

VILLAGE OF BYRON
ORDINANCE NO: 2016-12B
(Enacted December 12, 2016)

**AN ORDINANCE TO APPROVE AMENDMENTS TO THE
VILLAGE OF BYRON'S DOWNTOWN DEVELOPMENT AUTHORITY'S
TAX INCREMENT FINANCE AND DEVELOPMENT PLAN**

WHEREAS, a Tax Increment Finance and Downtown Development Plan (hereinafter the "Plan") for the development area within the downtown district established pursuant to Act 197 of the Public Acts of 1975 (hereinafter, the "Act"), and pursuant to the Village of Byron Ordinance No. 2013-2, enacted September 16, 2013, was prepared by the Village of Byron's Downtown Development Authority (herein after, the "BDDA") and previously approved by a Village of Byron Ordinance on November 20, 2014; and

WHEREAS, the BDDA approved amendments to the Plan on October 20, 2016 to change the Development Area District (herein after, the "TIF District") (please see the 2016 Plan Amendment attached hereto and incorporated herein); and

WHEREAS, the Tax Increment Finance and Downtown Development Plan Amendments (hereinafter the "Plan Amendments") have been recommended by the BDDA; and

WHEREAS, an opportunity was provided for the Plan Amendments to be reviewed with the other area taxing authorities in accordance with the Act; and

WHEREAS, a public hearing thereon was held before the Village of Byron Council on November _____, 2016 on or after 7:00 p.m. in the Village Council Chambers, Village Hall, 146 South Saginaw Street, Byron, Michigan 48818 to take comment on the proposed Plan Amendment; and

WHEREAS, Notice of said public hearing has heretofore been given in accordance the Act, including but not limited to:

- a. The First Publication was November 22, 2016 in the Argus-Press of Owosso;
- b. The Second Publication was November 27, 2016 in the Independent Durand Area News;
- c. Direct Delivery of the Required Notices to each taxing jurisdiction on November 22, 2016 with an executed receipt;
- d. Notice to each property tax owner by mail;
- e. Posting as required in the required area; and

WHEREAS, the Council has carefully considered the Tax Increment Finance and Downtown Development Plan Amendments, the statements and ideas expressed at the public hearing and the recommendations received by the Council.

THE VILLAGE OF BYRON ORDAINS:

SECTION 1. The Village of Byron Council hereby expressly finds that:

- 1.1 The Tax Increment Finance and Downtown Development Plan Amendments both constitute a public purpose; and
- 1.2 The Tax Increment Finance and Downtown Development Plan Amendment meets the requirements set forth in Section 14 and 15 of said Act 197, as amended; and
- 1.3 The Tax Increment Finance and Downtown Development Plan Amendment meets the requirement set forth in Section 17 (2) of said Act 197; and
- 1.4 The proposed method of financing the development is feasible, and the Authority has the ability to arrange the financing; and
- 1.5 The development plan is in reasonable accord with the zoning of the Village of Byron; and
- 1.6 Public services (such as fire and police protection, and utilities), if any, are, or will be, adequate to service the project area; and
- 1.7 Changes in zoning, streets, intersections, and utilities are reasonably necessary for the project area; and
- 1.8 The Tax Increment Financing and Downtown Development Plan Amendments have been recommended by the Downtown Development Authority, no recommendation being required by the Downtown Area Citizen's Council as the development area does not qualify for same and said Council, if it did qualify, has failed to form; and
- 1.9 The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this Act in an efficient and economically satisfactory manner, and;
- 1.10 The tax increment financing plan and the development plan project recommendations and development area district boundary are reasonable and necessary to carry out the purposes of the Public Act forming downtown development authorities, and;
- 1.11 The development plan remains in reasonable accord with the Village Master Plan, and meets the requirements set forth in Section 17 (2) of the Act.

SECTION 2. All provisions of the Original Tax Increment Finance and Development Plan not amended herein shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for

any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Byron declares that it would have passed this ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. This Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1; MSA 5.1271.

SECTION 5. Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Motion By: Bessenbacher

Second By: Miller

Adopted at a Special Meeting of the Village Council held on the 12th day of December, 2016.

YEAS: Bessenbacher, Miller, Orr, Berecz, Prestonise.

NAYS: None

ABSENT: None

VILLAGE OF BYRON

Anthony Prestonise

By: Anthony Prestonise

Its: Village President

Certification

I certify that the above is a true and complete copy of Ordinance No. 2016-12B adopted by the Village Council at a Meeting held on the 12th day of December, 2016 and published in the Independent Newspaper of local circulation on December 25, 2016.

Marsha Reed

Marsha Reed, Village Clerk

Drafted by:

John L. Gormley (P-53539)

Village Attorney of Byron

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