

Chapter 282

Downtown Development Authority

EDITOR'S NOTE: An unnumbered ordinance passed April 2, 1985, as amended by an unnumbered ordinance passed March 30, 1989, as amended by ordinance 08-07 passed September 16, 2008, as amended by ordinance 20-02 passed February 18, 2020, adopted the Development and Tax Increment Financing Plan for the Manistee Downtown Development District and Area. Copies of such ordinances and Plan may be obtained, at cost, from the City Clerk.

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CROSS REFERENCES
Taxation - see CHTR. Ch. 8
Municipal bonds - see M.C.L.A. Secs. 117.4a, 117.4b, 117.4e, 117.4g, 117.5, 117.14a, 117.35a
Improvements in home rule cities - see M.C.L.A. Secs. 117.4d et seq.
Business area redevelopment projects - see M.C.L.A. Secs. 125.981 et seq.
Downtown development authorities - see M.C.L.A. Secs. 125.4201 et seq.

282.01 PURPOSES

The purposes of this chapter are to establish a Downtown Development Authority pursuant to Act 57 of the Public Acts of 2018 ("Act 57"); to establish a Board of Directors for the Authority; to define the boundaries of the Downtown District constituting the Downtown Development Authority; and to provide for all other matters necessary and related thereto. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.02 DEFINITIONS

The terms used in this chapter shall have the same meaning given to them in Act 57 of the Public Acts of 2018, or as hereinafter in this section provided, unless the context clearly indicates to the contrary:

- A. "Act 57" means Act 57 of the Public Acts of 2018, as now in effect or hereafter amended, being M.C.L.A. 125.4201 et seq. (Ord. 19-16 adopted 5-21-19)
- B. "Authority" means the Downtown Development Authority established by this chapter.
- C. "Board" or "Board of Directors" means the Board of Directors of the Authority, which is the governing body of the Authority.

D. "Chief Executive Officer" means the City of Manistee City Manager. (Ord. 19-16 adopted 5-21-19)

E. "Downtown District" means the Downtown District designated by this chapter, as now existing or hereafter amended.

(Ord. Unno. Passed 1-19-82.)

282.03 DETERMINATION OF NECESSITY

Council hereby determines that it is necessary for the best interests of the City to halt property value deterioration and increase property tax valuation where possible in the Business District of the City, to eliminate the causes of that deterioration and to promote economic growth by establishing a downtown development authority pursuant to Act 57. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.04 ESTABLISHMENT; TITLE

Pursuant to Act 57, there is hereby established 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 "Manistee 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 purpose of its incorporation as provided by this chapter and Act 57. The enumeration of a power in this chapter or in Act 57 shall not be construed as a limitation upon the general powers of the Authority. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.05 BOUNDARIES OF DOWNTOWN DISTRICT

The Downtown District in which the Authority shall exercise its powers as provided for in Act 57, as amended, shall consist of the following described territory in the City, subject to such changes as may hereinafter be made pursuant to this chapter and Act 197: Filer and Tyson's Addition, Block 1, 2, 3, 5, 9, and Island. Filer and Tyson's Addition, Block 7, except Lots 5, 6 and 7. Delo's Filer Subdivision, Block 6. All of Green and Milmoie's Addition. All of George Willard Addition. Holden and Green Addition, Block 1, 2, 3, 6 and 7. Filer and Smith Addition, Block 7 and 8, Lots 3, 4, 5, 6, 7, 8, 9, 12 and 13, except Lots 9, 10, 11 and 12, Block 13. Filer and Smith Addition, Blocks 11, Lots 3, 4, 5, 6, 12, 11, 10 and part of Lot 9. Metes and bounds, part of gov't. Lot 2, Sec. 12. Filer and Smith Addition, Block 6, Lots 1, 2, 3, 4, 5 and 6. M. S. Tyson and Co. New Addition, Lots 1 through 7. Filer and Smith Addition, Block 1. Filer and Smith Addition, Block 14, Lots 5, 6, 11 and 12 and part of Lots 4, 10, 9 and Lot 8. Englemann's Addition, Block 8, Lots 1 and 19. Englemann's Addition, Block 9, except Lots 9 through 14. Englemann's Addition, Blocks 10 and 16. Englemann's Addition, Block 14, Lots 1, 2, 3 and 4. Englemann's Addition, Block 15, Lots 1, 2, 3 and 4. Metes and bounds, Lot 5, Sec. 12. Ramsdell and Benedicts Addition, Block 3, Lots 1, 2, and 3. Ramsdell and Benedicts Addition, Block 5. Filer and Smith Addition, part of Res., Lots 7, 6 and 8. Smith St. to Division St. and River St. to the middle of River. Metes and bounds, Section 12. Metes and bounds, part of gov't. Lot 1, Sec. 11, between Short St. and Washington St. and Fifth Ave. and River St. M. S. Tyson's Addition, Lot 1, Block 3; excepting therefrom Lot 1, Block 14, and Lots 3 and 4, Block 15, Englemann's Addition, to the City. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.06 BOARD OF DIRECTORS

The Authority shall be under the control and supervision of a Board of Directors, consisting of the Chief Executive Officer of the City and eight members as provided by Act 57. The members shall be appointed by the Chief Executive Officer, subject to approval by the City Council, and shall hold office until their successors are appointed. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.07 POWERS

Except as specifically otherwise provided in this chapter, the Authority shall have all powers provided by law, subject to the limitations imposed by law and this chapter. The Authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the Downtown District at the rate of not more than two mills each year if the City Council annually approves the levy thereof by the Authority.

(Ord. Unno. Passed 1-19-82.)

282.08 DIRECTOR; POSTING OF BOND

If a director is employed as authorized by Section 5 of Act 57, a bond shall be posted in a sum to be prescribed by the City Council, as required by the Act. (Ord. Unno. Passed 1-19-82.) (Ord. 19-16 adopted 5-21-19)

282.09 FISCAL YEAR; ADOPTION OF BUDGET; FINANCIAL 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 of Directors shall annually prepare a budget and shall submit it to the City Council on the same date that the proposed budget for the City is required by the City Charter to be submitted to the City Council. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds when required to do so by the ordinance authorizing the revenue bonds.
- C. The Authority shall submit financial reports to the City Council as requested by the City Council. The Authority shall be audited by the same independent auditors auditing the City, and copies of the audit report shall be filed with the City Council. (Ord. Unno. Passed 1-19-82.)