

**PINCONNING TOWNSHIP
TOWNSHIP BOARD**

ORDINANCE NO. 11- 4

AN ORDINANCE APPROVING AMENDMENT OF THE PINCONNING
TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT
PLAN AND TAX INCREMENT FINANCING PLAN.

At a regular meeting of the Pinconning Township Board, held at the Pinconning Township Hall, 1751 East Cody Estey Road, Pinconning, Michigan on the 11th day of October, 2011, at 4 PM.

PRESENT: Long, Holbrook, LaFramboise, Hribek

ABSENT: Stalsberg

The following ordinance was offered by Holbrook and supported by LaFramboise:

WHEREAS, the Township of Pinconning Downtown Development Authority (the "Authority"), pursuant to its resolution of JULY 23, 2009, has requested this Township Board to approve certain amendments to the Development Plan and the Tax Increment Financing Plan (the "Plan Amendments") of the Authority; and

WHEREAS, after due notice, the Township Board conducted a public hearing on the proposed Plan Amendments; and

WHEREAS, the Township Board desires to approve the Plan Amendments;

NOW, THEREFORE, THE TOWNSHIP OF PINCONNING ORDAINS:

1. The Township Board determines that the proposed Plan Amendments constitute a public purpose.

2. The Township Board approves the proposed Plan Amendments based on the following considerations:

- (a) The Plan Amendments meet the requirements set forth in Sections 14 and 17(2) of the Downtown Development Authority Act, Act 197, Michigan Public Acts, 1975 (the "Act").
- (b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
- (c) The development is reasonable and necessary to carry out the purposes of

the Act.

- (d) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Plan Amendments and the Act in an efficient and economically satisfactory manner.
- (e) The amount of captured assessed value estimated to result from adoption of the Plan Amendments is reasonable.
- (f) The Plan Amendments are in reasonable accord with the approved master plan of the Township of Pinconning.
- (g) Public services, such as fire and police protection, and utilities are or will be adequate to service the property which is the subject of the Plan Amendments.
- (h) No changes in zoning or street levels are required, and the proposed changes in utilities will be adequate to service the property which is the subject of the Plan Amendments.

3. All resolutions or parts of resolutions insofar as they conflict with the provisions of this ordinance are hereby repealed.

YEAS: Long, Holbrook, LaFramboise, Hribek
NAYS: 0

Ordinance declared adopted.

STATE OF MICHIGAN)
) ss
COUNTY OF BAY)

The undersigned and duly qualified Township Clerk of the Township of Pinconning, Bay County, Michigan, hereby certifies that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting held on the 11 day of October, 2011, the original of which ordinance is a part of the Township Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976, PA 267, as amended.

Beverlene Hribek
BEVERLENE HRIBEK, Township Clerk

Section 17(2)(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.

Unchanged: See existing Plans.

Section 17(2)(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.

In addition to the projects listed the existing Plans, and specifically relating to paragraph A of existing Plans Section 17(2)(d), the Authority proposes to undertake the following additional projects:

1. Sanitary Sewer improvements, upgrade, and extension. During the life of these Plans, it is anticipated that the Authority will participate in the financing of various improvements to the Township's sanitary sewer system. These improvements will be constructed in locations designated by the Township Engineer, and will or may consist of construction of sanitary sewers, lift stations, pumps, and appurtenances; engineering, surveying and other non-construction costs related to the installation of sanitary sewer improvements; and acquisition of easements or rights of way to permit construction of sanitary sewers and related appurtenances. The objective of these improvements will be to extend sanitary sewer service to parcels that are not presently served by sanitary sewers in an adequate fashion; or increase the capacity of the existing sanitary sewer system in order to improve the level of service afforded to existing sewer users and permit more intense development of parcels within the development area; or replace or rehabilitate existing sanitary sewer infrastructure so that the useful life of this infrastructure is extended or the facilities are made to operate with greater efficiency. Specific projects to be undertaken include the following, which may be funded in part by an award from the United States Department of Agriculture's Water and Waste Loan and Grant Program, Federal Catalog No. 10.760, and/or tax increments received pursuant to the Tax Increment Financing Plan:
 - a. Extension of sanitary sewer service to the I-75 / Pinconning Road interchange.
 - i. Estimated time for completion: Completed.
 - ii. Estimated cost: \$1,030,000

- b. Rehabilitation of existing lagoons to be in compliance with Michigan Department of Environmental Quality regulatory requirements.
 - i. Estimated time for completion: Completed.
 - ii. Estimated cost: \$965,000

Section 17(2)(e)

A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

Unchanged; See existing Plans.

Section 17(2)(f)

A DESCRIPTION OF ANY PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE.

Unchanged; See existing Plans.

Section 17(2)(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.

Unchanged; See existing Plans.

Section 17(2)(h)

A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, OR UTILITIES.

Unchanged; See existing Plans.

Section 17(2)(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.

Unchanged; See existing Plans.

Section 17(2)(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.

Unchanged; See existing Plans.

Section 17(2)(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 PERSON, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD OR CONVEYED IN ANY MANNER TO THOSE PERSONS.

Unchanged; See existing Plans.

Section 17(2)(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.

Unchanged; See existing Plans.

Section 17(2)(m)

A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT IN ANY NEW HOUSING IN THE DEVELOPMENT AREA.

Unchanged; See existing Plans.