

ARTICLE III.
DOWNTOWN DEVELOPMENT AUTHORITY*

* **State Law References:** Downtown development authority, MCL 125.1651 et seq.

DIVISION 1.
GENERALLY

Sec. 10-48. Definitions.

The terms used herein shall have the same meaning as given them in Act 197 or as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this article:

Act 197 means Public Act No. 197 of 1975 (MCL 125.1651 et seq.).

Authority means the Downtown Development Authority of the City of Portland created by this article.

Board or board of directors means the board of directors of the authority.

Downtown district means the downtown district designated herein or as hereafter amended.
(Code 1972, § 14.052; Ord. No. 167, § 2, eff. 9-24-1987)

Sec. 10-49. Purpose and findings.

The city council hereby determines and finds that it is in the best interests of the city to create a public body corporate in order to halt property value deterioration and increase property tax valuation where possible in the downtown district, eliminate the causes of the deterioration and to promote economic growth pursuant to Act 197.

(Code 1972, § 14.053; Ord. No. 167, § 3, eff. 9-24-1987)

Sec. 10-50. Creation of authority.

There is hereby created pursuant to Act 197 a downtown development authority for the city. The authority shall be a public body corporate and shall be known and exercise its powers under the title "Downtown Development Authority of the City of Portland." 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 incorporation as provided herein and in Act 197. The enumeration of a power herein or in Act 197 shall not be construed as a limitation upon the general powers of the authority.

(Code 1972, § 14.054; Ord. No. 167, § 4, eff. 9-24-1987)

Sec. 10-51. Description of downtown district.

The downtown district in which the authority shall exercise its power as provided by Act 197 shall consist of the property in the city described in exhibit A, as amended, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this article and Act 197. Exhibit A is not printed herein due to its length; a copy is available in the office of city clerk.

(Code 1972, § 14.055; Ord. No. 167, § 5, eff. 9-24-1987; Ord. No. 167A, eff. 11-19-1987)

Sec. 10-52. Board of directors.

The authority shall be under the supervision and control of the board, consisting of the mayor and ten members. The members shall be appointed by the mayor and subject to approval by the council.

Eligibility for membership on the board and terms of office shall be as provided in Act 197. Each member shall hold office until the member's successor is appointed.

(Code 1972, § 14.056; Ord. No. 167, § 6, eff. 9-24-1987)

Sec. 10-53. Powers of the authority.

The authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197.

(Code 1972, § 14.057; Ord. No. 167, § 7, eff. 9-24-1987)

Sec. 10-54. Fiscal year; adoption of budget; reports; audits.

(a) The fiscal year of the authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the city.

(b) The board shall annually prepare a budget and shall submit it to the city manager for submission to the council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the commission. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.

(c) 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 council.

(Code 1972, § 14.058; Ord. No. 167, § 8, eff. 9-24-1987)

Sec. 10-55. Termination.

Upon completion of its purposes the authority may be dissolved by an ordinance duly adopted by the council. The property and assets of the authority, after dissolution and satisfaction of its obligations, shall revert to the city.

(Code 1972, § 14.059; Ord. No. 167, § 9, eff. 9-24-1987)

Secs. 10-56--10-83. Reserved.

DIVISION 2.

DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN*

* **State Law References:** Tax increment financing plan, MCL 125.1664 et seq.; development plan, MCL 125.1667 et seq.

Sec. 10-84. Findings.

It is hereby determined that:

(1) A public hearing was held on the proposed downtown development plan and tax increment financing plan on February 8, 1988, following notice thereof, all in accordance with Act 197;

(2) The findings and recommendations of the development area citizens council have been taken into consideration in the development of the plan;

(3) The proposed downtown development plan and tax increment financing plan meet the requirements of Act 197, including without limitation, section 17(2) of said act (MCL 125.1667(2));

(4) The proposed method of financing the development is feasible and the downtown development authority has the ability to arrange the financing;

(5) The development is reasonable and necessary to carry out the purposes of Act 197;

(6) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and the act in an efficient and economically satisfactory manner;

(7) The proposed downtown development plan and tax increment financing plan are in reasonable accord with the city master plan;

(8) Public services are adequate to service the project area;

- (9) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and for the city; and
- (10) The proposed downtown development plan and tax increment financing plan constitute a public purpose.
- (Code 1972, § 14.102; Ord. No. 169, § 2.01, eff. 3-7-1988)

Sec. 10-85. Adoption of the plans.

The city council hereby adopt and approve and incorporate by reference the city downtown development plan and tax increment financing plan.

(Code 1972, § 14.103; Ord. No. 169, § 3.01, eff. 3-7-1988)

Sec. 10-86. 1992 amended plan.

- (a) *Preliminary determination.* It is hereby preliminarily determined that:
- (1) A public hearing was held on July 6, 1992, on the proposed amended downtown development plan and tax increment financing plan, following notice thereof, all in accordance with Act 197;
 - (2) The recommendations of the development area citizens council have been received and reviewed by the city council;
 - (3) The proposed amended downtown development plan and tax increment financing plan meets the requirements set forth in Act 197;
 - (4) The proposed method of financing the proposed developments is feasible and the downtown development authority of the city has the ability to arrange the financing;
 - (5) The proposed developments are reasonable and necessary to carry out the purposes of Act 197;
 - (6) Any land included within the proposed development area is reasonably necessary to carry out the purposes of the plan and of Act 197, in an efficient and economically satisfactory manner;
 - (7) The proposed amended development plan and tax increment financing plan is in reasonable accord with the master plan of the city;
 - (8) Public services, such as fire and police protection and utilities, are or will be adequate to service the proposed project area; and
 - (9) Changes in zoning, street levels, intersections and utilities, if any, are reasonable and necessary for the proposed projects for the city.
- (b) *Final determination.* It is hereby finally determined that:
- (1) Based upon the foregoing findings, the amended downtown development plan and tax increment financing plan constitutes a public purpose; and
 - (2) The amended downtown development plan and tax increment financing plan is hereby approved and on file in the office of the city clerk.
- (Code 1972, §§ 14.151, 14.152; Ord. No. 167B, §§ 1.01, 2.01, eff. 7-27-1992)

Sec. 10-87. 2001 amended plan.

- (a) Pursuant to the authority vested in the city council by Act 197, the proposed amendments to the downtown development and tax increment financing plan ("the plan") for the city downtown development authority, on file in the office of the city clerk having been duly reviewed and considered at a public hearing held on February 19, 2001, are hereby determined to constitute a public purpose and are hereby adopted and approved.
- (b) Approval of the amendments to the plan is based on the following considerations:
- (1) The plan as so amended meets the requirements set forth in section 17(2) of the act (MCL 125.1667(2));
 - (2) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing;
 - (3) The development is reasonable and necessary to carry out the purposes of the act;

- (4) The land included in the development area to be acquired is reasonably necessary to carry out the purpose of the plan and of the Act in an efficient and economically satisfactory manner;
 - (5) The development plan is in reasonable accord with the master plan of the city;
 - (6) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area; and
 - (7) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and the city.
- (Code 1972, § 14.171; Ord. No. 167-C, § 1, eff. 4-11-2001)

Sec. 10-88. 2003 amended plan.

The city council having duly reviewed and considered that the proposed amendment to the city downtown development authority's development and tax increment financing plan at a public hearing held on November 17, 2003, hereby determines that the proposed amendment constitutes a public purpose and meets the requirements of section 17(2) of the Downtown Development Authority Act, Act 197 and therefore approve the amendment on file in the office of the city clerk.

(Code 1972, § 14.181; Ord. No. 167-D, § 1, eff. 11-27-2003)

Secs. 10-89--10-119. Reserved.