

40.200

**DOWNTOWN DEVELOPMENT AUTHORITY
CITY OF GAYLORD, MICHIGAN
ord. no. 2004-1 eff. June 13, 2004**

**AN ORDINANCE APPROVING AMENDMENTS TO A DEVELOPMENT PLAN
AND A TAX INCREMENT FINANCING PLAN FOR THE DOWNTOWN
DEVELOPMENT AUTHORITY OF THE CITY OF GAYLORD AND
RATIFYING, APPROVING AND CONFIRMING THE PLAN AS AMENDED
AND RESTATED**

THE CITY OF GAYLORD ORDAINS:

40.201 Section 1. DEFINITIONS.

“Act 197” means Act 197 of the Public Acts of Michigan, 1975, as amended.

“Authority” means the Gaylord Downtown Development Authority, a Michigan public body corporate duly established pursuant to the provisions of Act 197 by Ordinance No. 1985-09 duly adopted by the City Council.

“City” means the City of Gaylord, Michigan.

“City Council” means the City of Council of the City duly constituted in accordance with the City Charter.

“Development Plan” means the amended and restated Development Plan prepared by the Authority pursuant to Section 17 of Act 197 and which is part of the Plan.

“Plan” means the amended and restated Development Plan and Tax Increment Financing Plan adopted by the Authority on April 26, 2004 which Plan is ratified, approved and confirmed by this Ordinance.

“Tax Increment Financing Plan” means the amended and restated Tax Increment Financing Plan prepared by the Authority pursuant to Section 14 of Act 197 and which is part of the Plan.

40.202 Section 2. PREAMBLE.

The City Council of the City previously has approved of the Authority’s Development Plan and Tax Increment Financing Plan by Ordinance No. 1985-09. The Authority has submitted certain amendments to the Plan, approved by the Authority, to the City Council pursuant to the provisions of Act 197 after solicitation of public input from business and property owners within the Authority district, from other governmental units, and from residents. The City Council has conducted a public hearing on the Plan as proposed to be amended and restated, with notice thereof given in accordance with Section 18 of Act 197, has reviewed the Plan as proposed to be amended and restated, and desires to approve of the proposed amendments, make certain further amendments attached hereto as Appendix A, and ratify, approve and confirm the Plan.

40.203 Section 3. PUBLIC PURPOSE; PUBLIC INTEREST.

The City Council hereby determines upon review of the Plan as proposed to be amended and restated that the Plan, as proposed to be amended and restated, continues to constitute a public purpose, and that it is in the best interests of the public to proceed with the Plan as amended and restated in order to prevent and halt property value deterioration, to increase property tax valuation, to eliminate the causes of deterioration in property values, and to promote growth in the Authority District.

40.204 Section 4. APPROVAL CONSIDERATIONS.

The City Council hereby bases its determination respecting the Plan as proposed to be amended and restated and the ratification, approval and confirmation of the Plan as amended and restated upon the following considerations:

- (a) The City Council has considered the comments made by business owners, property owners, other governmental units and residents at the public hearing on the Plan as proposed to be amended and restated held and with notice given in accordance with the provisions of Act 197 and at other public forums.
- (b) The Development Plan as amended and restated meets the requirements set forth in Section 17(2) of Act 197 and the Tax Increment Financing Plan as amended and restated meets the requirements set forth in Section 14 of Act 197.
- (c) The proposed method of financing the projects as described in the Plan as amended and restated is feasible and the Authority has the ability to arrange the financing.
- (d) The Development Plan and the Tax Increment Financing Plan, each as amended and restated, are reasonable and it is necessary to adopt the Plan in order to carry out the purposes of Act 197.
- (e) The estimated amount of captured assessed value calculated from adoption of the Plan as amended and restated is reasonable.
- (f) The land included within the Authority's Development Area to be acquired under the Development Plan, as amended and restated, is reasonably necessary to carry out the purposes of the Development Plan, as amended and restated, and of Act 197 in an efficient and economically satisfactory manner.
- (g) The Development Plan, as amended and restated, is in reasonable accord with the Master Plan of the City.
- (h) All public services, including fire and police protection and utilities, are or will be adequate to service the project area.
- (i) All changes in zoning, streets, street levels, intersections and utilities, to the extent required under the Development Plan, as amended and restated, are reasonably necessary for the project and for the City.
- (j) The findings of the Legislature set forth in Section 1a of Act 197 are hereby made and repeated with respect to the City and the Authority District, and the

provisions of Section 1a of Act 197 are hereby incorporated herein by reference as if set out in full.

40.205 Section 5. APPROVAL OF PLAN AMENDMENTS AND PLAN.

Based on the foregoing considerations, the City Council hereby determines that it is in the best interest of the health and welfare of the City and necessary for the achievement of the purposes of Act 197 to adopt the amendments to the Plan proposed by the Authority and further amended in accordance with Appendix A hereto, which amendments are hereby approved and adopted, and the Plan, as amended and restated, is hereby ratified, approved, confirmed and readopted.

40.206 Section 6. REPEALER; RATIFICATION.

All ordinances and parts of ordinances insofar as they expressly conflict with the provisions of this Ordinance be and the same hereby are repealed, but only to the extent of such express conflict, 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 the Ordinance of which it is a part. All prior ordinances and resolutions respecting the creation of the Authority are ratified, approved and confirmed.

40.207 Section 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon publication.

Plan expires 2031.

