

**CHARTER TOWNSHIP OF SHELBY
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 287

**AN ORDINANCE TO AMEND THE BOUNDARIES OF THE CHARTER TOWNSHIP
OF SHELBY DOWNTOWN DEVELOPMENT AUTHORITY'S DOWNTOWN
DEVELOPMENT DISTRICT AND TO AMEND THE ORDINANCE TO REFERENCE
THE NEW RECODIFIED TAX INCREMENT AND FINANCING ACT, PA 57 OF 2018**

WHEREAS, the Township Board of the Charter Township of Shelby previously adopted Ordinance No. 247 in 2006 which established the Charter Township of Shelby Downtown Development Authority ("Authority") and designated the boundaries of the Authority's Downtown District ("Downtown District").

WHEREAS, the Township Board, by resolution adopted on February 5, 2019 expressed the Board's intent to expand the boundaries of the Authority's Downtown District and scheduled a public hearing on the expansion of the Downtown District's boundaries for March 19, 2019 at 7:00 p.m.

WHEREAS, pursuant to the requirements of the Recodified Tax Increment and Financing Act, PA 57 of 2018 ("Act 57"), the Township Board held a public hearing on the expansion of the District Boundaries on March 19, 2019 at 7:00 p.m. at the Shelby Township Board Room at the municipal offices in the Township. Notice of said public hearing was given by publication in the February 20, 2019 and March 6, 2019 editions of the C&G Newspaper, by mailing to owners of property by regular mail within the Downtown District and by certified mail to the affected taxing jurisdictions not less than 20 days prior to the date set for hearing; and by posting in at least 20 conspicuous and public places in the Downtown District not less than 20 days prior to the date set for hearing, all in accordance with section of the 203 Act.

WHEREAS, at said public hearing the Township Board provided an opportunity for interested persons to be heard regarding the expansion of the Downtown District's boundaries and, in addition, the Township Board received and considered all communications submitted in writing with reference to the matter. A record of the public hearing, including all data presented at that time, has been made and is on file with the Township Clerk.

NOW THEREFORE, THE CHARTER TOWNSHIP OF SHELBY HEREBY ORDAINS:

Section 1. Chapter 30, Article I, Section 30-1 of the Charter Township of Shelby is hereby amended to read as follows:

Sec. 30-1. - Downtown development authority.

(a) Title. This section shall be known as the "Downtown Development Authority Ordinance" of the Charter Township of Shelby.

(b) Determination of necessity; purpose. The township board hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the township, and promote economic growth, pursuant to Act 57 of the Public Acts of Michigan, 2019, as amended.

(c) Definitions. The terms used in this ordinance shall have the same meaning as given to them in Act 57 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this section:

Authority means the Shelby Township Downtown Development Authority created by this section.

Act 57 means Act No.57 of the Public Acts of Michigan of 2019, as amended.

Board or board of directors means the board of directors of the authority, the governing body of the authority.

Chief executive officer means the supervisor of the township.

Township means the Charter Township of Shelby, Macomb County, Michigan.

Township Board means the township board of the township.

Downtown district means the downtown district designated by this section, as now existing or hereafter amended, and within which the authority shall exercise its powers.

(d) Creation of authority. There is hereby created pursuant to Act 57 a downtown development authority for the township. The authority shall be a public body corporate and shall be known and exercise its powers under title of the "Shelby Township Downtown Development Authority". 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 purposes of its incorporation as provided by this section and Act 57. The enumeration of a power in this section or in Act 57 shall not be construed as a limitation upon the general powers of the authority.

(e) Termination. Upon completion of its purposes, the authority may be dissolved by the township board. The property and assets of the authority, after dissolution and satisfaction of its obligations, shall revert to the township.

(f) Description of downtown district. The downtown district shall consist of the territory in the township described in Exhibit A, which is on file and available for inspection in the office of the township clerk, subject to such changes as may hereinafter be made pursuant to this section and Act 57.

(g) Board of directors. The authority shall be under the supervision and control of the board. The board shall consist of the chief executive officer and eight members. Members shall be appointed

by the chief executive officer, subject to approval by the township board. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of one year, two years, three years, and four years. A member shall hold office until the member's successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made by the chief executive officer 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. The board shall adopt bylaws governing its procedures subject to the approval of the township board. In the event that the board determines to employ a director of the authority, such director shall furnish a bond in the penal sum of \$100.00 payable to the authority for use and benefit of the authority and shall file the same with the township clerk of the township.

(h) Powers of authority. Except as specifically otherwise provided in this section, the authority shall have all powers provided by law subject to the limitations imposed by law and herein.

(i) Fiscal year; adoption of budget.

(1) The fiscal year of the authority shall begin on January 1 of each year and end on December 31, or such other fiscal year as may hereafter be adopted by the township board.

(2) The board shall prepare annually a budget and shall submit it to the township board for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the township board. 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.

(3) The authority shall submit financial reports to the township board at the same time and on the same basis as departments of the township are required to submit reports. The authority shall be audited annually by the same independent auditors auditing the township and copies of the audit report shall be filed with the township board.

Section 2. Chapter 30, Article I, Section 30-3 titled "2019 Amendment of Downtown District Boundaries" of the Charter Township of Shelby is hereby created to read as follows:

The Downtown District, as described in Ordinance 247 and codified in Section 30-1(f) of this Article, is hereby amended to add the following parcel and property descriptions there to:

Section 3

23-07-03-101-003
23-07-03-101-040
23-07-03-101-041
23-07-03-102-001
23-07-03-102-002
23-07-03-102-003
23-07-03-102-004
23-07-03-102-005
23-07-03-102-006
23-07-03-126-002
23-07-03-151-011
23-07-03-151-030
23-07-03-151-031
23-07-03-151-014
23-07-03-151-015
23-07-03-151-016
23-07-03-151-017
23-07-03-151-029
23-07-03-153-012
23-07-03-151-013
23-07-03-301-002
23-07-03-301-003
23-07-03-301-004
23-07-03-301-021
23-07-03-303-003
23-07-03-303-004
23-07-03-303-005
23-07-03-303-007
23-07-03-303-013
23-07-03-303-014
23-07-03-303-019
23-07-03-351-011
23-07-03-351-012
23-07-03-351-013

Section 4

23-07-04-201-010
23-07-04-226-008
23-07-04-226-022
23-07-04-226-025
23-07-04-226-027
23-07-04-226-028
23-07-04-226-029
23-07-04-226-030
23-07-04-226-031
23-07-04-226-032
23-07-04-276-014
23-07-04-277-006
23-07-04-277-009
23-07-04-277-010
23-07-04-278-011

23-07-04-278-014
23-07-04-278-015
23-07-04-278-017
23-07-04-476-004
23-07-04-476-005
23-07-04-476-006
23-07-04-476-007
23-07-04-476-008
23-07-04-476-014
23-07-04-476-015
23-07-04-476-016
23-07-04-476-019

Section 9

23-07-09-200-008
23-07-09-200-020
23-07-09-200-022
23-07-09-426-001
23-07-09-426-002
23-07-09-426-003
23-07-09-426-004
23-07-09-426-005
23-07-09-427-021
23-07-09-476-018
23-07-09-476-019
23-07-09-477-001
23-07-09-477-003
23-07-09-477-004
23-07-09-478-031
23-07-09-478-033
23-07-09-478-035
23-07-09-478-036
23-07-09-479-001
23-07-09-479-002
23-07-09-479-003
23-07-09-479-004
23-07-09-479-005
23-07-09-479-006
23-07-09-479-007
23-07-09-479-008
23-07-09-479-009
23-07-09-479-010
23-07-09-479-011
23-07-09-479-012
23-07-09-479-013
23-07-09-479-014
23-07-09-479-015
23-07-09-479-016
23-07-09-479-017
23-07-09-479-018
23-07-09-479-019
23-07-09-479-020

Section 10

23-07-10-101-001
23-07-10-101-003
23-07-10-101-004
23-07-10-101-008
23-07-10-101-009
23-07-10-151-002
23-07-10-151-003
23-07-10-151-004
23-07-10-152-010
23-07-10-301-007
23-07-10-301-008
23-07-10-302-005
23-07-10-303-001
23-07-10-303-021
23-07-10-351-001
23-07-10-351-002
23-07-10-351-014
23-07-10-352-001
23-07-10-352-003
23-07-10-353-012
23-07-10-354-005
23-07-10-354-015
23-07-10-354-026

Section 15

23-07-15-101-004
23-07-15-101-007
23-07-15-101-016
23-07-15-101-020
23-07-15-126-001
23-07-15-126-002
23-07-15-126-003
23-07-15-126-004
23-07-15-151-003
23-07-15-151-008
23-07-15-152-004
23-07-15-152-024
23-07-15-152-025
23-07-15-153-031
23-07-15-153-033
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23-07-15-304-021
23-07-15-304-022
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23-07-15-351-005
23-07-15-352-004
23-07-15-352-017
23-07-15-401-002
23-07-15-451-006
23-07-15-476-010

Section 16

23-07-16-226-008
23-07-16-226-009
23-07-16-226-010
23-07-16-226-014
23-07-16-226-016
23-07-16-226-017
23-07-16-226-020
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23-07-16-476-021
23-07-16-476-024
23-07-16-476-025
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Section 21

23-07-21-201-003
23-07-21-226-007
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23-07-21-401-022
23-07-21-401-024
23-07-21-401-026
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23-07-21-476-010

Section 22

23-07-22-101-001
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Section 27

23-07-27-101-016
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23-07-27-101-026
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23-07-27-301-003
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23-07-27-351-032
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23-07-27-351-040
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23-07-27-351-048

Section 28

23-07-28-226-015
23-07-28-226-045
23-07-28-226-051
23-07-28-227-019
23-07-28-227-037
23-07-28-227-038
23-07-28-228-031
23-07-28-228-034

23-07-28-276-029
23-07-28-277-016
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Section 33

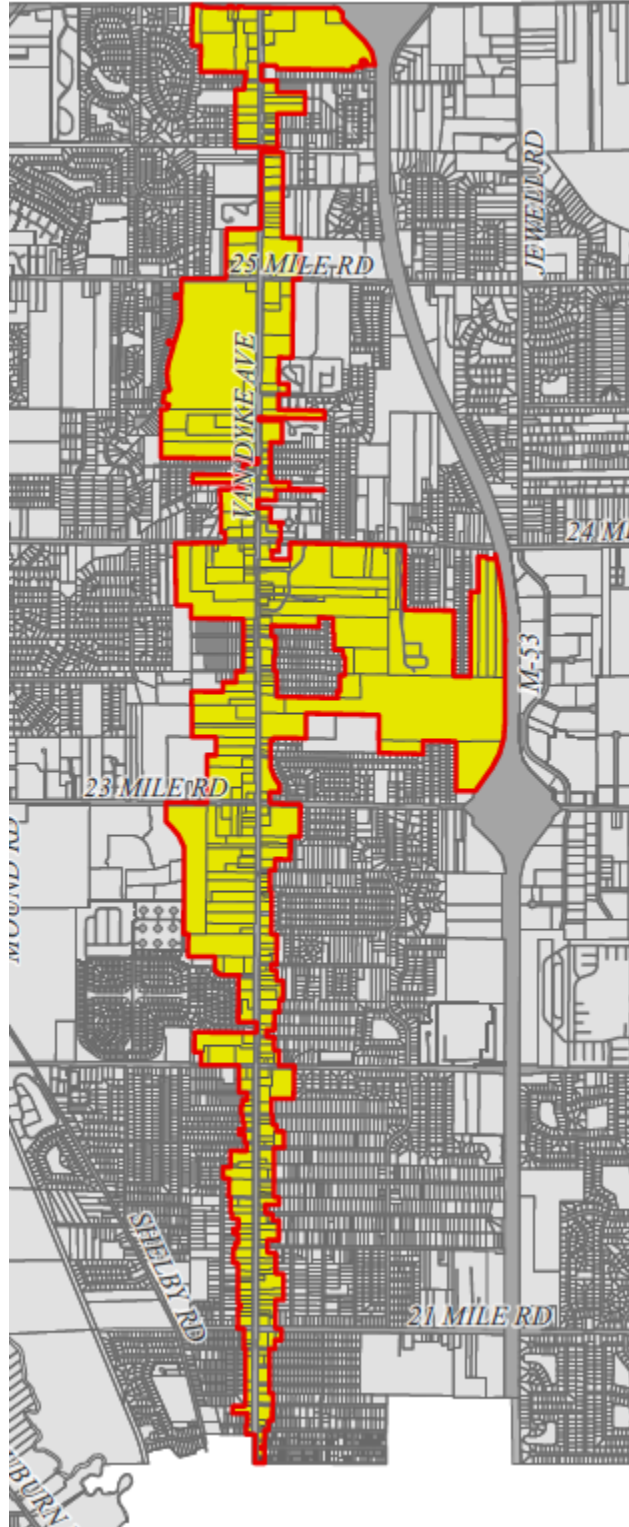
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23-07-33-276-041
23-07-33-276-049
23-07-33-276-050
23-07-33-276-055

23-07-33-276-056
23-07-33-277-026
23-07-33-277-030

Section 34

23-07-34-101-003
23-07-34-101-030
23-07-34-101-031
23-07-34-102-001
23-07-34-102-034
23-07-34-102-035
23-07-34-103-031
23-07-34-104-036
23-07-34-104-037
23-07-34-151-008
23-07-34-151-039
23-07-34-151-041
23-07-34-152-004
23-07-34-152-031
23-07-34-152-032
23-07-34-153-001
23-07-34-153-002
23-07-34-153-003
23-07-34-153-004

26 MILE RD



25 MILE RD

VANDIKE AVE

JEWELL RD

24 MILE RD

M-53

23 MILE RD

SEELY RD

21 MILE RD

MOUND RD

WILBURN

Section. Severability

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

Section. Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, provided, however, that this Ordinance does not repeal Ordinance No. 247, but only amends the description of the Downtown District to add the properties listed herein.

Section. Effective Date

This ordinance shall become immediately effective the day after publication as provided by law.

CERTIFICATION

I STANLEY GROT, Clerk for the Charter Township of Shelby, County of Macomb, State of Michigan, certify that this is a true copy of an Ordinance adopted by the Board of Trustees of the Charter Township of Shelby at its regular meeting on the 18th day of June 2019.

Stanley Grot, Township Clerk

INTRODUCTION: June 4, 2019

FIRST PUBLICATION ADOPTION: June 12, 2019

SECOND PUBLICATION: June 26, 2019

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