

STATE OF MICHIGAN
VILLAGE OF STOCKBRIDGE
ORDINANCE NO. _____

(Enacted February 1, 2021)

AN ORDINANCE TO ADOPT AND APPROVE THE 2021 AMENDMENT TO THE
VILLAGE OF STOCKBRIDGE DOWNTOWN DEVELOPMENT AUTHORITY'S
DEVELOPMENT PLAN PURSUANT TO THE PROVISIONS OF ACT 57
PUBLIC ACTS OF MICHIGAN OF 2018, AS AMENDED,

RECITALS

WHEREAS, the Village of Stockbridge (“Village”) created the Stockbridge Downtown Development Authority (“SDDA”) by Ordinance in the mid-1980s and charged it with its statutory responsibility for developing and implementing a Development Plan.

WHEREAS, the SDDA adopted a proposed Development Plan and Tax Increment Finance Plan (“Plan”) in the mid-1980s, which was forwarded to the Village and subsequently approved by Ordinance, pursuant to the provisions of former Act 197 of the Public Acts of Michigan of 1975, as amended (the “Act”).

WHEREAS, the SDDA and the Village have amended the Tax Increment Finance Plan and/or the Development Plan on several occasions since its initial adoption to include, among other things, new development plans and expand the tax increment finance district.

WHEREAS, the SDDA determined in 2020 that the Tax Increment Finance and Development Plan required additional amendments to incorporate into it several on going projects and several proposed future projects.

WHEREAS, the Village determined in 2004 that there were more than 100 persons residing in the Downtown District, as defined by the former Act. Therefore, the Village undertook the following actions:

1. The Village advertised for members to sit on a Development Area Citizens Council to be formed as required by the Act, but failed to receive any qualified applicants.
2. The Village declared by Resolution on May 3, 2004 that the Development Area Citizens Council had failed to organize and determined to proceed with the plan amendment process outlined in the Act without a Development Area Citizens Council, pursuant to its authority under former MCL 124.1674 (4).

WHEREAS, Act 197 of the Public Acts of Michigan of 1975, as amended (the former DDA “Act”) was replaced by the Michigan Legislature with Act 57 of the Public Acts of Michigan of 2018, as amended (now known as the “Act”).

WHEREAS, the SDDA adopted by Resolution, the 2021 Amendments to the Tax Increment Finance Plan and Development Plan, on December 17, 2020. (Attached as Exhibit 1 and incorporated hereto by reference.)

WHEREAS, even though the SDDA actually adopted the 2021 Amendment in very late 2020, the SDDA choose to refer to the Amendment as the 2021 Amendment, because the SDDA reasoned that the Village would not adopt same until sometime in early 2021 and the Amendment’s name should correspond to the final action of the Village.

WHEREAS, notice of the public hearing in front of the Village Council to consider amendments to the Development Plan were published in accordance with the statutory requirements for same and the public hearing was set for January 4, 2021 at 7:00 p.m. at the Village Hall.

ORDINANCE

THEREFORE, THE VILLAGE OF STOCKBRIDGE ORDAINS that:

1. The SDDA’s Development Plan, as proposed to be amended in Exhibit 1 to the SDDA Resolution of December 17, 2021, is approved after listening to the public comment at the public hearing on January 4, 2021, reviewing any written comments, reviewing the proposed Development Plan Amendments, reviewing the initial SDDA Plans and all previous amendments thereto, consulting with bond council of their choosing, and otherwise considering all the relevant facts, because:
 - 1.1 the Village has determined that the Tax Increment Finance Plan and Development Plan, as amended, constitutes a public purpose.
 - 1.2 the Village has determined that the Tax Increment Finance Plan and Development Plan, as amended, meets the requirements set forth in Act 57, P.A. of 2018, specifically including those in MCL 125.4219 (1).
 - 1.3 the Village has determined that the proposed method of financing and development is feasible and the Authority has the ability to arrange the financing, as set forth in the Tax Increment Finance Plan and Development Plan, as amended.
 - 1.4 the Village has determined that the development outlined in the Tax Increment Finance Plan and Development Plan, as amended, is reasonable

and necessary to carry out the purposes of Act 57, P.A. 2018, as amended.

- 1.5 the Village has determined that the Tax Increment Finance Plan and Development Plan, as amended, is in reasonable accordance with the approved Village Zoning Ordinance and other Plans of the Village of Stockbridge.
- 1.6 the Village has determined that the public services (such as police, fire, and utilities) are or will (after the improvements outlined in the Tax Increment Finance and Development Plan, as amended, are implemented) be adequate to service the development area.
- 1.7 the Village has determined that any changes to zoning, street levels, intersections, and utilities outlined in the Tax Increment Finance Plan and Development Plan, as amended, are reasonably necessary for the projects and the municipality.
- 1.8 the Village has previously determined that no Citizens Area Development Council's input is required for this Plan Amendment, pursuant to Resolution of the Village on May 3, 2004.
- 1.9 [] The above approval is subject to the following modifications to the Plan, as permitted by MCL 125.4219 (1), to wit:
 - 1.9.1 _____
 - 1.9.2 _____
 - 1.9.3 _____
 - 1.9.4 _____

- 2. Invalidity of Any Section - 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 Stockbridge 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.
- 3. Effective Date - 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.

4. 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.

Adopted at a regular meeting of the Village Council held on the 1st day of February 2021.

Moved By: _____

Seconded By: _____

YEAS: _____

NAYS: _____

ABSENT: _____

Molly Howlett, Village President

Clerk's Certification

I certify that the above is a true and complete copy of Ordinance No. _____ adopted by the Village Council at a meeting held on the 1st day of February, 2021 and published in _____ on _____, 2021.

Debbie L. Nogle, Village Clerk

Drafted by: John L. Gormley (P-53539)
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