

ORDINANCE NO. 251

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE VILLAGE OF MANCHESTER, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

THE VILLAGE OF MANCHESTER ORDAINS:

Section 1. Title. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Village of Manchester.

Section 2. Determination of Necessity; Purpose. The Village Council 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 Village, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

Section 3. Definitions. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

"Authority" means the Manchester Downtown Development Authority created by this ordinance.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, 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 President of the Village.

"Village" means the Village of Manchester, Michigan.

"Council" or "Village Council" means the Village Council of the Village.

"Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

Section 4. Creation of Authority. There is hereby created pursuant to Act 197 a downtown development authority for the Village. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "MANCHESTER DOWNTOWN DE-

VELOPMENT 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 ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Termination. Upon completion of its purposes, the Authority may be dissolved by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Village.

Section 6. Description of Downtown District. The Downtown District shall consist of the territory in the Village described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

Section 7. 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 8 members. Members shall be appointed by the Chief Executive Officer, subject to approval by the Council. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than 1 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 1 year, 2 years, 3 years, and 4 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 Council. 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 One Hundred Dollars (\$100.00) payable to the Authority for use and benefit of the Authority and shall file the same with the Village Clerk of the Village.

Section 8. Powers of Authority. Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

Section 9. Fiscal Year; Adoption of Budget.

(a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the Council.

(b) The Board shall prepare annually a budget and shall submit it to the Council 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 Council. 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.

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

Section 10. Section Headings: Severability: Repealer. Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication. Recording and Filing. This ordinance shall be published once after its adoption in full in The Manchester Enterprise, a newspaper of general circulation in the Village of Manchester and the Village Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

Section 12. Effective Date. This ordinance shall take effect immediately upon its publication.

MANCHESTER VILLAGE DOWNTOWN DEVELOPMENT AREA DESCRIPTION

That part of the village of Manchester described as:

THAT PT OF MICH. CEN. R.R. & N.Y.C.R.R.-YPSILANTI BRANCH LYING WITHIN VILLAGE LIMITS, EXC THAT PT LYING EAST OF GRANGER AND MORGAN'S ADD, ALSO

COM AT CENT OF SEC 2, TH N 88 DEG 55' E 33 FT, TH S 00 DEG 15' E 59.16 FT IN THE E LINE OF ANN ARBOR ST, TH S 38 DEG E 722.52 FT IN E LINE OF ANN ARBOR ST FOR A POB, TH N 52 DEG E 18 RDS, TH S 38 DEG E 148.30 FT TO THE N LINE OF RAILROAD LAND, TH SW'L Y ALONG THE N LINE OF ' RAILROAD LAND TO A POINT IN THE E LINE OF ANN ARBOR ST, TH N 38 DEG W 2 RDS IN E LINE OF ANN ARBOR ST TO THE POB, ALSO

COM AT CENT OF SEC 2, TH N 88 DEG 55' E 418.20 FT IN THE E & W 1/4 LINE FOR A POB, TH N 88 DEG 55' E 621.50 FT IN THE E & W 1/4 LINE, TH S 18 DEG 20' E 498.40 FT, TH S 74 DEG 30' W 432.40 FT TH N 38 DEG W 148.30 FT, TH S 52 DEG W 18 RDS, TH N 38 DEG W 122 FT IN THE E LINE OF ANN ARBOR ST, TH N 52 DEG 00' E 198 FT TH N 38 DEG W 410.65 FT, TH N 52 DEG 00' W 146.60 FT TO POB, ALSO

BEG AT THE NW COR OF LOT 1, BLK 32 ORIGINAL PLAT OF VILLAGE OF MANCHESTER, TH N 29 DEG W 7.24 FT IN THE E LINE OF ANN ARBOR ST, TH N 53 DEG 45' W 101.04 FT IN THE E LINE OF ANN ARBOR ST, TH NE'L Y IN THE S LINE OF THE LAKE SHORE & MICHIGAN SOUTHERN RAILROAD TO A POINT WHICH IS N 29 DEG W 17.55 FT FROM THE NE COR OF LOT 4, BLK 32 OF AFORESAID PLAT, TH S 29 DEG E 17.55 FT TO THE NE COR OF LOT 4, BLK 32 OF AFORESAID PLAT, TH S 61 DEG W 264 FT ALONG THE N LINE OF SAID BLK 32 TO THE POB, ALSO

ALL THAT PART OF PENN CEN R/W - JACKSON BRANCH, LYING BTWN CIL MAIN ST & W/L OF SEC 2 T4S R3E-EXC THAT PART W OF FOLLOWING LN: COM AT SW COR OF SEC, TH N 1 W 803.22 FT, TH S 75 E 522.82 FT TO POB, TH N 1 W TO NIL RR R/W & POE, ALSO

" "

COM AT SE COR OF W 1/2 OF SW 1/4 OF SEC, TH N 1 DEG W 6.44 CHNS IN THE E LINE OF W 1/2 OF SW 1/4 TO THE S LINE OF THE LAKE SHORE & MICHIGAN SOUTHERN RAILROAD FOR A POB, TH S 1 DEG E 1.34 CHNS IN E LINE OF W 1/2 OF SW 1/4, TH S 61 DEG W 148 FT IN CENT OF JACKSON RD, TH N 29 DEG W 259.8 FT TO S LINE OF THE RAILROAD TH S 75 DEG E 263.32 FT IN S LINE OF THE RAILROAD TO POB, ALSO

COM AT S 1/4 COR SEC 1/2, TH S 87-05 W 51.34 FT TO A POB, TH N 76-33 W 1254.40 FT, TH N 58-54 E 391.88 FT, TH S 76-33 E 716.39 FT, TH S 29-48 E 370.69 FT TO THE POB, ALSO

"

ALL OF BLOCKS 1, 2, 3, 7, 21, 22, 23, 24, 25, 28, 31, & 40, ALSO

LOTS 1 THRU 4. BLK 5, ALSO LOTS 1 THRU 5 BLK 4, ALSO LOTS 1,2,3 BLK 6, ALSO LOTS 4 & 5 EXC S'LY 41 FT THEREOF BLK 6, ALSO LOTS 1 THRU 6 BLK 17, ALSO BEG AT THE NE COR OF BLOCK 17, THSE'LY ALONGTHEWLINE OF WATER ST TO THE NE'LY BANK OF RIVER RAISIN, TH NW'LY ALONG THE NE'LY BANK OF RIVER RAISIN TO THE S LINE OF DUNCAN ST, TH NE'LY ALONG THE S LINE ,OF DUNCAN ST TO THE POB, ALSO LOTS 1 & 2 BLK 32, ALL IN ORIGINAL PLAT OF VILLAGE OF MANCHESTER, ALSO LOTS 1THRU 6 lw. COWAN'S ADDITION, ALSO

LOTS 3,4, & 5 CASE'S ALTERATION.