# 2002 Baraga Village DDA

## Address/Phone/ E-mail List

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email/Phone</th>
</tr>
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<tbody>
<tr>
<td>Mary &quot;Kubby&quot; Bergerson</td>
<td>718 S. Superior</td>
<td><a href="mailto:mbergers@ccisd.k12.mi.us">mbergers@ccisd.k12.mi.us</a> 353-6373</td>
</tr>
<tr>
<td>Larry Denomie</td>
<td>Baraga Mobil – US 41</td>
<td><a href="mailto:ldenomie@up.net">ldenomie@up.net</a> 353-6569</td>
</tr>
<tr>
<td>Wendell &quot;Pat&quot; Dompier</td>
<td>809 Railroad Street</td>
<td><a href="mailto:wdompier@chartermi.net">wdompier@chartermi.net</a> 353-6104</td>
</tr>
<tr>
<td>Roberta “Bucki” Jondreau</td>
<td>Michigan Ave</td>
<td><a href="mailto:billjond@up.net">billjond@up.net</a> 353-7676</td>
</tr>
<tr>
<td>Carole LaPointe</td>
<td>PO Box 576</td>
<td><a href="mailto:carole@up.net">carole@up.net</a> 353-7873</td>
</tr>
<tr>
<td>Jackie Loonsfoot</td>
<td>600 Lyons</td>
<td>No email (UL)</td>
</tr>
<tr>
<td>Barb Mayo</td>
<td>801 Superior Ave.</td>
<td><a href="mailto:bmayo@up.net">bmayo@up.net</a> 353-6224</td>
</tr>
<tr>
<td>Sandy Racette</td>
<td>418 Superior Ave.</td>
<td><a href="mailto:sjohnson@ccisd.k12.mi.us">sjohnson@ccisd.k12.mi.us</a> 353-6294</td>
</tr>
<tr>
<td>Carl Rasanen</td>
<td>113 N. Main</td>
<td><a href="mailto:arasanen@up.net">arasanen@up.net</a> 353-7288</td>
</tr>
</tbody>
</table>
ENROLLED SENATE BILL No. 163

AN ACT to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing.

The People of the State of Michigan enact:

Sec. 1. As used in this act:
(a) "Authority" means a downtown development authority created pursuant to this act.
(b) "Board" means the governing body of an authority.
(c) "Business district" means an area in the downtown of a municipality zoned and used principally for business.
(d) "Chief executive officer" means the mayor or city manager of a city, the president of a village or the supervisor of a township.
(e) "Development area" means that area to which a development plan is applicable.
(f) "Development plan" means that information and those requirements for a development set forth in section 17.
(g) "Development program" means the implementation of the development plan.
(h) "Downtown district" means an area in a business district which is specifically designated by ordinance of the governing body of the municipality pursuant to this act.
(i) "Governing body of a municipality" means the elected body of a municipality having legislative powers.
(j) "Municipality" means a city, village, or township.
(k) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.
(l) "Public facility" means a street, plaza, pedestrian mall, and any improvements thereto including street furniture and beautification, park, parking facility, recreational facility, right of way, structure, waterway, bridge, lake, pond, cenot, utility line or pipe, building, and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency.
Sec. 2. (1) A municipality may establish an authority. No parcel of property shall be included in more than 1 authority created by this act.

(2) The authority shall be a public body corporate which may sue and be sued in any court of this state. The authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act shall not be construed as a limitation upon the general powers of the authority.

Sec. 3. (1) When the governing body of a municipality determines that it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible in its business district, to eliminate the causes of that deterioration, and to promote economic growth, the governing body of that municipality may, by resolution, declare its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall set a date for the holding of a public hearing on the adoption of a proposed ordinance creating the authority and designating the boundaries of the downtown district. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 nor more than 40 days before the date of the hearing. Notice shall also be mailed to the property taxpayers of record in the proposed district not less than 20 days before the hearing. Failure to receive the notice shall not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed downtown district. A citizen, taxpayer, or property owner of the municipality has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed downtown district. The governing body of the municipality shall not incorporate land into the downtown district not included in the description contained in notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.

(3) After the public hearing, if the governing body of the municipality intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members, an ordinance establishing the authority and designating the boundaries of the downtown district within which the authority shall exercise its powers. The adoption of the ordinance is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of an ordinance over his veto. This ordinance shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

(4) The governing body of the municipality may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district in accordance with the same requirements prescribed for adopting the ordinance creating the authority.

Sec. 4. (1) The authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and 8 members appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. At least 5 of the members shall be persons having an interest in property located in the downtown district. At least 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, 2 shall be appointed for 1 year, 2 for 2 years, 2 for 3 years, and 2 for 4 years. A member shall hold office until the member’s successor is appointed. Thereafter, a member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairman of the board shall be elected by the board.

(2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(3) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public.

(4) Pursuant to notice and an opportunity to be heard, a member of the board may be removed for cause by the governing body. Removal of a member is subject to review by the circuit court.

(5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.
Sec. 5. (1) The board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the authority payable to the authority for use and benefit of the authority, approved by the board, and filed with the municipal clerk. The premium on the bond shall be deemed an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board, and shall render to the board and to the governing body of the municipality a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the authority as the board requires.

(2) The board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform such other duties as may be delegated to him by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such other duties delegated by the board.

(4) The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the authority in actions brought by or against the authority.

(5) The board may employ other personnel deemed necessary by the board.

Sec. 6. The employees of an authority shall be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees except that the employees of an authority are not civil service employees.

Sec. 7. The board may:
(a) Prepare an analysis of economic changes taking place in the downtown district.
(b) Study and analyze the impact of metropolitan growth upon the downtown district.
(c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.
(d) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
(e) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.
(f) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
(g) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.
(h) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
(i) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.
(j) Lease any building or property under its control, or any part thereof.

(k) Accept grants and donations of property, labor, or other things of value from a public or private source.

(l) Acquire and construct public facilities.

Sec. 9. The authority shall be deemed an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

Sec. 10. A municipality may take private property under Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, for the purpose of transfer to the authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it deems appropriate, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

Sec. 11. (1) The activities of the authority shall be financed from one or more of the following sources:

(a) Donations to the authority for the performance of its functions.

(b) Proceeds of a tax imposed pursuant to section 12.

(c) Moneys borrowed and to be repaid as authorized by section 13.

(d) Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(e) Proceeds of a tax increment financing plan, established under sections 14 to 16.

(f) Moneys obtained from other sources approved by the governing body of the municipality.

(2) Moneys received by the authority and not covered under subsection (1) shall immediately be deposited to the credit of the authority, subject to disbursement pursuant to this act. Except as provided in this act, the municipality shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than moneys received by the municipality pursuant to this section, for or on account of the activities of the authority.

Sec. 12. (1) An authority with the approval of the municipal governing body may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 1 mill if the downtown district is in a municipality having a population of 1,000,000 or more, or not more than 2 mills if the downtown district is in a municipality having a population of less than 1,000,000. The tax shall be collected by the municipality creating the authority levying the tax. The municipality shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the treasurer of the authority and credited to the general fund of the authority for purposes of financing only the operations of the authority.

(2) The municipality may at the request of the authority borrow money and issue its notes therefor pursuant to Act No. 265 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws, in anticipation of collection of the ad valorem tax authorized in this section.

Sec. 13. The authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the authority shall not except as hereinafter provided be deemed a debt of the municipality or the state. The municipality by majority vote of the members of its governing body may pledge its full faith and credit to support the authority’s revenue bonds.

Sec. 14 (1) As used in this section and sections 15 and 16:

(a) "Captured assessed value" means the amount in any 1 year, by which the current assessed value of the project area exceeds the initial assessed value.

(b) "Initial assessed value" means the most recently assessed value of all the taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero.

(2) When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 17, a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the
program, and shall be in compliance with section 15. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan.

(3) Approval of the tax increment financing plan shall be in accordance with the notice, hearing, and disclosure provisions of section 18. When the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(4) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the members of the county board of commissioners of a county in which any portion of the development area is located and to the members of the school board of any school district in which any portion of the development area is located to meet with the governing body. The authority shall fully inform members of the county boards of commissioners and of the school boards of the fiscal and economic implications of the proposed development area. The members of the county boards of commissioners and of the school boards may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the county board of commissioners, the school boards, and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the district.

(5) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

Sec. 15. (1) The amount of tax increment to be transmitted to the authority by the municipal and county treasurers shall be that portion of the tax levy of all taxing bodies paid each year on real and personal property in the project area on the captured assessed value.

(2) The authority shall expend the tax increments received for the development program only in accordance with the tax increment financing plan. Surplus funds shall revert proportionately to the respective taxing bodies. These revenues shall not be used to circumvent existing levy limit laws. The governing body of the municipality may abolish the tax increment financing plan when it finds that the purposes for which it was established are accomplished.

(3) Annually the authority shall submit to the governing body of the municipality a report on the status of the tax increment financing account. The report shall include: the amount and source of revenue in the account; the amount and purpose of expenditures from the account; the amount of principal and interest on any outstanding bonded indebtedness; the initial assessed value of the project area; the captured assessed value retained by the authority; the tax increments received; and any additional information the governing body deems necessary. The report shall be published in a newspaper of general circulation in the municipality.

Sec. 16. The municipality may by resolution of its governing body authorize, issue, and sell general obligation bonds subject to the limitations herein set forth to finance the development program of the tax increment financing plan and shall pledge its full faith and credit for the payment of the bonds. The bonds shall mature in not more than 30 years and shall be subject to Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws. Before the municipality may authorize the borrowing, the authority shall submit an estimate of the anticipated tax increment revenue to be available for payment of principal and interest on the bonds, to the governing body of the municipality. This estimate shall be approved by the governing body of the municipality by resolution adopted by majority vote of the members of the governing body, in the resolution authorizing the bonds, and when approved by the municipal finance commission shall be conclusive for purposes of this section. A municipality may not pledge for annual debt service requirements in any 1 year in excess of 80% of the estimated tax increment revenue to be received from a development area for that year, and the total aggregate amount of borrowing shall not exceed an amount which the 80% of the estimated tax increment will service as to annual principal and interest requirements. The bonds issued under this section shall be considered a single series for the purposes of Act No. 202 of the Public Acts of 1943, as amended.

Sec. 17. (1) When a board decides to finance a project in the downtown district by the use of revenue bonds as authorized in section 15 or tax increment financing as authorized in sections 14, 15, and 16, it shall prepare a development plan.

(2) The development plan shall contain:

(a) The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.

(b) The location and extent of existing streets and other public facilities within the development area and shall designate the location, character, and extent of the categories of public and private land uses then
existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses and shall include a legal description of the development area.

(c) A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

(d) The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.

(e) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

(f) A description of any parts of the development area to be left as open space and the use contemplated for the space.

(g) A description of any portions of the development area which the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.

(h) A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.

(i) An estimate of the cost of the development, a statement of the proposed method of financing the development and the ability of the authority to arrange the financing.

(j) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.

(k) The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.

(l) Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(m) A plan for establishing priority for the relocation of persons displaced by the development in any new dwelling in the development area.

(n) Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the federal uniform relocation and real property acquisition policies act of 1970, being Public Law 91-646, 42 U.S.C. sections 4601, et seq.


(p) Other material which the authority, local public agency, or governing body deems pertinent.

Sec. 18. (1) The governing body, before adoption of an ordinance approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the downtown district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the downtown district not less than 20 days before the hearing.

(2) Notice of the time and place of hearing on a development plan shall contain: a description of the proposed development area in relation to highways, streets, streams, or otherwise; a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing; and other information that the governing body deems appropriate. At the time set for hearing, the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary
evidence pertinent to the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

Sec. 19. (1) The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice thereof given in accordance with section 18, shall determine whether the development plan or tax increment financing plan constitutes a public purpose. If it determines that the development plan or tax increment financing plan constitutes a public purpose, it shall then approve or reject the plan, or approve it with modification, by ordinance based on the following considerations:

(a) The findings and recommendations of a development area citizens council, if a development area citizens council was formed.

(b) The plan meets the requirements set forth in section 17 (2).

(c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.

(d) The development is reasonable and necessary to carry out the purposes of this act.

(e) 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.

(f) The development plan is in reasonable accord with the master plan of the municipality.

(g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(h) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

(2) Amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.

Sec. 20. A person to be relocated under this act shall be given not less than 90 days' written notice to vacate unless modified by court order for good cause.

Sec. 21. (1) If a proposed development area has residing within it 100 or more residents, a development area citizens council shall be established at least 90 days before the public hearing on the development or tax increment financing plan. The development area citizens council shall be established by the governing body and shall consist of not less than 9 members. The members of the development area citizens council shall be residents of the development area and shall be appointed by the governing body. A member of a development area citizens council shall be at least 18 years of age.

(2) A development area citizens council shall be representative of the development area.

Sec. 22. A development area citizens council established pursuant to this act shall act as an advisory body to the authority and the governing body in the adoption of the development or tax increment financing plans.

Sec. 23. Periodically a representative of the authority responsible for preparation of a development or tax increment financing plan within the development area shall consult with and advise the development area citizens council regarding the aspects of a development plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin before any final decisions by the authority and the governing body regarding a development or tax increment financing plan. The consultation shall continue throughout the preparation and implementation of the development or tax increment financing plan.

Sec. 24. (1) Meetings of the development area citizens council shall be open to the public. Notice of the time and place of the meetings shall be given by publication in a newspaper of general circulation not less than 5 days before the dates set for meetings of the development area citizens council. A person present at those meetings shall have reasonable opportunity to be heard.

(2) A record of the meetings of a development area citizens council, including information and data presented, shall be maintained by the council.

(3) A development area citizens council may request of and receive from the authority information and technical assistance relevant to the preparation of the development plan for the development area.

(4) Failure of a development area citizens council to organize or to consult with and be advised by the authority, or failure to advise the governing body, as provided in this act, shall not preclude the adoption of a development plan by a municipality if the municipality complies with the other provisions of this act.
Sec. 25. In a development area where a citizens district council established according to Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws, already exists the governing body may designate it as the development area citizens council authorized by this act.

Sec. 26. Within 20 days after the public hearing on a development or tax increment financing plan, the development area citizens council shall notify the governing body, in writing, of its findings and recommendations concerning a proposed development plan.

Sec. 27. A development area citizens council may not be required and, if formed, may be dissolved in any of the following situations:

(a) On petition of not less than 20% of the adult resident population of the development area by the last federal decennial or municipal census, a governing body, after public hearing with notice thereof given in accordance with section 18 and by a 2/3 vote, may adopt an ordinance for the development area to eliminate the necessity of a development area citizens council.

(b) When there are less than 15 residents, real property owners, or representatives of establishments located in the development area eligible to serve on the development area citizens council.

(c) Upon termination of the authority by ordinance of the governing body.

Sec. 28. (1) The director of the authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it shall be approved by the governing body of the municipality. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body of the municipality.

(2) The governing body of the municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

Sec. 29. (1) A public facility, building, or structure which is determined by the municipality to have significant historical interests shall be preserved in a manner as deemed necessary by the municipality in accordance with laws relative to the preservation of historical sites.

(2) An authority shall refer all proposed changes to the exterior of sites listed on the state register of historic sites and the national register of historic places to the applicable historic district commission created under Public Act No. 169 of the Public Acts of 1970, being sections 399.201 to 399.212 of the Michigan Compiled Laws, or the secretary of state for review.

Sec. 30. An authority which has completed the purposes for which it was organized shall be dissolved by ordinance of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality.

This act is ordered to take immediate effect.

__________________________  
Secretary of the Senate.

__________________________
Clerk of the House of Representatives.

Approved

__________________________
Governor.
Amended and Restated

TAX INCREMENT FINANCING
AND DEVELOPMENT PLAN

for the

DOWNTOWN DEVELOPMENT AREA

DOWNTOWN DEVELOPMENT AUTHORITY
VILLAGE OF BARAGA, MICHIGAN

JUNE 1993
# TAX INCREMENT FINANCING AND DEVELOPMENT PLAN

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE OF CONTENTS</td>
<td>1</td>
</tr>
<tr>
<td>HISTORY OF THE BARAGA DOWNTOWN DEVELOPMENT AUTHORITY AND PURPOSE OF THE TAX INCREMENT FINANCING AND DEVELOPMENT PLAN</td>
<td>2</td>
</tr>
<tr>
<td>THE DEVELOPMENT PLAN</td>
<td>3</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN FOR THE DOWNTOWN DEVELOPMENT AREA</td>
<td>3</td>
</tr>
<tr>
<td>1. DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA</td>
<td>3</td>
</tr>
<tr>
<td>2. LOCATION AND EXTENT OF EXISTING PUBLIC AND PRIVATE USES</td>
<td>3</td>
</tr>
<tr>
<td>3. LOCATION AND EXTENT OF PROPOSED PUBLIC AND PRIVATE LAND USES</td>
<td>5</td>
</tr>
<tr>
<td>4. LEGAL DESCRIPTION OF THE DEVELOPMENT AREA</td>
<td>5</td>
</tr>
<tr>
<td>5. EXISTING IMPROVEMENTS IN THE DEVELOPMENT AREA TO BE DEMOLISHED, REPAIRED OR ALTERED AND TIME REQUIRED FOR COMPLETION</td>
<td>7</td>
</tr>
<tr>
<td>6. THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF IMPROVEMENTS CONTEMPLATED FOR THE DEVELOPMENT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION</td>
<td>7</td>
</tr>
<tr>
<td>7. A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION</td>
<td>11</td>
</tr>
<tr>
<td>8. PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND CONTEMPLATED USE</td>
<td>11</td>
</tr>
<tr>
<td>9. PORTIONS OF THE DEVELOPMENT AREA WHICH THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS</td>
<td>11</td>
</tr>
<tr>
<td>10. DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS AND UTILITIES</td>
<td>11</td>
</tr>
<tr>
<td>11. AN ESTIMATE OF THE COST OF THE DEVELOPMENT, PROPOSED METHOD OF FINANCING AND ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING</td>
<td>12</td>
</tr>
<tr>
<td>12. DESIGNATION OF PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE DEVELOPMENT IS TO BE LEASED, SOLD OR CONVEYED IN ANY MANNER AND FOR Whose benefit the project is being undertaken</td>
<td>12</td>
</tr>
</tbody>
</table>
13. PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING OR CONVEYING IN ANY MANNER OF ALL OR A PORTION OF THE DEVELOPMENT UPON ITS COMPLETION ........................................ 12
14. ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE DEVELOPMENT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED ............................................. 13

TAX INCREMENT FINANCING PLAN .................................................. 14
1. EXPLANATION OF THE TAX INCREMENT PROCEDURE ............. 15
2. MAXIMUM AMOUNT OF BONDED INDEBTEDNESS TO BE INCURRED .......................................................... 17
3. DURATION OF THE PROGRAM .............................................. 17
4. STATEMENTS OF THE ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON TAXING JURISDICTIONS IN WHICH THE DEVELOPMENT AREA IS LOCATED .......................... 17
5. PLAN FOR THE EXPENDITURE OF CAPTURED ASSESSED VALUATION BY THE DDA .............................. 19
HISTORY OF THE BARAGA DOWNTOWN DEVELOPMENT AUTHORITY AND PURPOSE OF THE TAX INCREMENT FINANCING AND DEVELOPMENT PLAN

The Baraga Downtown Development Authority (the "DDA") was established by Ordinance No. 136 adopted by the Baraga Village Council on October 22, 1984. As authorized by P.A. 197 of 1975 (the "Act"), a DDA District was defined and a Board appointed to carry out the purposes of the enabling legislation.

Ordinance No. 138 which was adopted and approved on December 10, 1984 approved the Development and Tax Increment Finance Plan (the "Original Plan"). In September 1989, the Original Plan was amended to add additional projects. The boundaries of the DDA were revised in 1989 and 1990.

It is the purpose of this Amended and Restated Tax Increment Financing and Development Plan (the "Plan") to establish the legal basis and procedure for the capture and expenditure of tax increment revenues in accordance with the Act for the purpose of stimulating and encouraging private investment in the downtown through the provision of public improvements.
THE DEVELOPMENT PLAN
DEVELOPMENT PLAN FOR THE DOWNTOWN DEVELOPMENT AREA

1. DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA

The DDA District coincides with the Village limits on the southern border of the Village except the Michigan State Prison property south of Wadaga Road is outside the District. The eastern border of the District runs along the shore of Keweenaw Bay from the southern boundary of the Village to the northern boundary. The northern border of the DDA district coincides with the Village limits except for a 1/2 mile portion of the limits which is Keweenaw Bay tribal land. This excluded portion dips approximately 2,000 feet into the Village limits. The western border of the DDA district follows the exact Village boundary. This boundary includes McGillan Street north of M-38 and the prison access road south of M-38. The only addition to this line is the property on which the Connor’s mill is located, which is a 40-acre parcel just south of M-38 and west of the prison access road.

In addition, the Baraga Area Schools property and a dozen blocks of residential properties adjacent to the school property are excluded from the DDA district.

2. LOCATION AND EXTENT OF EXISTING PUBLIC AND PRIVATE USES

a. Public Uses

Along U.S. 41, the Village operates a DPW garage and a water plant. In the northernmost portion of the District, the Village and Township operate the Baraga cemetery. Also, in the northern portion of the District, the Village has their main
industrial park. An additional industrial park is located off M-38 on the westernmost boundary of the Village.

On Superior Avenue, the Michigan National Guard has their Armory which is also the site of a ball field used by local youth.

There is also a park for youths surrounded by Girard, Young, and Lyons Streets. In addition, an indoor skating rink is located on State Street, and the Baraga marina on the bay. The Baraga Housing Commission on M-38 has 40 units.

b. **Private Uses**

(1) **Residential**

All of the District with the exception of the industrial parks has residential usage.

(2) **Commercial**

Commercial use within the District is confined to stores, restaurants, service stations, banks, and motels on M-38, U.S. 41, and Superior Avenue (Main Street).

(3) **Industrial**

Industrial use is also scattered throughout the District, although most of the industrial use is confined to the industrial parks. A large heavy equipment assembly plant is located on Superior Avenue, a welding shop.
is located on Railroad Street (an alley running one block east of Superior Avenue), and a paint shop is located on U.S. 41 within the District.

c. **Recreational Uses**

There is a Village-owned recreation building containing an indoor ice rink on State Street. There is a small Village beach just north of the water plant on U.S. 41. There is a children's park off Girard Street. In addition, a ball field is located just south of the National Guard Armory on Superior Avenue.

d. **Quasi-Public Uses**

The only quasi-public use of land in the District is a marina on the bay in the northern portion.

e. **Vacant**

In addition to scattered vacant lots throughout the District, there are large undeveloped wooded portions in the southwestern and northwestern portions of the District.

3. **LOCATION AND EXTENT OF PROPOSED PUBLIC AND PRIVATE LAND USES**

A discussion of the proposed land uses is contained in section 5 of this Development Plan discussing the location and extent of the improvements to the Development Area.

4. **LEGAL DESCRIPTION OF THE DEVELOPMENT AREA**

The Development Area is described as follows:

BEGINNING AT THE EAST 1/4 CORNER OF SECTION 27, T51N, R33W, THENCE SOUTH ALONG THE EAST SECTION LINE TO THE HIGH WATER LINE OF LAKE SUPERIOR, THENCE ALONG SAID HIGH WATERLINE SOUTHERLY AND WESTERLY TO THE SOUTH LINE OF

-5-

EXCEPT: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, T51N, R33W, THENCE NORTH ALONG THE NORTH-SOUTH 1/4 LINE TO THE NORTH RIGHT OF WAY LINE OF GIRARD AVENUE EXTENDED WEST, THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE WESTERNLY RIGHT OF WAY LINE OF GOLDSMITH STREET, THENCE NORTHEASTERLY ALONG SAID WESTERNLY RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE OF STATE AVENUE, THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO THE EASTERNLY RIGHT OF WAY LINE OF ARMORY STREET, THENCE SOUTHWESTERLY ALONG SAID EASTERNLY RIGHT OF WAY LINE AND EXTENDED TO THE NORTHWEST CORNER OF LOT 1, BLOCK 20, PENNOCK'S SUBDIVISION, THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF LOT 2, BLOCK 20, OF SAID SUBDIVISION, THENCE WEST TO THE NORTHWEST CORNER OF LOT 13, BLOCK 20 OF SAID SUBDIVISION, THENCE SOUTH TO THE NORTH RIGHT OF WAY LINE OF SET AVENUE, THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF BOWLING AVENUE.
EXTENDED, THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND EXTENDED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, T51N, R33W, THENCE WEST ALONG SAID SOUTH LINE TO THE NORTH-SOUTH 1/4 LINE, THENCE NORTH TO THE POINT OF BEGINNING. ALSO EXCEPTION: COMMENCING AT THE WEST 1/4 OF SECTION 28, T51N, R33W, THENCE EAST ALONG THE EAST-WEST 1/4 LINE TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 28, THENCE SOUTH ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 TO A POINT 208 FEET NORTH OF THE SOUTH SECTION LINE AND THE POINT OF BEGINNING, THENCE WEST 100 FEET, THENCE NORTH 12 FEET, THENCE WEST 100 FEET, THENCE NORTH 75 FEET, THENCE WEST 90 FEET, THENCE NORTH 70 FEET, THENCE WEST 90 FEET, THENCE SOUTH TO THE NORTH RIGHT OF WAY LINE OF TAPIO STREET, THENCE WESTERLY AND SOUTHERLY ALONG SAID RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY M-38, THENCE EAST ALONG SAID RIGHT OF WAY LINE TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4, THENCE NORTH TO THE POINT OF BEGINNING.

5. EXISTING IMPROVEMENTS IN THE DEVELOPMENT AREA TO BE DEMOLISHED, REPAIRED OR ALTERED AND TIME REQUIRED FOR COMPLETION

As deteriorated properties become available the DDA intends to acquire and renovate that property for public use or for sale to private entities for new development. Alterations and a time schedule are described in the following section.

6. THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF IMPROVEMENTS CONTEMPLATED FOR THE DEVELOPMENT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION

A description of the various public improvements proposed for the DDA and the estimate of the costs of such improvements is outlined below.
Curbs and gutters will be mainly in the rights-of-way of M-38 and U.S. 41. Sidewalks and bicycle paths are planned to connect the outer reaches of the District north to south, east to west, as well as looped around the perimeter.

Land acquisition is expected to be mainly for recreation. The DDA is currently looking at land for tennis courts and a basketball court near the children's park on Girard Street. Current plans are to develop at least two more similar parks, one on the north end and another on the south end of town. DDA funds would also be used to acquire needed land for parking and other local government needs.

Storm drainage will consist of aiding the Village with funding to improve and add to storm drainage in the Village, much of which lies in a federal flood plain.

Waterfront renovation has been an ongoing project with the need for docking space a priority at the present time. Some additional water frontage for an expanded beach is also a possibility. This would be located near the water filtration plant.

Lighting needs are concentrated along the two major highways (M-38 and U.S. 41) that pass through the Village and the DDA District. Increased commercial activity along these roads has indicated a need for better lighting.
Recreational needs are seen as several children's parks throughout town combined with basketball courts and possibly tennis courts. Long range planning is for three such park areas. In addition, the marina area and Village skating rink need some improvements.

Parking needs are confined to the Superior Avenue (Main Street) area at this time. Plans are to develop an off-street parking area which would be reached from Railroad Street.

Some work has been done on signs in the Village. A sign was installed by the DDA for the Baraga Housing Commission. Additional signs will be provided for, as needed, either for public facilities or for instructional uses.

Cultural development expenditures thus far have been incurred mostly for the Baraga County Historical Society which is opening a new museum on U.S. 41 next to the water plant in July 1993. Help in site preparation and curbing has already been done. Other cultural projects will be sought.

The Nature's Nuggets building is a 140' x 192' building which was constructed in 1984 as an industrial facility. However, the proposed use of the facility (to make outdoor cooking fuel out of wood pellets -- hence "Nature's Nuggets") was never realized. The shell of the building owned by the Commercial National Bank of L'Anse and Superior Steel of Iron Mountain has sat vacant since 1984. The land under the building is owned by the Village. Recently, the Baraga DDA, the Village of Baraga, and Baraga Township agreed to purchase the building for $350,000 plus an additional $207,000 in finishing and
renovation work to make the building suitable for use as Village offices, a combined Baraga Township and Baraga Village Fire Department, the Village police department, and the Baraga Village DPW garage.

The DDA has committed $400,000 to the Nature's Nuggets project. $80,000 will be a down payment and $40,000 a year will be paid each year for eight years. The Baraga Township Board has committed $6,500 a year for eight years. The Village of Baraga will provide $50,000 down and pay the balance of payments needed for the eight year term of financing. Financing will be done through the sale of bonds and will be limited to $450,000. The bonds will be repaid in eight years. A Building Authority will be utilized to finance the sale. It is expected that the project will be completed by the fall of 1993.

<table>
<thead>
<tr>
<th>PUBLIC IMPROVEMENT PROJECTS FOR THE DEVELOPMENT AREA</th>
<th>ESTIMATED COST</th>
<th>ESTIMATED CONSTRUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Curbs, gutters, sidewalks</td>
<td>$650,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>2. Land Acquisition</td>
<td>$200,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>3. Storm Drainage</td>
<td>$100,000</td>
<td>1995-96</td>
</tr>
<tr>
<td>4. Waterfront Renovation</td>
<td>$250,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>5. Lighting</td>
<td>$100,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>6. Recreation</td>
<td>$125,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>7. Parking</td>
<td>$200,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>8. Signs</td>
<td>$25,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>9. Cultural Development</td>
<td>$100,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>10. Planning &amp; Development</td>
<td>$70,000</td>
<td>1993-2014</td>
</tr>
<tr>
<td>11. Nature's Nuggets Acquisition</td>
<td>$400,000</td>
<td>1993</td>
</tr>
<tr>
<td>Estimated total cost</td>
<td>$2,220,000</td>
<td></td>
</tr>
</tbody>
</table>
7. **A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION**

The estimated time schedule for construction of the public improvement program for the Development Area is outlined in Chart 1. Projects other than the Nature's Nuggets and storm drainage projects will be completed as funds become available to the DDA.

8. **PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND CONTEMPLATED USE**

Eventually it is expected that all of the DDA will be used for either residential, commercial, or recreational purposes. Although some areas may be developed after the 25-year life of the DDA Plan, we would expect they will be developed.

9. **PORTIONS OF THE DEVELOPMENT AREA WHICH THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS.**

The Authority intends to convey to the Village of Baraga a parcel of land, which contains a vacant house, in order to expand the parking facilities at the Village Hall. The terms of the exchange have not been finalized.

10. **DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS AND UTILITIES.**

There currently is no zoning within the Development Area, and no changes are planned for the streets, intersections or utilities.
11. AN ESTIMATE OF THE COST OF THE DEVELOPMENT, PROPOSED METHOD OF FINANCING AND ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING

The estimated cost of the public improvement program as outlined in Chart 1 is approximately $2,220,000.

Under the Act the DDA may (a) use tax increment financing to carry out a public improvement program by paying for projects as funds become available, (b) receive donations for the performance of its functions, and (c) finance its activities from money provided from other sources approved by the Village Council, including the issuance of bonds by the DDA or the Village. The DDA intends to use all methods of financing available to it.

12. DESIGNATION OF PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE DEVELOPMENT IS TO BE LEASED, SOLD OR CONVEYED IN ANY MANNER AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN.

All public improvement projects undertaken as part of this Plan will remain in public ownership for the public benefit. The only property which is to be conveyed by the DDA consists of a house and a lot which will be converted to a parking lot and conveyed to the Village.

13. PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING OR CONVEYING IN ANY MANNER OF ALL OR A PORTION OF THE DEVELOPMENT UPON ITS COMPLETION

The only property the DDA owns at this time consists of the house and lot which are to be conveyed to the Village. In the event the Authority purchases, receives a donation
of, or otherwise comes to own additional property in the Development Area, it will establish such bidding procedures at that time if necessary.

14. **ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE DEVELOPMENT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED**

   It is estimated that ____ persons permanently reside in the Development Area. No families or individuals are to be displaced and no occupied residences are designated for acquisition and clearance by the Authority.

15. **PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT IN ANY NEW HOUSING IN THE DEVELOPMENT AREA; PROVISION FOR COSTS OF RELOCATING DISPLACED PERSONS, PLAN FOR COMPLIANCE WITH ACT NO. 227 OF P.A. OF 1972 OF MICHIGAN COMPILED LAWS**

   Not applicable.
TAX INCREMENT FINANCING PLAN
TAX INCREMENT FINANCING PLAN FOR THE
Baraga DOWNTOWN DEVELOPMENT AREA

1. EXPLANATION OF THE TAX INCREMENT PROCEDURE

As provided for in the Act, tax increment financing is a financing tool for the
redevelopment of downtown business districts in which a Downtown Development
Authority has been established. The concept of tax increment financing is that tax dollars
generated from new private property development and improvements within a designated
tax increment district or development area can be "captured" and utilized by the DDA
to finance public improvements within the tax increment district or development area
which support and encourage continued private investment.

To utilize tax increment financing, the DDA must prepare and submit to the Village
governing body a tax increment financing and development plan which the Village must
approve by ordinance. Following the adoption of the ordinance, municipal and county
treasurers must, according to the Act, transmit to the DDA that portion of the tax levy
of all taxing bodies paid each year on real and personal property in the development area
on the captured assessed value, including that portion of a commercial facilities tax levied
pursuant to P.A. 255 of 1978 and that portion of an industrial facilities tax levied
pursuant to P.A. 198 of 1974, attributable to the captured assessed value. Such funds
transmitted are termed "tax increment revenues".

"Captured assessed value" is defined in the Act as the amount, in any one year, by which
the current assessed value in the development area exceeds the initial assessed value.
The initial assessed value is defined as the assessed value, as equalized, of all the taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the resolution is adopted.

For this Plan, the initial assessed value of the Original Development Area is the 1984 assessed value of all taxable real and personal property in the development area as set December 31, 1982, and equalized by the State in May, 1984, which is $1,320,987. The initial assessed value of any additions to the Development Area is based on the 1993 assessed value of all taxable real and personal property in the Additional Development Area as equalized in May of the year in which the property was added. Thus, the initial assessed value of the Development Area is the sum of the initial assessed value of the Original Development Area and all additions to the development area, or $5,472,987.

The tax levy of all taxing jurisdictions for operating purposes is currently 57.3346 mills. Several of the taxing units within the Development Area levy additional millage to pay the debt service on voted debt. The DDA will not capture and use the tax increment revenues derived from the debt millage levied on captured assessed value. Under this Plan the tax levy on the entire captured assessed valuation, except as noted above, is to be utilized by the DDA in the manner as hereinafter set forth.
2. **MAXIMUM AMOUNT OF BONDED INDEBTEDNESS TO BE INCURRED**

   It is expected that the DDA and the Village will incur not to exceed $500,000 in bond indebtedness to finance the improvement program. Improvements will also be implemented on a "pay-as-you-go" basis as tax increment revenues are transmitted to the DDA. The DDA intends to create a Project Fund to deposit captured tax increment revenues to be used to finance the projects described in the Development Plan as sufficient funds become available.

3. **DURATION OF THE PROGRAM**

   The duration of this Plan is 21 years, commencing upon its adoption by the Village Council in June 1993 and ending June 2014, unless this Plan is amended to extend or shorten its duration.

4. **STATEMENTS OF THE ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON TAXING JURISDICTIONS IN WHICH THE DEVELOPMENT AREA IS LOCATED**

   As defined in Section 2 above, the initial assessed value of the Development Area is $5,472,987.

   Taxing jurisdictions in which the Development Area is located will continue to levy and collect taxes from property within the Development Area, based on the 1984 assessed valuation of the property. This assessed valuation of the property upon which taxes are levied will remain constant over the life of this Plan. The DDA only captures tax increment revenues from any increase in the assessed valuation of the property since its...
1983 assessment. The DDA does not capture any tax increments from the Ambulance or Fire tax levies.

The table below helps illustrate the capture of revenues by the DDA and the revenues available to the taxing jurisdictions within the Development Area. The table uses the amount of the capture based on the fiscal year ended June 30, 1992 and the millage rates in effect in the Development Area in June 1993. Since the DDA does not capture against the debt millage in the Development Area, each taxing jurisdiction levies and receives the debt millage against the total assessed value of the Development Area.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Operating Tax Rate (in mills)</th>
<th>Initial Assessed Value</th>
<th>Captured Assessed Value</th>
<th>Revenue to Units</th>
<th>Revenue to DDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village of Baraga</td>
<td>14.336</td>
<td>$5,492,987</td>
<td>$2,029,963</td>
<td>$78,453</td>
<td>$29,099</td>
</tr>
<tr>
<td>Baraga Public Schools</td>
<td>25.8000</td>
<td>$5,492,987</td>
<td>2,029,963</td>
<td>141,203</td>
<td>52,373</td>
</tr>
<tr>
<td>Baraga County</td>
<td>9.3000</td>
<td>$5,492,987</td>
<td>2,029,963</td>
<td>50,899</td>
<td>18,879</td>
</tr>
<tr>
<td>Intermediate Township</td>
<td>1.0000</td>
<td>$5,492,987</td>
<td>2,029,963</td>
<td>5,473</td>
<td>2,030</td>
</tr>
<tr>
<td>Senior Citizens</td>
<td>2.4000</td>
<td>$5,492,987</td>
<td>2,029,963</td>
<td>13,135</td>
<td>4,872</td>
</tr>
</tbody>
</table>

At the expiration of this Plan, all taxing jurisdictions will benefit substantially from the new private development and from a tax base that has been stabilized and enhanced as a result of the public improvement program.
5. PLAN FOR THE EXPENDITURE OF CAPTURED ASSESSED VALUATION BY THE DDA

A. Estimate of Tax Increment Revenues

Tax increment revenues from 1984 through 1992 were spent in accordance with the Plan in existence at that time.

The DDA estimates that from 1993 through 2014 it will receive $125,000 in tax increment revenues per year.

The DDA anticipates that the assessed valuation for the Development Area will increase as a result of rehabilitation, appreciation, and inflation. If such increases result, tax increment revenues will be spent according to this Plan to speed-up the implementation of the public improvement program.

B. Expenditure of Tax Increment Revenues

Chart 1 of the Development Plan contains a list of projects and cost estimates for the expenditure of tax increment revenues to accomplish the proposed public improvements for the Development Area. Costs noted for the projects do not include fees for design, preparation of construction drawings or other professional services. The proposed project expenses exceed the projected tax increment financing revenues. The DDA intends to proceed with the improvements as funds are available and will prioritize the projects and order of completion as funds become available.
July 16, 2001

TO: Wendell Dompier

FROM: Thomas Chater

RE: Proposed DDA Building Improvement Plan

You have requested my review of the proposed documents relevant to potential establishment of a DDA Building Improvement Plan. My review comments are as follows:

1.) Although DDAs within the State of Michigan utilize façade improvement programs as proposed, DDAs are prohibited from making improvements on private property. A legal opinion regarding this issue would be helpful.

2.) Are funds proposed to be available on a grant or loan basis? Loan terms? Maximum loan? Interest rate? Administrative costs for maintenance of loan portfolios?

3.) What funds from the current budget are being programmed for the façade program?

4.) The DDA District is large and encompasses industrial, commercial and residential facilities. What categories are eligible or ineligible?

5.) The program document notes that the façade program is intended to create consistency in design, materials, and architectural character . . . Will design standards or guidelines be developed by the DDA to assure these items.

6.) Proposed program requirements requires that the “Applicant and architect will also be required to execute a “Building Improvement Agreement” to access program funds.” Will the required use and cost of an architect be an impediment to applicants? If not, are informal sketches by applicant acceptable?

I trust these comments are helpful to you and the DDA as you consider a façade program. Please do not hesitate to contact me at your convenience if you have any questions or comments.
Baraga Downtown Development Authority
Building Improvement Plan

Purpose:
As a fundamental goal of the Baraga Downtown Development Plan and Tax Increment Financing Plan (Plan), the Baraga DDA has determined that it is in the best interest to the residents of Baraga to halt property value deterioration, to eliminate that deterioration, and to promote economic growth and vitality within the Downtown Development area.

In response to this stated objective, the DDA has created the Building Improvement Plan to rehabilitate the facades of downtown commercial buildings. The Program is intended to create consistency in design, materials, and architectural character thereby enhancing the physical appearance of the Downtown Baraga streetscapes. The particular building, once rehabilitated, must make a positive contribution to the overall character and architectural integrity of the Village of Baraga. A successful building improvement program will also leverage additional private capital results in continued growth and development in the village central business district.

Eligibility:

A property must be located within the legal boundaries of the DDA area to be eligible. [See Plan, June 1993]. This will create a strong visual impact along the village’s main commercial streetscape. The following eligibility criteria also apply:

1) Only projects consistent with the Downtown Land Use Plan as adopted in 1993 will be considered for building improvement funding.
2) The building must meet a basic condition test, which indicates that the property appears to be structurally sound, the roof intact and meets basic public safety codes.
3) Awnings and signs may be eligible expenses under the program guidelines, as long as they are part of a comprehensive building improvement project.
4) Only facades abutting public rights-of-way are eligible for assistance. Highly visible rear facades will be considered.
5) Building owners are eligible.

Ineligible uses of Program funds:

Program funds cannot be utilized for any of the following uses:

1) Refinancing existing debt
2) Property Acquisition
3) Interior improvements or furnishings
4) Site plan, building, or sign permit fees.
5) Property appraisal costs, legal fees, or loan origination fees
6) Roof repairs or structural work
7) Labor costs paid to the owner/applicant or relatives of owner/applicant
8) Demolition of property

Program Requirements:

Applicants will be required to complete an application packet provided by the DDA. Applications may be obtained at the Village Office. The applicant and architect will also be required to execute a “Building Improvement Agreement” to access program funds. In addition to all required forms, architectural renderings and/or project descriptions must be presented in sufficient detail to demonstrate the exact scope of work. The following items will also be required as a part of the review/approval process:

1) At least two licensed contractor quotes must be submitted, however, the applicant will not necessarily be required to accept the low bidder.
2) A valid mortgage on the subject property and/or personal guarantee will be required as collateral.
3) A minimum of 5% cash equity (of total project costs) will be required for all projects utilizing bank or other public financing.
4) Funding for projects undertaken prior to Project Review Committee written approval will not be considered.
5) All required village or governmental permits must be obtained before construction start-up.
1. Name: ________________________________________________

Address: ________________________________________________

Phone: ___________ Fax: ___________ email: ___________

2. Building Location: ________________________________________________

Owner of Record: ________________________________________________

If leased: Lease expires: __________ Renewal Term: __________

3. Project Description: Describe in detail the proposed scope of work. Be sure to differentiate between interior renovations vs. exterior façade improvements to be undertaken. Attach architectural sketches or use separate sheet(s) if necessary.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Anticipated construction Start Date: __________ Completion Date: __________

4. Is there a mortgage on the property? Yes____ No____

If yes, Holder of Mortgage: ________________________________________________

Date of Mortgage: __________ Original Amount: __________ Current Balance: __________

5. Building information

Will project result in a change of use for the building Yes_____ NO______

Uses of the building after the completion of the façade project?

________________________________________________________________________

________________________________________________________________________

6. Other required documentation:
a) Property Deed with legal description of property.
b) Proof that all property taxes are current and paid
c) Proof of property and liability insurance
d) Copies of any leases associated with property
e) Two (2) contractor quotes/construction bids for improvement project
f) Completed additional criteria statement (Attachment 3)

I/We certify that all the information set forth in this application is a true representation of the facts pertaining to the subject property for the purpose of obtaining funding under the DDA Building improvement Program. I understand and acknowledge that any willful misrepresentation of the information contained in this application could result in disqualification from the program, requiring any funds already disbursed to be repaid in full to the Baraga Village Downtown Development Authority.

The applicant further certifies that he/she has read and understands the DDA Building improvement Program Guidelines. If a determination is made by the DDA staff that program funds have not been used for eligible program activities, the Applicant agrees that the proceed shall be returned, in full, to the DDA and acknowledges that, with respect to such proceeds so returned, he/she shall have no further interest, right, or claim. It is understood that all DDA commitments are contingent upon the availability of program funds.

Signed this ______ day of ____________________, 200_.

By: ________________________________

A $50 Application fee must be included with the signed application form. Make check payable to: Baraga Downtown Development Authority.
CHAPTER: Downtown Development Authority

SECTION: Downtown Development Authority Establishment

A Downtown Development Authority and a Downtown Development District, pursuant to Act 197 of the Public Acts of 1975, State of Michigan, being MCLA 125.1651, et al, is hereby established.

MEMBERS, TERM, APPOINTMENT:

In accordance with Section 4 of Act 197, Public Acts of 1975, the Downtown Development Authority shall consist of nine (9) members to be appointed by the Village President, one of which will be the Village President, whose term will coincide with his term as Village President. The eight other members, exclusive of the Village President, shall serve for a term of four (4) years and until his successor shall be appointed and qualified. Members of the first board shall be appointed for staggered terms in accordance with the provisions of Section 4 of Act 197 of Public Acts of 1975. No appointment to the Downtown Development Authority shall be effective until confirmed by the Village Council. Members shall serve without compensation but shall be reimbursed for any actual and necessary expenditures. The Chairman of the Board shall be elected by the Board.

POWERS AND DUTIES:

The Downtown Development Authority shall have all the powers and duties vested or permitted to be vested in Downtown Development Authorities by Act 197, Public Acts of 1975 for the State of Michigan, as heretofore or hereafter amended, it being the intention of this Chapter to vest in the Downtown Development Authority all powers and duties vested or permitted by law, subject to applicable superintending control by the Village Council of the Village of Baraga.
EMPLOYEES:

The Downtown Development Authority shall select and appoint such employees as it shall deem necessary for the proper exercise of its powers, functions and duties in accordance with Act 197, Public Acts of 1975.

TAXING POWER, RATE:

In addition to other financing as may be permitted under the Act, the Downtown Development Authority may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the Downtown Development District as described in Exhibit "A" of this Chapter. The tax shall not be more than two (2) mills. The tax shall be collected as provided in Act 197, Public Acts of 1975.

DOWNTOWN DEVELOPMENT DISTRICT BOUNDARIES:

The Downtown Development District will include all of the land area as described in the attached Exhibit "A" entitled "Village of Baraga Downtown Development Authority District Limits."

Adopted and approved by the Village Council of the Village of Baraga, Michigan, this 22nd day of October, 1984.

[Signature]
President

ATTEST:

[Signature]
Village Clerk
LEGAL DESCRIPTION OF PROPOSED VILLAGE OF BARAGA DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT LIMITS

Commencing at the East 1/4 Corner of Section 27, T51N, R33W, thence South along the East Section Line to High Water Line of Lake Superior, thence along said High Line Southerly and Westerly to the North-South 1/4 Line of said Section 27, thence North along said 1/4 Line to the Southerly Right-Of-Way Line of Highway US-41, thence Southwesterly along said Right-Of-Way Line 1298.1 Feet, thence South along a Line 395.71 Feet East of the West Line of Government Lot 4 in said Section 27 to the High Water Line of Lake Superior, thence Southwesterly along said High Water Line to the North Line of the Klobocher property which is described as being 850 Feet Northeasterly along the US-41 Right-Of-Way Line from the intersection of the Southeasterly Right-Of-Way Line of US-41 and the South Line of Block 4, Original Plat of the Village of Baraga, thence West to the Southerly Right-Of-Way Line of US-41, thence Southwesterly 500 Feet along said Right-Of-Way Line, thence East to the High Water Line of Lake Superior, thence along said High Water Line 150 Feet, thence West to the Southerly Right-Of-Way Line of Highway US-41, thence Southwesterly along said Right-Of-Way Line 1080 Feet, thence East to the High Water Line of Lake Superior, thence Southwesterly along said High Water Line to the North Line of the Leightonen property which is described as the North 100 Feet of the South 220 Feet of Government Lot 3 lying Easterly of Highway US-41, thence West to the Southerly Right-Of-Way Line of Highway US-41, thence Southwesterly 520 Feet along said Right-Of-Way Line, thence East to the High Water Line of Lake Superior, thence Southwesterly along said High Water Line to the South Line of Section 33, T51N, R33W, thence West along said South Section Line to the West Right-Of-Way Line of South Superior Avenue, thence Northerly along said Right-Of-Way Line to the North Right-Of-Way Line of Buckland Road, thence Southwesterly along said Right-Of-Way Line to the North-South 1/4 Line of said Section 33, thence North along said 1/4 Line to a point 750 Feet South of the Northwest Corner of Government Lot 4, thence East to the West Right-Of-Way Line of South Superior Avenue, thence Northerly along said Right-Of-Way Line to the North Right-Of-Way Line of Osterman Road, thence Northwesterly along said Right-Of-Way Line to the North-South 1/4 Line of said Section 33, thence North along said 1/4 Line to a point 543 Feet North of the South Line of the Northeast 1/4 of the Southwest 1/4 of said Section 33, thence West 441 Feet, thence South 543 Feet to said South Line of the Northeast 1/4 of the Southwest 1/4, thence West along said South Line to the Northwest Corner of the Southeast 1/4 of the Southwest 1/4, thence South to the South Line of said Section 33, thence West to the Southwest Corner of said Section 33, thence North along the West Line of Section 33 to the Northwest Corner of the Southwest 1/4 of the Northwest 1/4 of said Section 33, thence West to the Southwest Corner of the Northeast 1/4 of the Northeast 1/4 of Section 32, T51N, R33W, thence North to the South Right-Of-Way Line of Highway M-38, thence East along said Right-Of-Way Line to the East Line of said Section 32, thence North along the Section Line to the West 1/4 Corner of Section 28, T51N, R33W, thence East along the East-West 1/4 Line to the Northeast Corner of the Northwest 1/4 of the Southwest 1/4 of said Section 28, thence South along the East Line of the West 1/2 of the Southwest 1/4 to a
point 208 Feet North of the South Section Line, thence West 100 Feet, thence North 12 Feet, thence West 100 Feet, thence North 75 Feet, thence West 90 Feet, thence North 70 Feet, thence West 90 Feet, thence South to the North Right-Of-Way Line of Tapio Street, thence Westerly and Southerly along said Right-Of-Way Line to the North Right-Of-Way Line of Highway M-38, thence West along said Right-Of-Way Line to the West Line of said Section 28, thence South to the Southwest Corner of the Northwest 1/4 of the Northwest 1/4 of Section 33, thence East to the North-South 1/4 Line of said Section 33, thence South along said 1/4 Line to the Mid-Point of the Northwest 1/4 of the Southeast 1/4 of said Section 33, thence East to the West Right-Of-Way Line of South Superior Avenue, thence Northerly along said Right-Of-Way Line, including the change in Right-Of-Way to the North Right-Of-Way Line of Fourth Street, thence Southeasterly across Superior Avenue to the Southeast Corner of Lot 1, Block 4, Foote's Subdivision, thence Northeast to the most Southerly Corner of Lot 1, Block 2, Foote's Subdivision, thence Northwest to the most Westerly Corner or said Lot 1, thence Northeast to the most Northerly Corner of Lot 4, Block 2, of said Subdivision, thence Southeast to the most Easterly Corner of said Lot 4, thence Northeast along the Westerly Line of the Alley in said Block 2 to the North Right-Of-Way Line of First Street, thence Northwest along said North Line of First Street to the most Westerly Corner of Lot 17, Block 5, Foote's Subdivision, thence Northeast to the most Northerly Corner of Lot 14 of said Block 5, thence Southeast to the most Easterly Corner of said Lot 14, thence Southeast across Superior Avenue to the Northwest Corner of Lot 1, Block 1, Foote's Subdivision, thence Southeast to the Northeast Corner of said Lot 1, thence Northeast to the Northeast Corner of Lot 5, of said Block 1, thence Northwest to the Northwest Corner of said Lot 5, thence Northwest across Superior and Keweenaw Avenues to the Southwest Corner of Lot 15, Block 20, Girard's Subdivision, thence North to the Northwest Corner of Lot 13, of said Block 20, thence East to the Southwest Corner of Lot 2, Pennock's Subdivision, thence Northeast to the Northwest Corner of Lot 1, Pennock's Subdivision, thence Southeasterly to the Southeast Corner of said Lot 1, thence South across Superior Avenue to a point 46.5 Feet Northeast of the Northwest Corner of Lot 7, Block E, Original Plat of the Village of Baraga, thence S60°E 93 Feet to the Northwest Corner of Lot 6, in said Block E, thence East to the Northeast Corner of said Lot 6, thence Northeast along a line 16 Feet West of the Soo Line Railroad Right-Of-Way, to the intersection with a line running S74°16'E to the Right-Of-Way of Superior Avenue which is S25°43'W 413.5 Feet from the Northwest Corner of Lot 1, of said Block E, thence East to the Easterly Right-Of-Way of Superior Avenue, thence Northwest across Superior Avenue to the Southeast Corner of Lot 2, Block 8, Girard's Subdivision, thence Northwest to the Southwest Corner of said Lot 2, thence Northeast to the Northwest Corner of Lot 1, of said Block 8, thence Southeast to the Southeast Corner of said Lot 1, thence Southeast across Superior Avenue to a point S25°43'W 333.5 Feet from the Northwest Corner of Lot 1, Block E, Original Plat of the Village of Baraga, thence S74°16'E to a point 16 Feet West of the Soo Line Railroad Right-Of-Way, thence Northwest along the 16 Feet West of the Railroad Right-Of-Way Line to the Southeast Corner of a Parcel described as follows: Being a part of Lot 3, of said Block E, commencing at the Northwest Corner of Lot 1 of said Block E, thence S27°30'W 137.2 Feet to the Point of Beginning, thence S27°30'W 34.8 Feet, thence S60° 38'E 128.2 Feet, thence N23°E 45 Feet, thence N65°05'E to the Point of
Beginning, thence Northwesterly along the Southerly Line of said Parcel, thence Northeasterly along the Westerly Line of said Parcel, thence Southeasterly along the Northerly Line of said Parcel to a Point 16 Feet West of the Soo Line Railroad Right-Of-Way, thence along 16 Feet West of said Right-Of-Way 60 Feet, thence N74°16'W to a point 110.4 Feet S25°43'W of the Northwest Corner of said Lot 1, Block E, thence Westerly across Superior Avenue to Southeast Corner of Lot 2, Block 7, Girard's Subdivision, thence Northwesterly along the South Line of said Lot 2 to a Point 46 Feet South-easterly of the Southwest Corner of said Lot 2, thence Northeasterly to a point on the North Line of said Lot 2 50 Feet Southerly of the Northwest Corner of said Lot 2, thence Northeasterly across State Avenue to the Southwest Corner of Lot 10, Block B, Original Plat of the Village of Baraga, thence Northeasterly to the Northwest Corner of said Lot 10, thence Northwesterly along the North Line of Lots 7, 8 and 9 of said Block B, to the Northwest Corner of said Lot 7, thence N22°8'E to the South Right-Of-Way Line of M-38 (the North Line of Lot 11), thence East to the Southeast Corner of Lot 1, S.L. Smith's Addition to the Village of Baraga, thence Northeasterly along the Southeast Line of S.L. Smith's Addition to the Northeast Corner of Lot 36, S.L. Smith's Addition, thence South to the most Southerly Corner of Lot 11, Osterman Subdivision, thence Northeasterly along Northwest Right-Of-Way Line of Highway US-41 to the East-West 1/4 Line of Section 27, T51N, R33W, thence West along said 1/4 Line to the Southwest Corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27, thence North to the Northwest Corner of said Southeast 1/4 of the Northwest 1/4, thence East to the Northeast Corner of the Southwest 1/4 of the Northeast 1/4 of said Section 27, thence South to the Southeast Corner of said Southwest 1/4 of the Northeast 1/4, thence East to the East 1/4 Corner of said Section 27 and the Point of Beginning.
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<th>Original Budget</th>
<th>Amended Budget</th>
<th>YTD Actual</th>
<th>CURR MTR</th>
<th>Encumbered YTD</th>
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<td>0.00</td>
<td>142,700.31 35.1</td>
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| **Expenditures**               |                |               |            |          |               |                      |
| 789.000 DDA TAX OWED           | 30,000.00      | 30,000.00     | 0.00       | 0.00     | 0.00          | 30,000.00 0.0        |
| 801.000 CONTRACTED SERVICES    | 1,500.00       | 1,500.00      | 1,700.00   | 0.00     | 0.00          | -200.00 113.3       |
| 966.100 PROJECT RESERVES       | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 970.000 CAPITAL OUTLAY         | 188,500.00     | 188,500.00    | 6,876.00   | 0.00     | 0.00          | -8,645.54 0.0       |
| 971.000 CURB/GUTTER SIDEWALK  | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 972.000 LAND ACQUISITION       | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 973.000 STORM/DRAIN SEWERS     | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 974.000 WATERFRONT DEVELOPMENT | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 976.000 RECREATION             | 0.00           | 0.00          | 24,301.41  | 0.00     | 0.00          | -24,301.41 0.0      |
| 977.000 PARKING                | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 980.000 PLANNING               | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 981.000 INFRASTRUCTURE         | 0.00           | 0.00          | 0.00       | 0.00     | 0.00          | 0.00                 |
| 982.000 SUPERIOR AVENUE CONSTRUCTION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 996.000 OPERATING TRANSFER TO GENERAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 997.000 OPERATING TRANSFER TO MAJOR | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 998.000 OPERATING TRANSFER TO LOCAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 999.000 OPERATING TRANSFERS OUT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **Total Expenditures**         | 220,000.00     | 220,000.00    | 31,876.41  | 0.00     | 0.00          | 188,123.59 14.5     |

| Net Effect for DOWNTOWN DEVELOPMENT |                |               |            |          |               |                      |
| Change in Fund Balance:        | 0.00           | 0.00          | 45,423.28  | 0.00     | 0.00          | -45,423.28 0.0      |

<p>| Grand Total Net Effect:        | 0.00           | 0.00          | 45,423.28  | 0.00     | 0.00          | -45,423.28 0.0      |</p>
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<th>Journal Entry Desc Line 2</th>
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No transactions in Nov. + Dec.
### Fund: 280 DOWNTOWN DEVELOPMENT

#### Revenues

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<th>Current Year Estimate</th>
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**Total Revenues**: 124,812

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