

**TOWNSHIP OF BYRON
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Byron, held in the Township Hall, 8085 Byron Center Avenue, Byron Center, Michigan, on the 22nd day of May, 2006, at 7:00 p.m.

PRESENT: Members: Burgess, Hondorp, A. Nevins, P. Nevins, Slot, Wustman

ABSENT: Members: Houseman

The following ordinance was offered by Member Slot and supported by Member P. Nevins.

ORDINANCE NO. 470

**AN ORDINANCE TO APPROVE THE DOWNTOWN DEVELOPMENT AND
TAX INCREMENT FINANCING PLAN OF THE BYRON TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, in accordance with Act 197 of the Public Acts of 1975 (the "Act"), the Byron Township Downtown Development Authority (DDA) has determined it is necessary for the improvement of the Byron Township Downtown Development District to prepare and submit a Downtown Development and Tax Increment Financing Plan;

WHEREAS, pursuant to the Act, the Downtown Development Authority has prepared and submitted a Downtown Development and Tax Increment Financing Plan (the "Plan") to finance all or part of the costs associated with the proposed development of the development area and to defray the costs of the activities of DDA, as set forth in the Plan;

WHEREAS, the Township Board held a public hearing on May 22, 2006 to consider the Plan, after the giving of public notice as required by the Act, including notice by publication on April 25, 2006 and May 2, 2006 in the *South Advance*, a newspaper of general circulation within the Township, and also by first-class mail to all property taxpayers of record within the downtown district, by posting in at least 20 conspicuous and public places in the downtown district, and by

certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the Plan is approved;

WHEREAS, the notice contained a description of the proposed development area, as well as a statement that maps, the Plan and the method of relocating families and individuals who may be displaced from the area were available for public inspection at the Township Hall, and that all aspects of the Plan would be open for discussion at the public hearing;

WHEREAS, prior to the public hearing, the Township Board provided reasonable opportunity to the taxing jurisdictions levying taxes that would be subject to capture under the Plan to meet with the Township Board, and it fully informed the taxing jurisdictions of the fiscal and economic implications of the Plan; and

WHEREAS, the Township Board has provided the fullest opportunity for interested persons to be heard, whether in person or in writing, for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Plan.

THE TOWNSHIP OF BYRON ORDAINS:

Section 1. ***Approval of Plan and Finding of Public Purpose.*** In accordance with Act 197, the Township Board finds that the Downtown Development and Tax Increment Financing Plan, as proposed, constitutes a public purpose and will be a benefit to the Township and its residents, and accordingly, the Board hereby approves the Plan.

Section 2. ***Findings in Accordance with Act 197.*** In approving the Plan, the Township Board makes the following additional findings, in accordance with Section 19 of the Act:

- (a) The Plan meets the requirements set forth in Section 17(2) of the Act.
- (b) The proposed method of financing the activities, projects and improvements proposed in the Plan is feasible, and the DDA has the ability to arrange the financing.

(c) The activities, projects and improvements proposed in the Plan are reasonable and necessary to carry out the purposes of the Act.

(d) The acquisition of any land within the development area by the DDA, if accomplished in accordance with the Plan, would be reasonably necessary to carry out the purposes of the Plan and of the Act in an efficient and economically satisfactory manner.

(e) The activities, projects and improvements proposed in the Plan are in accord with the Byron Township Master Plan and the Byron Center Sub-Area Plan.

(f) Public services will be adequate to service the development area.

(g) All changes in zoning, streets, street levels, intersections and utilities proposed in the Plan are reasonably necessary for the project and for the Township.

Section 3. ***Transmission of Tax Increment Revenues to the DDA.*** The Township Clerk is hereby authorized and directed to provide to the County Treasurer copies of all information necessary to enable the Township and County Treasurers to transmit tax increment revenues to the DDA in accordance with Section 15 of the Act.

Section 4. ***Effective Date.*** This Ordinance shall be effective immediately upon its publication, or the publication of a summary of its provisions, in a local newspaper of general circulation within the Township.

AYES: Members: Six

NAYS: Members: None

ABSENT: Members: One

ORDINANCE DECLARED ADOPTED.

Joel H. Hondorp, Clerk
Township of Byron

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Byron at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Joel H. Hondorp, Clerk
Township of Byron

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