



02-10-03

# VILLAGE of KINGSLEY

115 E. Blair St. • P.O. Box 208  
Kingsley, MI 49649  
Phone (231) 263-7778  
Fax (231) 263-2278

February 27, 2003

Office of the Great Seal  
State of Michigan  
7064 Crowner Boulevard  
Lansing, MI 48918-1750

To Whom It May concern:

Enclosed please find Ordinance # 02-10-03 adopted by the Kingsley Village Council This Ordinance establishes a Downtown Development Authority and designates the boundaries of Authority District No. 1.

Attached to this Ordinance is the legal description of the DDA boundaries. We also have enclosed a map of the Downtown Development Authority District. Please note the DDA boundaries are outlined in a heavy black line. The enclosed copy of the map is a reduced copy, a full scale copy of the map is on file in our office.

If you require further information, please do not hesitate to contact our office at 231-263-7575.

Sincerely,

Linda Forwerck  
Village Manager

**VILLAGE OF KINGSLEY**  
**COUNTY OF GRAND TRAVERSE, MICHIGAN**

02-10-03

At a regular meeting of the Village Council of the Village of Kingsley, held at the Village Hall, 115 E. Blair St., Kingsley, Michigan, on the 10th day of February, 2003, at 7:00 p.m.

PRESENT: Bogart, Pierce, Wooters, Doty, McPherson, King

ABSENT: Walton

The following preamble and ordinance were offered by McPherson and seconded by King:

**AN ORDINANCE TO ESTABLISH THE VILLAGE OF KINGSLEY  
DOWNTOWN DEVELOPMENT AUTHORITY AND TO  
DESIGNATE THE BOUNDARIES OF AUTHORITY DISTRICT NO. 1**

02-10-03

WHEREAS, pursuant to the findings made by resolution adopted Monday, November 4, 2002, by the Village Council of the Village of Kingsley (the "Village"), the Village held a public hearing on Tuesday, December 10, 2002, at 6:00 p.m., local time, at the Village offices, to consider the establishment of a downtown development authority and the designation of the boundaries of a downtown district (the "District") in accordance with Act 197 of the Public Acts of 1975, as amended ("Act 197");

WHEREAS, notice of the December 10, 2002 public hearing was duly given by publication on November 16, 2002 and November 17, 2002, in *The Record-Eagle* and by first-class mail on November 14, 2002, mailed to the property taxpayers within the proposed District, and by posting on November 15, 2002, at 20 conspicuous and public places within the proposed District, pursuant to Act 197;

WHEREAS, at the public hearing the Village Council heard public comments concerning the establishment of the Authority and the boundaries of the proposed District, and concerning related matters;

WHEREAS, a description of all of the land included in the proposed District was included in the notices of public hearing described above; and

WHEREAS, it is necessary and in the public interest of the Village and its residents to proceed under Act 197 and establish a downtown development authority and to designate the boundaries of a district.

NOW, THEREFORE, THE VILLAGE OF KINGSLEY ORDAINS:

**Section 1. Establishment and Name.** A downtown development authority, designated the Village of Kingsley Downtown Development Authority (the "Authority"), is hereby created, established and incorporated, pursuant to and in accordance with Act 197. The Authority shall be a public body corporate which may sue and be sued in any court of the State of Michigan.

The Authority is established pursuant to Act 197 by the Village to accomplish the public purposes enumerated in Section 1a of Act 197 including, without limitation, the use of tax increment financing and other permitted means to halt property value deterioration and increase property tax valuation where possible in the District and to eliminate the causes of that deterioration and to promote economic growth in the District.

**Section 2. Downtown District.** The boundaries of the District within which the Authority shall exercise its powers are described on Exhibit A, attached hereto. The District shall be known as Village of Kingsley Downtown Development Authority District No. 1. The Village shall not incorporate additional property into the District without notice and public hearing pursuant to Act 197.

**Section 3. Powers.** To accomplish the public purposes set forth in section 1, above, the Board of the Authority may do the following:

- (a) Prepare an analysis of economic changes taking place in the District.
- (b) Study and analyze the impact of metropolitan growth upon the District.
- (c) Plan and propose the construction, 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 District.
- (d) Plan, propose and implement an improvement to a public facility within the District to comply with the barrier free design requirements of the State Construction Code;
- (e) Develop long-range plans, in cooperation with the Village Planning Commission, designed to halt the deterioration of property values in the District and to promote the economic growth of the District, and take such steps as may be necessary to encourage property owners to implement the plans to the fullest extent possible.
- (f) Implement any plan of development in the District necessary to achieve the purposes of Act 197, in accordance with the powers of the authority as granted by Act 197.
- (g) Make and enter into contracts necessary for or incidental to the exercise of its powers and the performance of its duties.
- (h) 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 or lessee, land and other property, real or personal, or rights and interests therein, which the Authority determines is reasonably necessary to achieve the purposes of this ordinance, and to grant or acquire licenses, easements and options with respect thereto.

(i) 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 District for uses permitted by Act 197.

(j) Fix, charge and collect fees, rents and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for the payment of revenue bonds issued by the Authority.

(k) Lease any building or property under its control, or any part thereof.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

(n) Issue bonds and otherwise finance the authorized activities of the Authority pursuant to the terms and conditions of Act 197.

(o) In general, to exercise such other powers which are or hereafter may be conferred by law upon an authority organized pursuant to Act 197, as amended.

**Section 4. Board.** The Authority shall be under the supervision and control of a Board consisting of the Village President and eight members. Members shall be appointed by the Village President, subject to the approval of the Village Council. Not less than a majority of the members shall be persons having an interest in property located in the District.

(a) **Terms.** Each member of the Board shall serve for a term of four years except that of the members first appointed, an equal number of the members, as near as practicable, shall be appointed for 1 year, 2 years, 3 years and 4 years, respectively. A member shall hold office until the member's successor is appointed.

(b) **Vacancies.** An appointment to fill a vacancy on the Board shall be made by the Village President for the unexpired portion of the term.

(c) **Compensation.** Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(d) **Chairperson.** The Board shall elect a chairperson.

(e) **Oath of Office.** Before assuming the duties of office, each member shall qualify by taking and subscribing to the constitutional oath of office.

(f) **Rules of Procedure.** The Board shall adopt rules governing its procedure and the holding of regular and special meetings, subject to the approval by the Village Council. Meetings of the Board shall be open to the public in accordance with the Michigan Open Meetings Act.

(g) **Public Records.** The financial records of the Authority shall be open to the public in accordance with the Michigan Freedom of Information Act.

(h) **Director.** The Board, in its discretion, may employ and fix the compensation of a Director, subject to the approval of the Village Council. The Director shall serve at the pleasure of the Board. The Director shall furnish bond in an amount prescribed by the Board. A member of the Board is not eligible to hold the position of Director.

(i) **Treasurer.** One of the Board Members may be elected Treasurer of the Authority, or the Board may employ and fix the compensation of a Treasurer. The Treasurer shall keep the financial records of the Authority and perform other duties delegated by the Board. The Treasurer shall furnish bond in an amount prescribed by the Board.

(j) **Secretary.** One of the Board Members may be elected Secretary of the Authority or the Board may employ and fix the compensation of a Secretary. The Secretary shall maintain custody of the records, books, documents and other papers not required to be maintained by the Treasurer. The Secretary shall attend meetings of the Board, keep a record of its proceedings and perform other duties delegated by the Board.

(k) **Legal Counsel.** The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel may represent the Authority in actions brought by or against the Authority.

**Section 5. Fiscal Year.** The Authority shall operate on the basis of a fiscal year beginning January 1 and ending December 31.

**Section 6. Budget.** The Board of the Authority shall prepare and approve a budget for the operation of the Authority for the ensuing fiscal year, subject to the prior approval of the Village Council, in accordance with Section 28 of Act 197. The budget shall generally contain the types of financial information included in Village budgets.

**Section 7. Dissolution.** Upon completion of the purposes for which the Authority was organized, the Authority shall be dissolved by ordinance of the Village Council. The property and assets of the Authority remaining after the satisfaction of all obligations of the Authority shall belong to the Village.

**Section 8. Effective Date; Publication and Filing.** This Ordinance shall take effect upon (a) its publication in a local newspaper of general circulation within the Village and (b) the filing of a certified copy of the Ordinance with the Secretary of State.

AYES: Wooters, Pierce, Doty, McPherson, King

NAYS: None

ORDINANCE DECLARED ADOPTED.

  
Karen Send, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Kingsley at a regular meeting thereof held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Karen Send

Karen Send, Village Clerk

## CHAPTER 32: FINANCE AND REVENUE

### Section

- 32.01 Downtown Development and Tax Increment Financing Plan
- 32.02 Bonds

### **§ 32.01 DOWNTOWN DEVELOPMENT AND TAX INCREMENT FINANCING PLAN.**

(A) The Kingsley Village Downtown Development and Tax Increment Financing Plan (herein referred to as the Plan) submitted by the Kingsley Village Downtown Development Authority (herein referred to as the DDA) pursuant to Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 to 125.1680, as amended, (herein referred to as the DDA Act) is determined to constitute a public purpose and is hereby approved by the Kingsley Village Council.

- (B) The Plan meets the requirements of the DDA Act.
- (C) The proposed method of financing the development is feasible and the DDA has the ability to arrange the financing.
- (D) The development planned is reasonable and necessary to carry out the purposes of the DDA Act.
- (E) The land included within the development area to be acquired, if any, is reasonably necessary to carry out the purposes of the plan and of the DDA Act in an efficient and economically satisfactory manner.
- (F) The Plan is in reasonable accord with the Village of Kingsley Master Plan.
- (G) Public services are or will be adequate to service the project area.
- (H) The changes in zoning, streets, street levels, intersections, and utilities, if any, are reasonably necessary for the projects and the village.
- (I) The effective date of this section shall be the 12-15-2003.  
(Ord. 04-03, passed 12-15-2003)