

STATE OF MICHIGAN, COUNTY OF OAKLAND  
VILLAGE OF LAKE ORION

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend Title III. Administration, Chapter 30: Boards, Commissions and Departments, § 30.01 - § 30.07 -Downtown Development Authority.

THE VILLAGE OF LAKE ORION ORDAINS:

Title III. Administration  
Chapter 30: Boards, Commissions and Departments,  
§ 30.01 - § 30.07.

The Village Code is amended and recommended by the Village Council, after public hearing was held on \_\_\_\_\_:

**§ 30.01 ESTABLISHMENT.**

In recognition of the fact that it is in the best interest of the public to prevent further property value deterioration in the downtown business district of Lake Orion, to eliminate the causes of such deterioration and to promote economic growth in the downtown business district consistent with Land Use Plan guidelines, a Downtown Development Authority is hereby established pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1657 and 125.1659 through 125.1680, to be known as the Downtown Development Authority of the Village of Lake Orion.

(Ord. 35.01, passed 8-12-85)

Cross-reference:

For development plans and tax increment financing plans adopted under this subchapter, see T.S.O. Table III

**§ 30.02 ORGANIZATION.**

The Authority shall be under the supervision and control of a Board consisting of the Village ~~President-Manager~~ and eight members appointed by the Village ~~Council-President-Manager~~ subject to the approval of Village Council. At least five of the members shall be persons having an interest in property located in the downtown district. Of the members first appointed, two shall be appointed for one year, two for two years, two for three years, and two for four years. Thereafter, a member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Village ~~-Council-President-Manager~~ 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.

(Ord. 35.01, passed 8-12-85)

### **§ 30.03 DUTIES.**

The Downtown Development Authority as herein created shall be charged with the following duties:

- (A) Prepare an analysis of economic changes taking place in the downtown district.
- (B) Study and analyze the impact of a maturing community upon the downtown district.
- (C) Plan and propose the construction, the 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) Develop long-range plans, in cooperation with the Village Planning Commission, designed to prevent the deterioration of property values in the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (E) Implement any plan of development in the downtown district necessary to achieve the purposes of this subchapter, in accordance with the powers of the authority as granted by this subchapter.
- (F) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (G) 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 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 chapter, and to grant or acquire licenses, easements, and options with respect thereto.
- (H) 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.
- (I) Fix, charge, and collect fees, rents, and charges for the use of any buildings or property under its control or any part thereof, payment of revenue bonds issued by the Authority.
- (J) Lease any building or property under its control, or any part thereof.
- (K) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (L) Acquire and construct public facilities.

(Ord. 35.01, passed 8-12-85)

**§ 30.04 FINANCING.**

The activities of the Authority shall be financed from one 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 of Public Act 197 of 1975, being M.C.L.A. § 125.1662. However, the Board shall not request that the Village Council authorize such a tax without first holding a Public Hearing, following the sending of a notice to every property owner in the district.
- (C) Monies borrowed and to be repaid as authorized by Section 13 of Public Act 197 of 1975, being M.C.L.A. § 125.1663.
- (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 through 16 of Public Act 197 of 1975, being M.C.L.A. §§ 125.1664 through 125.1666.
- (F) Monies obtained from other sources approved by the Village Council.
- (G) Monies received by the Authority and not covered under division (A) shall be immediately deposited to the credit of the Authority, subject to disbursement pursuant to Public Act 197 of 1975. Except as provided in Public Act 197 of 1975, the village shall not obligate itself, nor shall it ever be obligated to pay any sums from public monies, other than monies received by the village pursuant to this section, for or on account of the activities of the Authority.

(Ord. 35.01, passed 8-12-85)

**§ 30.05 DEVELOPMENT PLANS.**

When the 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 through 16 of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1664 through 125.1666, it shall prepare a development plan. The development plan shall contain:

- (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 and 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 of existing improvements in the development area.

(E) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

(F) 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 any desired zoning changes and changes in streets, street levels, intersections, and 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) A plan for compliance with Public Act 227 of 1972, being M.C.L.A. §§ 213.321 through 213.332.

(M) Other material that the Authority, local public agency, or governing body deems pertinent.

(Ord. 35.01, passed 8-12-85)

### **§ 30.06 GOVERNING PROCEDURES.**

The Downtown Development Authority of the Village of Lake Orion shall have all the power and duties prescribed by Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1657 and 125.1659 through 125.1680. Any questions of interpretation of the powers and duties and responsibilities of the Authority shall be resolved by reference to Public Act 197 of 1975, as amended. The Authority shall provide the Village Council and Planning Commission with all reports and studies regulating the information and implementation of project development plans. The Authority shall submit the proposed development plan to the Village Planning Commission for review and recommendation to the Village Council prior to the hearing specified in Section 18 of Public Act 197 of 1975, being M.C.L.A. § 125.1668.

(Ord. 35.01, passed 8-12-85)

## § 30.07 BOUNDARIES.

The Authority shall exercise its powers within the following described area:

Land lying in the southwest 1/4 of section 1, T. 4 N. R. 10 E., the southeast 1/4 of section 2, T. 4 N. R. 10 E. the northeast 1/4 of section 11, T. 4 N. R. 10 E., and the northwest 1/4 of section 12, T. 4 N. R. 10 E., the village, Oakland County, Michigan, and more particularly described as beginning at the east 1/4 corner of said section 11; thence north along the east line of said section 11 to the southerly line of Atwater Street; thence easterly along the southerly line of Atwater Street as recorded in Perry's and Axford's addition to the Village of Orion as recorded in Liber 1, Page 47 of Plats, Oakland County Records and William Winters Subdivision as recorded in Liber 25, Page 21 of Oakland County Records to the southwesterly line of Orion Road; thence northwesterly along the southwesterly line of said Orion Road as recorded in said William Winters Subdivision and said Perry's and Axford's Addition to the intersection of the south line of Flint Street of said Perry's and Axford's Addition; thence northeasterly to the southeast corner of Lot 29 of Assessors Plat No. 1 as recorded in Liber 53, Page 52, Oakland county Records; thence northerly along the east line of said Assessor's Plat No. 1 to the northeast corner of Lot 19 of said plat; thence westerly along the northerly line of said Assessor's Plat No. 1 to the northwest corner of Lot 18 of said plat; thence southerly along the westerly line of Lot 18 of said Assessor's Plat No. 1 to a point that is 46.53 ft. southerly of the northeast corner of Lot 17 of said Assessor's Plat No. 1; thence southerly to a point on the northerly line of Jackson st., said point being 94.9 ft. easterly of the southwest corner of said Lot 17; thence southerly to the southwest corner of Jackson St. and Florence St. as recorded in Perrysburgh, a subdivision recorded in Liber 1, Page 36 of Plats, Oakland County Records; thence southerly along the westerly line of Florence St. as recorded in said Perrysburgh subdivision to the northwest corner of Florence and Flint St. as recorded in said subdivision; thence westerly along the northerly line of said Flint St. to the northeast corner of Flint St. and Washington St. of said subdivision; thence northerly along the easterly line of Washington St. as recorded in said Perrysburgh Subdivision to the extension of the north lines of Lots 5, 6 and 7, Block 11 of Hemmingway's Plat as recorded in Liber 1, Page 34 of Plats, Oakland County Records; thence westerly along the northerly line of Lots 5, 6, 7, and 8 of Blocks 11, 12, 13 and 14 of said Hemmingway's Plat to the easterly line of Lapeer St. of said subdivision; thence northerly along the easterly line of Lapeer St. of said subdivision and Supervisor's Plat No. 8 as recorded to Liber 14, Page 58 of Oakland County Records to the southeast corner of Lapeer St. and Elizabeth St., thence northerly to a point on the northeasterly side of Elizabeth St., said point being on the extension of the said easterly line of Lapeer St.; thence northwesterly along the northeasterly line of said Elizabeth St. to the east and west 1/4 line of said Section 2; thence westerly along said east and west 1/4 line to the west line of Axford Avenue in Plat of Axford's Addition recorded in Liber 4, Page 21 of Oakland County Records; thence southerly along the said westerly line of Axford Avenue to the south line of Church St. as recorded in said Axford's Addition; thence easterly along the said southerly line of Church Street to the southwest corner of Church and Andrews Avenue; thence southerly along the westerly line of said Andrews Avenue to the extension of the south line of Shadbolt St. In S. Andrews Addition as recorded in Liber 1, Page 40, of Oakland County Records; thence easterly along the southerly line of said Shadbolt St. to the southwest corner of Shadbolt and Beebe St.; thence southerly along the westerly line of said Beebe St. to a point, said point being the intersection of the south line of Flint St. and the westerly line of Beebe St. extended; thence easterly along the southerly line of said Flint St. to the northeast corner of a parcel of land identified as Andrews reservation as shown on said Andrews Addition; thence southerly in part along the easterly line of said Andrews Reservation and the westerly line of Supervisor's Plat No. 6 as recorded in Liber 34, Page 48 of Oakland County Records to the southwest corner of said Supervisor's Plat No. 6; thence southeasterly to the northwest corner of Lot 4 as shown in Assessor's replat of Decker's

Addition to the Village of Orion and part of Canandaigua City as recorded in Liber 52, Page 17 of Oakland County Records; thence along the westerly line of Lots 4, 5, 6, 7, 9 and 10 of said replat to the southwest corner of Lot 10 of said replat; thence along the northerly and westerly and southerly lines of Lots 14, 17, 18, 19, 20, 22 and 23 of said replat to the south corner of said Lot 23; thence southerly to the northwest corner of Lot 24 of said replat; thence southerly along the westerly line of Lots 24, 29, 44, 47, 48 49, 50, 52 and 53 of said replat to the southwest corner of Lot 53; thence easterly along the southerly line of said Assessor's replat to the said east 1/4 corner of Section 11, the Point of Beginning.

(Ord. 35.01, passed 8-12-85)

Amended only as specified above and in this Chapter, the Code of Lake Orion shall remain in full force and effect.

A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of the summary. If any provision of this Ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

VILLAGE OF LAKE ORION

By: \_\_\_\_\_  
Jerry Narsh, PRESIDENT

By: \_\_\_\_\_  
Sonja Stout, CLERK