

# **CHAPTER 5**

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NOTE: Ordinance #163, passed November 23, 1987; as amended by Ordinance #244, passed July 18, 1994; as amended, Ordinance #251, passed December 5, 1994; as amended by Ordinance #326, passed April 16, 2001; and as amended by Ordinance #427, passed October 3, 2011, adopted the 2011 Restated Downtown Development and Tax Increment Financing Plan for the Village of Elk Rapids Downtown Development District. Copies of such ordinances and Plans may be viewed, or may be obtained at cost from the Village Clerk.

**Sec. 5-1. Purposes.**

- a. The purposes of this chapter are to establish a Downtown Development Authority pursuant to Public Act No. 197 of 1975 (MCL 125.1651 et seq.), as amended; to establish a Board of Directors for the Authority; to define the boundaries of the Downtown District constituting the Downtown Development Authority; to analyze the impact of economic changes in the downtown district and develop plans in coordination with the village Planning Commission and Village Council to promote orderly, economic growth in the Downtown Development District; and to provide for all other matters necessary and related thereto.  
(Ord. #479, passed 6-19-17)

**Sec. 5-2. Definitions.**

- a. The terms used in this chapter shall have the same meaning given to them in Act 197 of the Public Acts of 1975, as amended, or as hereinafter in this section provided, unless the context clearly indicates to the contrary:
  - “Act or The Act”: “Act 197 of the Public Acts of 1975, as now in effect or hereafter amended, being M.C.L.A. 125.1651 et seq.; M.S.A. 5. 3010(1) et seq.
  - “Authority”: The Downtown Development Authority established by this chapter.

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- “Board” or “Board of Directors”: The Board of Directors of the Authority, which is the governing body of the Authority.
- “Chief Executive Officer”: The Village President.
- Development Plan: The 2011 Restated Downtown Development and Tax Increment Financing plan for the village Downtown Development Authority dated as of October 3, 2011, as may be amended, transmitted to the village council by the Downtown Development Authority for public hearing, as and confirmed by this division.
- “Downtown District”: The Downtown District designated by Sec. 5-6, below, as now existing or hereafter amended.
- Initial Assessed Value: The most recently assessed value as finally equalized of all the taxable property within the boundaries of the development area as of December 5, 1994, pursuant to Ordinance No. 251, and of the portion of the development area added as of October 3, 2011, pursuant to Ordinance No. 427.  
(Ord. #479, passed 6-19-17)

**Sec. 5-3. Determination of Necessity.**

- a. The Village Council hereby determines that it is necessary for the best interests of the Village to halt property value deterioration and increase property tax valuation in the business district of the Village; to eliminate the causes of that deterioration; and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197 of the Public Acts of 1975, as amended.  
(Ord. #479, passed 6-19-17)

**Sec. 5-4. Establishment; Title.**

- a. Pursuant to Act 197 of the Public Acts of 1975, as amended, there is hereby established a Downtown Development Authority for the Village of Elk Rapids. The Authority shall be a public body corporate and shall know and exercise its powers under the title “Village of Elk Rapids Downtown Development Authority.” The Authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this chapter and Act 197. The enumeration of power in this chapter or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.  
(Ord. #479, passed 6-19-17)

**Sec. 5-5. Ordinance approving development plan or tax increment financing plan; public hearing; notice; record.**

- a. The Village Council, before adoption of an ordinance approving or amending a development plan or approving or amending a tax increment financing plan, shall hold a public hearing on the development plan in accordance with the Act, being MCL 125.1668.  
(Ord. #479, passed 6-19-17)

**Sec. 5-6. Boundaries of Downtown Development District.**

- a. The Downtown Development District in which the Authority shall exercise its powers as provide for in Act 197 of the Public Acts of 1975, as amended, shall consist of the following described territory in the Village of Elk Rapids, subject to such changes as may hereinafter be made pursuant to this chapter and Act 197:

EAST SIDE EXISTING TIF BOUNDARY

Starting at the intersection of US 31 and Ames Street; North along the US 31 centerline to the Village Limits; East to Bass Lake waterline; South along the Bass Lake waterline to the East tip of 05-43-021-009-10; South along the West boundary of 05-43-021-061-00; West approximately 75 feet to the Northwest point of 05-43-021-011-00; South to the centerline of Lake Street; East along the centerline of Lake Street to the centerline of Olds Street; South along the centerline of Olds Street to the centerline of the platted alley between Lake and Ames Streets; East along the centerline of the platted alley to the centerline of Rivershore Drive; South along the centerline of Rivershore Drive to the centerline of Ames Street; East along the centerline of Ames Street to the centerline of Brand Street; South along the centerline of Brand Street to the Southeast corner of 05-43-200-001-10; West along the South boundary of 05-43-200-001-10 to the East boundary of 05-43-200-003-00; South along the East boundary of 05-43-200-003-00 and West along the South boundary of 05-43-200-003-00 extended to the West line of Center Street; North along said West line to the Southeast corner of 05-43-200-048-00; West along the South boundary of 05-43-200-048-00 and 05-43-200-047-00 to the centerline of Rivershore Drive; North along the centerline of Rivershore Drive to the centerline of Todd Street; West along the centerline of Todd Street to the centerline of Lathe Street; North along the centerline of Lathe Street to the platted alley between Ames and Todd Streets; West along the centerline of the platted alley to the East boundary of 05-43-021-037-10; South along said East boundary of 05-43-021-037-10; West along the boundary of 05-43-021-037-10, 05-43-021-037-00 and 05-43-021-035-00 to the shore of Elk Lake; North along the shore of Elk Lake to the West boundary of 05-43-021-035-10; Northwest along the boundary of 05-43-021-034-00; and West to the Point of Beginning.

EAST SIDE FINAL BOUNDARY

Beginning at the intersection of Ames Street and Rivershore Drive; thence North along the centerline of Rivershore Drive to the North line of Fairbanks Street; thence East along the North line of Fairbanks Street to the East line extended North of the Alley between Tax Parcel 05-43-225-013-

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00 and Tax Parcel 05-43-225-014-00; thence South along the East line of said Alley to the Southwest Corner of said tax parcel 014-00; thence East along the North line of the Alley between Ames Street and Fairbanks Streets to the East line of Brand Street; thence South along said East line of Brand Street to the Northwest Corner of Tax Parcel 05-43-125-006-00; thence East along the North line of said tax parcel 006-00 to the East line of the Alley between Brand Street and Iroquois Street; thence South along the East line of said Alley to the Northwest Corner of Tax Parcel 05-43-125-003-15; thence East along the North line of said tax parcel 003-15 to the West line of Iroquois Street; thence North along the West line of Iroquois Street to the North line extended West of Tax Parcel 05-43-125-002-00 (Lots 2 & 6); thence East along the North line of said tax parcel 002-00 to the West line of the Alley between Iroquois and Washington Streets; thence North along the West line of said Alley to the South line extended West of the North 59 feet of Lot 10, "Craw's Addition to the Village of Elk Rapids"; thence East along said South line of the North 59 feet of said Lot 10 to the East line of Washington Street; thence North along the East line of Washington Street to the Northwest Corner of Tax Parcel 05-43-125-008-00; thence East along the North line of said tax parcel 008-00 to the West line of the Alley between Washington and Bass Streets; thence North along the West line of said Alley to the North line extended West of Tax Parcel 05-43-125-014-00 (part of Lots 20 & 31); thence East along the North line of said tax parcel 014-00 to the West line of Bass Street; thence North along the West line of Bass Street to the North line of Lake Street; thence East along the North line of Lake Street extended to the Southeasterly right-of-way line of Ames Street; thence Southwesterly along said right-of-way line of Ames Street to the Easterly right-of-way line of School Street; thence South along said Easterly right-of-way line of School Street to the Southwest Corner of Lot 29, "Craw's Second Addition to the Village of Elk Rapids"; thence Southeasterly to the Northwest corner of Tax Parcel 05-43-100-024-00 (Lot 51); thence West along the South line of Buckley Street to the West line of Henry Street; thence North along said West line of Henry Street to the North line of Tax Parcel 05-43-100-029-00; thence West along the North lines of said tax parcel 029-00, tax parcel 030-00, tax parcel 028-00 and tax parcel 027-00 to the centerline of Brand Street; thence North along the centerline of Brand Street to the centerline of Ames Street; thence Northwesterly along the centerline of Ames Street to the centerline of Rivershore Drive and the Point of Beginning.

WEST SIDE FINAL BOUNDARY

Beginning at the intersection of U.S. Highway 31 and Ames Street; thence East to the Northwest corner of Tax Parcel 05-43-021-034-00; thence Southeasterly along the Southwest line of said tax parcel 034-00 to the North shore of Elk Lake; thence Westerly and Southerly 420 feet, more or less, along the Northerly shore of Elk Lake to the centerline of U.S. Highway 31; thence Southerly 73 feet, more or less, along the centerline of U.S. 31 to the South shore of Elk Lake; thence Southerly 2600 feet, more or less, along the Westerly shore of Elk Lake to the North line of Tax Parcel 05-43-021-085-00; thence Westerly along the North line of said tax parcel 085-00 to the West line of said tax parcel 085-00; thence Southerly along said West line extended 1400 feet, more or less, to the South line of Fourth Street; thence Westerly along said South line to the East line of Tax Parcel 05-43-028-019-00; thence Southerly and Westerly along the East and South lines of said tax parcel

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019-00 to the Southeast Corner of Tax Parcel 05-43-028-016-10; thence Westerly along said South line extended to the Westerly right-of-way line of U.S. 31; thence Northeasterly along said right-of-way line to the Southerly Corner of Tax Parcel 05-43-028-015-00; thence along the Southwest, West and North lines of said tax parcel 015-00 to the West right-of-way line of U.S. 31; thence North along said West right-of-way line of U.S. 31 to the South line of Fourth Street; thence West along the South line of Fourth Street to the West line extended of the Alley between Cedar and Bridge Streets; thence North along the West line of said Alley to the South line of First Street; thence West along the South line of First Street to the West line of Cedar Street; thence North along the West line of Cedar Street to the North line extended West of Tax Parcel 05-43-010-224-00 (Lot 251); thence East along the North line of said tax parcel 224-00 to the West line of said Alley between Cedar and Bridge Streets; thence North along the West line of said Alley to the North line of Chippewa Street; thence Northeasterly along the North line of Chippewa Street to the Southeast Corner of Tax Parcel 05-43-010-186-00 (Lot 204); thence Northwesterly along the East lines of Tax Parcels 05-43-010-186-00 (Lot 204), 138-00 (Lot 147) and 132-00 (Lot 140) to the North line of the Alley between Ottawa and Traverse Streets; thence Northeasterly along said Alley to the Southeast Corner of Tax Parcel 05-43-010-073-00 (Lot 72); thence Northwesterly along the East line of said tax parcel 073-00 to the North line of Traverse Street; thence Northeasterly along the North line of Traverse Street to the Southeast Corner of Tax Parcel 05-43-010-069-00 (Lot 66); thence Northwesterly along the East line of said tax parcel 069-00 to the South line of the Alley between Traverse and River Streets; thence Southwesterly along the South line of said Alley to the Northwest Corner of Tax Parcel 05-43-010-064-00 (Lot 61); thence Southeasterly along the West line of said tax parcel 064-00 to the South line of Traverse Street; thence Southwesterly along the South line of Traverse Street to the East line extended Tax Parcel 05-43-010-060-00 (Lot 57); thence Northwesterly along said East line to the South line of said Alley between Traverse and River Streets; thence Southwesterly along the South line of said Alley to the West line of Pine Street; thence along the West line of Pine Street to the South line of River Street; thence along the South line of River Street to the East line of Spruce Street; thence along the East line of Spruce Street to the Northwest Corner of Tax Parcel 05-43-010-054-00 (Lot 50); thence Southwesterly along the South line of said Alley to the West line extended South of Tax Parcel 05-43-010-029-00 (part of Lot 20); thence Northwesterly along said West line of tax parcel 029-00 to the South line of River Street; thence Southwesterly along said South line of River Street to the West line of Oak Street; thence Northwesterly along the West line of Oak Street to the North line of River Street; thence Northeasterly along the North line of River Street to the shore of Grand Traverse Bay at the Southwest Corner of Tax Parcel 05-43-020-003-00; thence Northeasterly, Northerly and Easterly 3800 feet, more or less, along said shoreline of Grand Traverse Bay to the Southwest boundary of "Sands of Elk Rapids" Condominium; thence Southeasterly along said condominium boundary to the Westerly corner of "Bay Breeze" Condominium; thence Southeasterly, Northeasterly and Southeasterly along the boundary of said "Bay Breeze" Condominium to the West line of Tax Parcel 05-43-021-007-00; thence Southeasterly and Northeasterly along said tax parcel 007-00 to the Westerly right-of-way line of U.S. 31; thence North along said right-of-way and along the West line of Tax Parcels 05-43-021-089-10 and 05-43-021-089-20 to the Northwest Corner of said tax parcel 089-20; thence East along the North line of said tax parcel 089-20 extended to the centerline of U.S.

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31; thence Southerly 820 feet, more or less, along the centerline of U.S. 31 to the Point of Beginning.

EXCEPTING THEREFROM THE FOLLOWING PARCELS:

“Elk River Cove” Condominium (Tax Parcels 05-43-500-001-00 thru 008-00) and “Harbor Vista” Condominium (Tax Parcels 05-43-475-001-00 thru 008-00).  
(Ord. #479, passed 6-19-17)

**Sec. 5-7. Board of Directors.**

- a. The Authority shall be under the supervision and control of a Board of Directors, consisting of the Chief Executive Officer of the Village and not less than eight members as determined by the Village Council. Members shall be appointed by the Chief Executive Officer of the Village, subject to approval by the Village Council and shall hold office until their successors are appointed.
- b. The membership of the Board of Directors shall elect a Chair, Vice-Chair, Treasurer, and Secretary.
- c. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it.
- d. The Board of Directors shall prepare bylaws to govern the procedure of meetings and powers of its officers which shall be submitted to the Village Council for approval prior to their adoption by the Board.
- e. The Board of Directors may employ and fix the compensation of a director, subject to the approval of the Village Council. 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 the 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 Village Clerk.  
(Ord. #479, passed 6-19-17)

**Sec. 5-8. Sources of revenue; permitted expenditures.**

- a. The activities of the Downtown Development Authority shall be financed from one or more of the funding sources set out in section 11 of Public Act No. 197 of 1975 (MCL 125.1661 et seq.), as amended, and shall expend no monies without prior approval of the Village Council.  
(Ord. #479, passed 6-19-17)

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**Sec. 5-9\_5-20. Reserved.**

(Ord. #479, passed 6-19-17)