

ORDINANCE NO. 2018-007
APPROVING AMENDMENT TO THE
DEVELOPMENT AND TAX INCREMENT FINANCING PLAN OF THE
CLARE DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the Clare Downtown Development Authority (the “Authority”) has previously prepared and recommended for approval a Development and Tax Increment Financing Plan (the “Original Plan”) which was approved by the City Commission of the City of Clare (the “City”) pursuant to Ordinance 1989-6 adopted on October 9, 1989, as amended pursuant to Ordinance 1990-002 adopted on July 16, 1990 (the “1990 Amended Plan”), Ordinance 2009-and Ordinance 2004-005 adopted on December 4, 2004 (the “2004 Amended Plan”); and

WHEREAS, the Authority has prepared and recommended for approval an amendment attached hereto as Exhibit A (the “Plan Amendment”) to the 2004 Amended Plan for the Development Area in the Downtown District within the City; and

WHEREAS, on September 17, 2018, the City Commission held a public hearing on the Plan Amendment pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the “Act”); and

WHEREAS, the City Commission has given the taxing jurisdictions subject to capture in the Downtown District an opportunity to meet with the City Commission and to express their views and recommendations regarding the Plan Amendment, as required by the Act; and

WHEREAS, after consideration of the Plan Amendment, the City Commission has determined to approve the Plan Amendment.

NOW, THEREFORE, THE CITY OF CLARE ORDAINS:

1. Findings.
 - (a) The Plan Amendment meets the requirements set forth in 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, if any, is reasonably necessary to carry out the purposes of the Plan Amendment and the purposes of the Act in an efficient and economically satisfactory manner.
 - (e) The development plan portion of the Plan as amended by the Plan Amendment is in reasonable accord with the master plan of the City.
 - (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan Amendment, are reasonably necessary for the project and for the City.

2. Public Purpose. The City Commission hereby determines that the Plan Amendment and the Plan, as amended, constitute a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to proceed with the Plan Amendment in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

4. Approval and Adoption of Plan Amendment. The Plan Amendment is hereby approved and adopted. A copy of the Plan Amendment and all later amendments thereto shall be maintained on file in the City Clerk's office.

5. Amendment to Ordinance Number; Conflict and Severability. Ordinance No.1989-006 is hereby amended by this Ordinance. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the 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.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

7. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the Clare County Review a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

8. Effective Date. The Ordinance is hereby determined by the City Commission to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication as required by law.

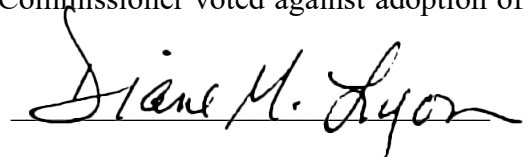
CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance 2018-007, duly adopted by the City Commission of the City of Clare, County of Clare, State of Michigan, at a regular meeting held on October 1, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following Commissioners were present at said meeting Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy and Karla Swanson and that the following Members were absent: None.

I further certify that Commissioner Murphy moved adoption of said Ordinance and Commissioner Swanson supported said motion.

I further certify that the following Commissioners voted for adoption of said Ordinance Bonham, Humphrey, Murphy and Swanson, and that the following Commissioner voted against adoption of said Ordinance McConnell.



City Clerk

I hereby certify that the foregoing ordinance received legal publication in the Clare County Review on October 5, 2018.

Diane M. Lyon
City Clerk

EXHIBIT A

AMMENDMENT TO DEVELOPMENT PLAN

The Location, Extent, Character, and Estimated Cost of Improvements and Estimated Time of Completion. The Authority and the City purpose The Location, Extent, Character, and Estimated Cost of Improvements and Estimated Time for Completion. The Authority and the City propose to continue to implement the general development programmed in the 1990 & 2004 Amended Plans, including parking improvements (the "Parking Improvement Project"). The exact location, extent, character, and estimated cost of improvements and estimated times of completion are presently indeterminable but are anticipated to occur during the next twenty (20) year period.

In addition, the City and the Authority propose to undertake various other public improvements as are deemed necessary to fulfill the 1990, 2004, and 2018 Amended Plan objectives preventing further deterioration of the downtown business district, stimulating the downtown economy and encouraging private investment in the downtown.

Estimate of Cost of Development, Statement of Proposed Method of Financing the Development and the Ability of the Authority to Arrange the Financing. The total cost of all improvements described in this 2018 Amendment during the next two decades is presently indeterminable but estimated to be between \$2,000,000 and \$3,000,000. The exact costs of the improvements will not be known until the various construction bids have been taken.

Pursuant to Act 197, the costs of development may be financed by any of the sources specified in Section 11 of Act 197. The Authority expects to finance the improvements specified in this 2018 Amendment with tax increment revenues from the Development Area and from other lawfully available funds of the Authority and/or the City. The improvements specified in this 2018 Amendment may also be financed in whole or in part from proceeds of bonds to be issued by the Authority or the City, or both, and may pledge tax increment revenues as a source of security for the payment of the bonds.

AMENDMENT TO TAX INCREMENT FINANCING PLAN

Maximum Indebtedness and Duration of the 2004 Amended Plan. In the event that the Authority or the City, or both, issue bonds to pay all or a portion of the cost of the Parking Improvement Project, the maximum amount of bonded indebtedness to be incurred under the 2018 Amended Plan shall be increased to \$3,000,000.

The 2018 Amended Plan shall terminate upon the collection of the last taxes levied for the year 2038.

FUTURE IMPROVEMENTS AND USES OF TAX INCREMENT REVENUES

If the Authority identifies additional improvements that will benefit the Downtown District, the Authority may amend the 2018 Amended Plan and make these improvements. The Authority may elect to issue additional bonds to finance any of the projects described in the 2018 Amended Plan and any amendments thereto and to amend the tax increment financing plan contained in the 2018 Amended Plan accordingly.