

## **ORDINANCE NO. 60.4**

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY AMENDING CHAPTER 110 ("DOWNTOWN DEVELOPMENT AUTHORITY") OF TITLE XI ("COMMUNITY DEVELOPMENT") IN ORDER TO MAKE CERTAIN FINDINGS AND DECLARATIONS REGARDING THE 2013 AMENDMENT TO THE TAX INCREMENT FINANCE PLAN AND DEVELOPMENT PLAN; APPROVE THE PUBLIC PURPOSE FOR THE 2013 AMENDMENT TO THE TAX INCREMENT FINANCE PLAN AND DEVELOPMENT PLAN; DECLARE THAT THE 2013 AMENDMENT TO THE TAX INCREMENT FINANCE PLAN AND DEVELOPMENT PLAN IS IN THE BEST INTERESTS OF THE PUBLIC; APPROVE AND ADOPT THE 2013 AMENDMENT TO THE TAX INCREMENT FINANCE PLAN AND DEVELOPMENT PLAN; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. Section 110-10 ("2013 amendment to tax increment finance plan and development plan - Findings and declarations") of Chapter 110 ("Downtown Development Authority") of Title XI ("Community Development") is hereby added as follows:

**Section 110-10. 2013 amendment to tax increment finance plan and development plan - Findings and declarations.**

- (1) The township board hereby declares that:
  - a. The 2013 amendment to the tax increment financing plan and development plan has been recommended by the board of the downtown development authority.
  - b. A reasonable opportunity was provided for the 2013 amendment to the tax increment financing plan and development plan to be reviewed by the other area taxing authorities, and for representatives from those taxing authorities to meet with the township board and township officials.
  - c. A public hearing on the 2013 amendment to the tax increment financing plan and development plan was conducted by the township board on Tuesday,

December 3, 2013, at the township's administration building, 3209 West Michigan Avenue, Lansing, Michigan 48917.

- d. Notice of said public hearing was given in accordance with section 18 of the Downtown Development Authority Act, Act 197, Public Acts of Michigan, 1975, as amended ("Act 197").
  - e. The township board has carefully considered the 2013 amendment to the tax increment financing plan and development plan, the statements, ideas and comments made at the public hearing, and the other recommendations received by the township board.
- (2) Based upon the considerations in subsection (1), above, the township board hereby finds that:
- a. The 2013 amendment to the tax increment financing plan and development plan has been recommended by the board of the downtown development authority.
  - b. Pursuant to Act 197, the development area citizens council was not required to review and approve the 2013 amendment to the tax increment financing plan and development plan prior to their approval and adoption by the township board.
  - c. The 2013 amendment to the plans meets the requirements set forth in section 17(2) of Act 197, which identifies the required contents and components of the plans.
  - d. As described in the 2013 amendment to the tax increment financing plan and development plan, the proposed method of financing the development is feasible and the downtown development authority has the ability to arrange the financing required by the plans.
  - e. The development described in the 2013 amendment to the tax increment financing plan and development plan is reasonable and necessary to carry out the purposes of Act 197.
  - f. As described in the 2013 amendment to the tax increment financing plan and development plan, the land included within the development area to be

acquired is reasonably necessary to carry out the purposes of the plans and of Act 197 in an efficient and economically satisfactory manner.

- g. The development plan, as amended, is in reasonable accord with the master plan of the township.
- h. As described in the 2013 amendment to the tax increment financing plan and development plan, public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- i. As described in the 2013 amendment to the tax increment financing plan and development plan, changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the township.
- j. The 2013 amendment to the tax increment financing plan and development plan meets all other requirements set forth in Act 197.

- (3) No amendment or modification to the 2013 amendment to the tax increment financing plan or the development plan, approved hereby, shall be effective until submitted to and approved by the township board in accordance with Act 197.

2. Section 110-11 (“2013 amendment to tax increment finance plan and development plan - Public purpose”) of Chapter 110 (“Downtown Development Authority”) of Title XI (“Community Development”) is hereby added as follows:

**Section 110-11. 2013 amendment to tax increment finance plan and development plan - Public purpose.**

In accordance with section 19 of Act 197, the township board, having conducted a public hearing on the 2013 amendment to the tax increment financing plan and development plan, made a part hereof by reference, hereby determines that the 2013 amendment to the tax increment finance plan and the development plan constitutes a public purpose.

3. Section 110-12 (“2013 amendment to tax increment finance plan and development plan—Best interests of the public”) of Chapter 110 (“Downtown Development Authority”) of Title XI (“Community Development”) is hereby added as follows:

**Section 110-12. 2013 amendment to tax increment finance plan and development plan—Best interests of the public.**

The township board hereby determines that it is in the best interests of the public to increase property tax valuation, eliminate the causes of the deterioration in property values, to promote growth in the downtown district and development area, and accomplish all of the purposes identified in section 1a of Act 197, by proceeding with the 2013 amendment to the tax increment finance plan and the development plan.

4. Section 110-13 (“2013 amendment to tax increment finance plan and development plan—Approval and adoption”) of Chapter 110 (“Downtown Development Authority”) of Title XI (“Community Development”) is hereby added as follows:

**Section 110-13. 2013 amendment to tax increment finance plan and development plan—Approval and adoption.**

The 2013 amendment to the tax increment finance plan and the development plan for the development area within the downtown district established by the township pursuant to Act 197, as prepared by the board of the downtown development authority with the assistance of the Township Director of Planning and Development, and originally submitted to the township board on November 19, 2013, is hereby approved and adopted by the township board.

5. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

6. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication as required by law.

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Kathleen M. Rodgers, Supervisor  
Charter Township of Lansing

I, Susan L. Aten, Clerk of Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. \_\_\_\_, enacted by the Charter Township of Lansing Board of Trustees at a \_\_\_\_\_ meeting on December \_\_, 2013.

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Susan L. Aten, Clerk  
Charter Township of Lansing