

ORDINANCE #183
DOWNTOWN DEVELOPMENT AUTHORITY CREATION

Adopted: 07/20/89
Effective: 07/29/89

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

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Title. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Charter Township of Bangor.

Section 2. 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 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 Downtown Development Authority of the Charter Township of Bangor 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 Supervisor of the Township.

"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.

"Township" means the Charter Township of Bangor, Michigan.

"Township Board" means the Township Board of the Township.

Section 4. Creation of Authority. There is hereby created pursuant to Act 197 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 "Downtown Development Authority of the Charter Township of Bangor". 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 ordinance and Act 197. The enumeration of 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 Township Board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Township.

Section 6. Description of Downtown District. The Downtown District shall consist of the territory in the Township described as follows, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197. The district is described as being in the Township of Bangor, Bay County, Michigan, to-wit:

Commencing at the Southwest corner of Section 8, Town 14 North, Range 5 East, Bangor Township, Bay County, Michigan; thence North along the West Section line 853 feet; thence East parallel with the South Section line 379 feet; thence South parallel with the West Section line to a point 180 feet North of the South Section line; thence East 941 to the West 1/8 line and the east line of Schumann Park Subdivision; thence North and Northwesterly along the Easterly line of Schumann Park Subdivision to the South 1/8 line; thence East parallel with the South Section line to the centerline of State Park Drive (M-47); thence North to the North Section line of Section 8; thence North 33 feet; thence East to a point 33 feet North and 33 feet East of the Southwest corner of Section 4; thence South 1843 feet to the South line of Long Acres Subdivision; thence East to the Westerly edge of Bangor Road; thence South along the Easterly right-of-way line of Bangor Road to the North line of the C & O Railroad right-of-way; thence Easterly along said Northerly right-of-way line to the East 1/8 line; thence North to the North line of Section 9; thence East to the Northeast corner of Section 9; thence South along the East section line to the Southeast corner of Section 9; thence West along the South line of Section 9 to the Southwest corner of Section 9 which is also the Southeast corner of Section 8; thence continuing West along the South line of Section 8 which is also the North line of Section 17 to a point on the West right-of-way line of the GTW Railroad right-of-way, said point being 2061.1 feet East of the Northwest corner of Section 17; thence Southeasterly along the Westerly right-of-way of said railroad to the North-South 1/4 line of Section 17; thence South to the North right-of-way line of the N.Y.C. Railroad right-of-way line; thence West and South along the said Northerly and Westerly right-of-way line of said railroad to the South right-of-way line of Gary Street; thence West along the South right-of-way line of Gary Street to the West line of said Section 17; thence North along the West Section line of Section 17 to the Northwest corner of Section 17 which is the Southwest corner of Section 8 and the point of beginning of this description. (Amended by Ordinance #185, effective 11/30/89)

Excepting the residential properties described in Exhibit A. (Amended by Ordinance #382, effective 02/27/20)

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 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 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 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 fifty thousand Dollars (\$50,000.00) payable to the Authority for use and benefit of the authority and shall file the same with the Township Clerk of the Township.

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 January 1 of each year and end on December 31 of each year, or such other fiscal year as may hereafter be adopted by the Township Board.
- B. 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.
- C. 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 independent auditors auditing the Township and copies of the audit report shall be filed with the Township Board.

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 part 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 Bay City Democrat, a newspaper of general circulation in the Charter Township of Bangor and the Township 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 become effective immediately after the last required publication following adoption.

EXHIBIT A

Land situated in the Township of Bangor, County of Bay, State of Michigan, described as follows: A parcel of land in the West 1 ½ acres of the South 2 ½ acres of the North 1 ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, Bangor Township, Bay County, Michigan

EXCEPT Commencing at the Southeast corner of said Section 8; thence North 00 degrees 00 minutes 00 seconds East, 993.60 feet; thence South 88 degrees 13 minutes 28 seconds West, on the South line of the South 2 ½ acres of the North ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of said Section, 527.96 feet to the point of beginning; thence continuing South 88 degrees 13 minutes 28 seconds West, on said South line 532.21 feet; thence North 00 degrees 06 minutes 52 seconds East, on the West line of the East 400.00 feet of the West ½ of the Southeast ¼ of said Southeast ¼, 82.83 feet; thence North 88 degrees 13 minutes 32 seconds East, on the North line of the South 2 ½ acres of the North ½ of the North ½ of the Southeast ¼ of said Southeast ¼, 532.18 feet; thence South 00 degrees 05 minutes 30 seconds West, on the East line of the West 1 ½ acres of the South 2 ½ acres of the North 1/2 of the North ½ of the Southeast ¼ of said Southeast ¼, 82.82 feet to the point of beginning.

And

The following described land in the Township of Bangor, Bay County, Michigan: The West ½ of the North ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, EXCEPT THE FOLLOWING DESCRIBED PROPERTY: The East 400.00 feet of the West ½ of the North ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, and more particularly described as follows: Commencing at the Southeast corner of said Section 8; thence North 00°00' 00" East 910.80 feet; thence South 88° 13'24" West, on the South line of the North ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of said Section, 660.12 feet to the point of beginning; thence continuing on said South line, South 88° 13'24" West 400.22 feet; thence North 00° 06'52" East, on the West line of the East 400.00 feet of the West ½ of the Southeast ¼ of said Southeast ¼, 82.83 feet; thence North 88° 13'28" East, on the North line of the West ½ of the North ½ of the North 5 acres of the South ½ of the North ½ of the southeast ¼ said Southeast ¼, 400.22 feet; thence South 00° 06'52" West, on the East line of West ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of said Southeast ¼, 82.82 feet to the point of beginning.

And

Land situated in the Township of Bangor, County of Bay, State of Michigan, described as follows: The West ½ of the South ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of the Southeast ¼, Section 8, Town 14 North, Range 5 East. EXCEPT the East 400.0 feet of the West ½ of the South ½ of the North 5 acres of the South ½ of the North ½ of the Southeast ¼ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, and more particularly described as follows: Commencing at the Southeast corner of said Section 8; thence North 00 degrees 00 minutes 00 seconds East 828.00 feet; thence South 88 degrees 13 minutes

20 seconds West on the South line of the South $\frac{1}{2}$ of the North 5 acres of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section, 660.29 feet to the point of beginning; thence continuing South 88 degrees 13 minutes 20 seconds West, on said South line, 400.22 feet; thence North 00 degrees 06 minutes 52 seconds East, on the West line of the East 400.00 feet of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, 82.83 feet; thence North 88 degrees 13 minutes 24 seconds East, on the North line of the West $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North 5 acres of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, 400.22 feet; thence South 00 degrees 06 minutes 52 seconds West, on the East line of the West $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North 5 acres of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, 82.62 feet to the point of beginning.

And

The following described property situated in the Township of Bangor, County of Bay and State of Michigan, to-wit: The North 85 feet of the West 300 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Town 14 North, Range 5 East, and the North 85 feet of the East 35 feet of the West 335 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Town 14 North, Range 5 East, except a parcel of land in the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 8, Town 14 North, Range 5 East, Bangor Township, Bay County, Michigan, described as follows: To fix the point of beginning; commence at the Southeast corner of said Section 8; thence North 00 degrees 00 minutes 00 seconds East on the East line of said Section, 828.00 feet; thence South 88 degrees 13 minutes 20 seconds West, 985.37 feet to the point or beginning; thence South 00 degrees 13 minutes 43 seconds West, parallel with and 335.00 feet, measured at right angles, East or the East $\frac{1}{8}$ line of said Section 8, 85.03 feet; thence South 88 degrees 13 minutes 20 seconds West 150.09 feet; thence North 00 degrees 13 minutes 43 seconds East, parallel with and 185.00 feet measured at right angle., East of said East $\frac{1}{8}$ line, 85.05 feet; thence North 88 degrees 13 minutes 20 seconds East, 150.09 feet to the point of beginning.

And

The following described premises situated and being in the Township of Bangor, County of Bay, State of Michigan, and described as follows: Commencing 598.58 feet North of the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, thence North along the $\frac{1}{8}$ line 144.63 feet, then East 185 feet, thence South 80 feet, thence East 115.19 feet, thence South 64.66 feet, thence West 300.1 feet to P.O.E., all in Section 8, Town 14 North, Range 5 East, Bangor Township. Commonly known as: 14 State Park Drive, Bay City, Michigan 48706

And

A parcel of land situated in the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Town 14 North, Range 5 East, Bangor Township, Bay County, Michigan described as: Commencing at the Southeast corner of Section 8 as monumented and recorded in Land Corner Recordation Certificate Liber 3, Page 146, Bay County Records; thence South 88° 11' 12" West, 1323.72 feet along the South section line to the East $\frac{1}{8}$ line as monumented with a $\frac{3}{8}$ inch Rod in a monument box; thence North 00° 14' 02" East, 497.58 feet

(Deeded as 496.50 feet) along the East 1/8 line to the point of beginning; thence continuing North 00° 14' 02" East, 101.00 feet along the East 1/8 line; thence North 88° 13' 03" East, 300.19 feet to the West line of the parcel described in Liber 1172, Page 226, Bay County Records; thence South 00° 14' 02" West, 101.00 feet parallel with the East 1/8 line to the South line of the North ½ of the North ½ of the South ½ of the Southeast ¼ of the Southeast ¼; thence South 88° 13' 03" West, 300.19 feet along said South line to the point of beginning. Containing .695 acres and subject to the right-of-way for State Park Drive over the West 50 feet thereof. Property address: 12 State Park Drive, Bay City, Michigan

And

The South ½ of the North ½ of the South ½ of the Southeast ¼ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, Except a parcel of land in the East ½ of the Southeast ¼ of Section 8, Town 14 North, Range 5 East, described as follows: Commence on the East line of said Section 8, at a point 331.20 feet North 00 degrees 00 minutes 00 seconds East, from the Southeast corner of said Section 8; thence South 88 degrees 12 minutes 55 seconds West, on the North line of The Patrick Subdivision and its Easterly and Westerly extension, 1,022.38 feet; thence North 00 degrees 13 minutes 43 seconds East, on a line which is parallel with and 300.00 feet, measured at right angles, East of the East 1/8 line of said Section, 165.66 feet; thence North 88 degrees 13 minutes 03 seconds East, 1,021.72 feet; thence South 00 degrees 00 minutes 00 seconds West, on said East Section line, 165.60 feet to the point of beginning; subject to building and use restrictions and easements of record. Property Address: JO State Park Drive, Bay City, MI 48706 *(Amended by Ordinance #382, effective 02/27/20)*