; thence West along the North line of Second Street to the SE corner of Lot 10, Block 8, of said Plat of the City of Gaylord; thence Northeasterly along the East line of said Block 8 to the SE corner of Lot 7 of said Block 8; thence West along the South line of said Lot 7, Block 8, to the SE corner of Lot 6, Block 7, of said Plat of the Village, now City, of Gaylord; thence North along the West line of Indiana Avenue to the NE corner of Lot 4 of said Block 7; thence West along the North line of said Lot 4, Block 7, to the centerline of the alley in said Block 7; thence South along the centerline of said alley to a point East of the SE corner of Lot 15 of said Block 7; thence West along the South line of said Lot 15, Block 7, to the SE corner of Lot 4, Block 6, of said Plat of the Village, now City, of Gaylord; thence North along the West line of Illinois Avenue to the NE corner of Lot 3 of said Block 6; thence West along the North line of said Lot 3, Block 6, to the centerline of said Lot 3, Block 6; thence South along said centerline to the South line of Lot 4 of said Block 6; thence West along the South line of said Lot 4, Block 6, to the centerline of alley in said Block 6; thence South along said centerline to a point East of the SE corner of Lot 12 of said Block 6; thence West along the South line of said Lot 12, Block 6, to the West line of Wisconsin Avenue; thence South along the West line of Wisconsin Avenue to the South line of Second Street; thence East along the South line of Second Street to the centerline of alley in Block 15 of said Plat of the City of Gaylord; thence South along the centerline of said alley, Block 15, to the centerline of Fourth Street; thence East along said centerline of Fourth Street to the West line of Illinois Avenue; thence South along the West line of Illinois Avenue to the SE corner of Outlot 106 G1 of the City of Gaylord; thence West along the South lines of Outlots 106 G1, 106 F and 104 to the East line of Limited Access Highway I-75; thence North along said East line of Limited Access Highway I-75 to the centerline of State Highway M-32; thence Northwesterly to the intersection of the North line of Highway M-32 and East line of said Limited Access Highway I-75; thence Northerly along the East line of said Limited Access Highway I-75 to the South line of Petoskey Street; thence East along the South line of Petoskey Street to a point North of the West line of the plat of Sanford W. Buck's Addition to the City of Gaylord; thence South to the NW

corner of said Plat of Sanford W. Buck's Addition to the City of Gaylord and Point of Beginning.

(ord. no. 1985-09 eff. Nov. 4, 1985; amended Mar. 23, 1992)

40.103 BOARD MEMBERSHIP.

1. The Authority shall be under the supervision and control of a Board consisting of the Mayor and not less than eight (8) nor more than twelve (12) members as determined from time to time by the City Council. Members shall be appointed by the Mayor, subject to approval by the City Council. Not less than a majority of the Board members shall be persons having an interest in property located in the downtown district or officers, members, trustees, principals, or employees of a legal entity having an interest in property located in the downtown district. The Chairperson of the Board shall be elected by the Board.
2. From and after the effective date of this Amendment to the Downtown Development Authority Ordinance, the terms of all Board members shall expire on December 31 of the year in which their terms are scheduled to expire. Any appointment made by the Mayor to fill a vacancy in office shall be only for the unexpired term.
3. All terms of the Members of the Board shall be for a period of four (4) years. Provided, however, that no person shall serve more than two (2) consecutive terms on the Board. Provided further, that no person who has previously served two consecutive terms shall be reappointed to the Board unless at least four (4) years have expired since such person last served on the Board.
4. Upon the expiration of the term of any member, the Mayor shall (if the Mayor and City Council are desirous of maintaining the current number of Members then on the Board) appoint a Member to the Board for a term of four (4) years to fill the place or places of those whose term or terms have expired. If the Mayor and City Council have determined that the Board should be reduced in number, no appointment shall be made to fill an expired term, provided, however, that the Board shall always consist of not less than eight (8) Members and the Mayor.
5. Before assuming the duties of office, a Member shall qualify by taking and subscribing to the constitutional oath of office.

(ord. amend. eff. Mar. 2, 2008)

40.104 MEETINGS.

Within thirty (30) days after the appointment of the Board of Downtown Development Authority, the Authority shall call a meeting. The meeting shall open with a call for an election of Board officers which shall consist of the following officers:

Chairman

Vice Chairman

Treasurer

Secretary

The Board shall prepare by-laws to govern the procedure of meetings and powers of its officers which shall be submitted to the City Council for approval prior to their adoption by the Board.

(ord. no. 1985-09 eff. Nov. 4, 1985)

40.105 SOURCES OF REVENUE, PERMITTED EXPENDITURES.

The activities of the Authority shall be financed from one or more of the funding sources set out in Section 11 of Act 197 of Public Acts of 1975, as amended, and the Authority shall expend no monies without prior approval of the City Council of the City of Gaylord.

(ord. no. 1985-09 eff. Nov. 4, 1985)

40.106 AUTHORITY SUBJECT TO STATE LAW.

The Downtown Development Authority is to be controlled, regulated, and operated strictly in compliance with all applicable provisions of the Downtown Development Authority Act, being Act 197 of Public Acts of 1975, as amended.

(ord. amend. eff. Mar. 2, 2008)

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1. The Board may employ and fix the compensation of a Director, subject to the approval of the City Council. 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 or her office, the Director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined by the City Council and payable to the Authority for the use and benefit of the Authority, approved by the Board, and filed with the City Clerk. In other respects, the Director shall have the duties and responsibilities as set forth in Section 5 of the Downtown Development Authority Act.
2. The Board may also employ such other officers or employees as are authorized by Section 5 of the Downtown Development Authority Act.

(ord. amend. eff. Mar. 2, 2008)

40.107 EXCLUSION OF CERTAIN PROPERTY.

1. Residential structures that are owner-occupied and not used for commercial purposes shall be excluded from and not subject to this Ordinance for so long as the same are so owned and occupied.

2. Any property owner who desires to have his property excluded from this Ordinance pursuant to this section shall, on or before December 1st of each year, file with the City Clerk an affidavit setting forth the legal description of the property claimed to be exempt and stating that the property is owner-occupied residential property not used for commercial purposes. Upon receipt of such affidavit, the City Clerk shall declare the property exempt from this Ordinance and shall keep a record of all such exempted property. If the ownership, occupation or use of any such exempted property shall change during the period of such exemption, the owner shall forthwith notify the City Clerk, in writing, of such change.
3. A Notice shall be sent from the City Office to each resident home within the DDA district, each year on October 1st, notifying them of their obligation to file an affidavit for exemption.

(ord. no. 1985-09 eff. Nov. 4, 1985; amend. by ord. eff. Feb. 3, 1986)

40.108 PUBLICATION REQUIREMENTS.

Promptly after adoption of this Ordinance, a copy of same shall be filed with the Secretary of State of the State of Michigan and shall be published at least once in a newspaper of general circulation within the City.

(ord. no. 1985-09 eff. Nov. 4, 1985)

40.109 CONFLICTING ORDINANCES, RESOLUTIONS OR ORDERS.

All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, repealed.

(ord. no. 1985-09 eff. Nov. 4, 1985)

40.110 DURATION

The Downtown Development Authority shall continue in existence for so long as the Tax Increment Financing Plan of the Downtown Development Authority shall be in effect. Upon expiration or the rescinding of said Tax Increment Financing Plan, the Downtown Development Authority shall cease to exist unless its existence is then extended by the Gaylord City Council.

(ord. no. 1985-09 eff. Nov. 4, 1985; further amend. eff. June 15, 1992)

40.111 EFFECT.

This Ordinance shall take effect on the 4th day of November, 1985.

(ord. no. 1985-09 eff. Nov. 4, 1985)

Adopted: October 15, 1985