

ORDINANCE NO. 418

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF FOWLerville, MICHIGAN AMENDING THE FOWLerville VILLAGE CODE OF ORDINANCES BY AMENDING CHAPTER 30, ARTICLE II, DIVISION 2, ENTITLED TAX INCREMENT FINANCE AND DOWNTOWN DEVELOPMENT PLAN, SECTIONS 30-61 & 30-62

The Village of Fowlerville ordains:

Section 1. Chapter 30, Community Development, Article II, Downtown Development Authority, Division 2, Tax Increment Finance and Downtown Development Plan, Sec. 30-61, entitled "Findings and Declarations," of the Code of Ordinances, Village of Fowlerville, is hereby amended to read as follows:

Sec. 30-61. Findings and Declarations.

(a) For the purpose of this Division, the Fowlerville Village Council finds and determines the following:

- (1) A Tax Increment Finance and Downtown Development Plan for a development area within the downtown district established pursuant to Act 197 and pursuant to Division 1 of this Article was prepared by the Fowlerville Village Downtown Development Authority and was adopted by the Village pursuant to Ordinance No. 283, and previously amended by Ordinance Nos. 300, 351, 366, 377, 395, 399, 404 and 414.
- (2) The 2011 Tax Increment Finance and Downtown Development Plan Amendments have been recommended by the Downtown Development Authority.
- (3) An opportunity was provided for the Tax Increment Finance and Downtown Development Plan Amendments to be reviewed with the other area taxing authorities, including the Livingston County, the Township of Handy, and the District Library.

- (4) A public hearing thereon was held before the Village Council on Monday, March 14, 2011, at 7:15 p.m. in the Council Chambers, Village Hall, 213 South Grand, Fowlerville, Michigan.
- (5) Notice of the public hearing was given in accordance with Section 18 of Public Act No. 197 of 1975 [MCL 125.1668, MSA 5.3010(18)].
- (6) The Village Council has carefully considered the 2011 Tax Increment Finance and Downtown Development Plan Amendments, the statements and ideas expressed at the public hearing, and the recommendations received by Council, and the modifications suggested by Council members.

(b) The Village Council declares that:

- (1) The Tax Increment Finance and Downtown Development Plan, as amended, constitute a public purpose.
- (2) The Tax Increment Finance and Downtown Development Plan, as amended, meet the requirements set forth in sections 14 and 15 of Public Act No. 197 of 1975 (MCL 125.1664, 125.1665, MSA 5.3010(14), (15)), as amended.
- (3) The Tax Increment Finance and Downtown Development Plan, as amended, meet the requirement set forth in section 17(2) of Public Act No. 197 of 1975 [MCL 125.1667(2), MSA 5.3010(17)(2)].
- (4) Both the Tax Increment Finance and Downtown Development Plan, as amended, meet all other requirements as set forth in Act 197 of 1975.
- (5) The proposed method of financing the development, as amended, is feasible, and the authority has the ability to arrange the financing.

- (6) The development, as amended, is reasonable and necessary to carry out the purposes of Act 197 of 1975.
- (7) The Development Plan, as amended, is in reasonable accord with the master plan of the Village.
- (8) Public services such as fire and police protection and utilities are or will be adequate to service the project area, as amended.
- (9) Changes in zoning, streets, intersections, and utilities are reasonably necessary for the project, as amended, and for the Village.
- (10) The Tax Increment Finance and Downtown Development Plan, as amended, have been recommended by both the Downtown Development Authority and the Authority representatives have been consulted as to modifications made by the Village Council.

Section 2. Chapter 30, Community Development, Article II, Downtown Development Authority, Division 2, Tax Increment Finance and Downtown Development Plan, Sec. 30-62 of the Code of Ordinances, Village of Fowlerville, entitled "Approval and Adoption," is hereby amended to read as follows:

Sec. 30-62. Approval and Adoption.

The Fowlerville Downtown Development Authority Tax Increment Finance and Downtown Development Plan for the development area within the downtown district established pursuant to Act 197 of 1975, as initially adopted through Fowlerville Ordinance No. 283, and previously amended by Fowlerville Ordinance Nos. 300, 351, 366, 377, 395, 399, 404 and 414, as further amended by revisions incorporated in the "2011 Tax Increment Finance and Downtown Development Plan Amendments" prepared by John L. Gormley, Esq., attorney for the Downtown Development Authority, and as approved by the Downtown Development Authority at its meeting of February 8, 2011, and as submitted to the Village Council, are hereby approved and adopted by the Fowlerville Village Council.

Section 3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 6. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

Wayne E. Copeland, Village President

Kathryn M. Arledge, Village Clerk

REVIEWED FOR FORM:

David G. Stoker, Village Attorney

Village Council Member Kuehn offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member Stock, and upon being put to a vote, the vote was as follows:

Wayne E. Copeland, President	Aye
B. Jerry Bell, Trustee	Aye
Mary Helfmann, Trustee	Aye
Carol Hill, Trustee	Aye
David L. Kuehn, President Pro Tem	Aye
Cynthia Salfate, Trustee	Aye
Mike Stock, Trustee	Aye

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Fowlerville this 14th day of March, 2011.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 418 adopted by the Village Council of the Village of Fowlerville, County of Livingston, Michigan, at a regular meeting held on March 14, 2011.

Kathryn M. Arledge, Village Clerk