

HOUSE BILL No. 4126

February 9, 1989, Introduced by Reps. Honigman, Willis Bullard, Munsell, Dunaskiss and Jondahl and referred to the Committee on Taxation.

A bill to amend sections 2, 3, and 6c of Act No. 208 of the Public Acts of 1949, entitled as amended

"An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act,"

being sections 125.942, 125.943, and 125.946c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, and 6c of Act No. 208 of the
2 Public Acts of 1949, being sections 125.942, 125.943, and
3 125.946c of the Michigan Compiled Laws, are amended to read as
4 follows:

1 Sec. 2. ~~The following terms whenever used or referred to~~
2 ~~in this act shall have the following respective meanings, unless~~
3 UNLESS a different meaning clearly appears from the context, AS
4 USED IN THIS ACT:

5 ~~Wherever appropriate the singular includes the plural and~~
6 ~~plural includes the singular,~~

7 (A) "Neighborhood area" ~~shall mean~~ MEANS a portion of a
8 municipality ~~which~~ THAT has been delimited as a neighborhood
9 unit in a plan of neighborhoods adopted by the legislative body.
10 ~~, which plan shall have the function of designating the service~~
11 ~~area of elementary schools, playgrounds or other local~~
12 ~~improvements,~~

13 (B) "Real property" ~~shall include~~ INCLUDES land, building
14 improvements, land under water, waterfront property, ~~and any and~~
15 ~~all~~ easements, franchises, ~~and~~ hereditaments, ~~corporeal or~~
16 ~~incorporeal,~~ and every ~~estate,~~ interest, privilege, ~~easement,~~
17 ~~franchise~~ and right ~~therein,~~ IN or appurtenant ~~thereto, legal~~
18 ~~or equitable~~ TO THESE, including rights of way, terms for years,
19 ~~and~~ liens, charges, ~~or incumbrances by mortgage, judgment or~~
20 ~~otherwise,~~ AND ENCUMBRANCES.

21 (C) "Municipality" ~~shall mean any~~ MEANS A duly incorpo-
22 rated city, village, or township. ~~—~~

23 (D) "Legislative body" ~~shall mean~~ MEANS the city council,
24 city commission, board of aldermen, township board, or other body
25 having the power to pass ordinances or measures and to otherwise
26 legislate concerning city, village, or township affairs. ~~—~~

1 (E) "Public use" ~~when~~ MEANS, IF used with reference to
2 land, ~~reserved for such purpose shall mean and be deemed to~~
3 ~~relate to such uses as are~~ USES for the general benefit of the
4 public, such as schools, libraries, public institutions, adminis-
5 tration buildings, parks, boulevards, playgrounds, PARKING
6 FACILITIES, streets, alleys, easements, or sewers, OR public
7 lighting, water, OR gas, or other similar utilities ~~—~~ or
8 improvements. ~~—~~ PUBLIC USE INCLUDES, IF USED WITH REFERENCE TO
9 LAND, A PARK, PLAYGROUND, OR PARKING FACILITY FOR THE USE OF THE
10 OWNERS AND OCCUPANTS AND THE GUESTS AND PATRONS OF THE OWNERS AND
11 OCCUPANTS OF PROPERTY SPECIALLY ASSESSED TO PAY FOR THE ACQUI-
12 TION AND CONSTRUCTION OF THE PARK, PLAYGROUND, OR PARKING
13 FACILITY.

14 (F) "Privately owned lands" ~~shall mean all~~ MEANS land not
15 held by the municipal body, THE county, OR THE state or federal
16 government for public purposes. ~~—~~

17 (G) "Owner" ~~shall mean any~~ MEANS A person ~~—, or persons,~~
18 ~~natural or corporate, owning a~~ HAVING legal or equitable title
19 to ~~the~~ land. ~~—~~

20 (H) "Project" ~~shall mean all of~~ MEANS the undertakings
21 ~~herein~~ authorized BY THIS ACT for the improvement of a neigh-
22 borhood area.

23 Sec. 3. (1) The following plans, statements, and actions
24 are ~~hereby made~~ requisite for ~~—, and a condition of,~~ the exer-
25 cise of the powers ~~herein~~ granted BY THIS ACT for the acqui-
26 sition, disposal, or lease of real property ~~for the carrying~~ TO

1 CARRY out ~~of~~ a neighborhood betterment plan in a neighborhood
2 area: ~~—~~

3 (a) A master plan of the municipality approved by the plan-
4 ning commission and adopted by the legislative body ~~—~~ or a
5 master plan sufficiently advanced to permit the designation of
6 neighborhood areas and so approved and adopted. ~~—~~

7 (b) A plan of neighborhoods that sets forth precisely ~~—~~
8 the location of neighborhood areas within the municipality,
9 approved by the planning commission ~~—~~ and ~~which has been~~
10 adopted by the legislative body. ~~Such a~~ THE plan ~~must~~ SHALL
11 conform ~~with~~ TO the master plan of the municipality ~~—~~ AND
12 DESIGNATE THE SERVICE AREA OF ELEMENTARY SCHOOLS, PLAYGROUNDS, OR
13 OTHER LOCAL IMPROVEMENTS.

14 (c) A neighborhood betterment plan THAT IS approved by the
15 planning commission and adopted by the legislative body ~~after~~
16 ~~public hearing thereon as hereinafter provided of~~ AND THAT
17 COVERS the neighborhood area in which is located the land pro-
18 posed to be acquired for improvement purposes.

19 (2) ~~Such~~ THE NEIGHBORHOOD BETTERMENT plan REQUIRED UNDER
20 SUBSECTION (1) shall designate the location, extent, character,
21 and estimated cost of the improvements contemplated for the area
22 ~~—~~ and may include ~~any or all of the following improvements:~~
23 ~~Partial~~ PARTIAL or total vacation of plats ~~—~~ or replatting;
24 opening, widening, straightening, extending, vacating, or closing
25 streets, alleys, or walkways; locating or relocating water mains,
26 sewers, or other public utilities; paving ~~of~~ streets, alleys,
27 or sidewalks in special situations; acquiring parks, playgrounds,

1 or other recreational areas or facilities; ~~elimination of~~
2 ACQUIRING OR CONSTRUCTING PARKING FACILITIES; ELIMINATING noncon-
3 forming uses; ~~rehabilitation of~~ REHABILITATING blighted areas;
4 street tree planting; green belts ~~—~~ or buffer strips; and other
5 appropriate public improvements. The NEIGHBORHOOD BETTERMENT
6 plan shall also include a feasible method for the relocation of
7 families AND INDIVIDUALS who will be displaced from the area in
8 decent, safe, and sanitary ~~dwelling accommodations~~ DWELLINGS
9 within their means and without undue hardship to ~~such~~ THOSE
10 families AND INDIVIDUALS.

11 (3) The local legislative body, ~~prior to~~ BEFORE adopting a
12 neighborhood betterment plan, shall hold a public hearing
13 ~~thereon~~ ON THE PLAN. Notice of time and place of ~~such~~ THE
14 hearing shall be given by publication in a newspaper of general
15 circulation not less than 30 days prior to the date set for
16 ~~such~~ THE hearing. Notice of ~~such~~ THE hearing shall be mailed
17 ~~at least~~ NOT LESS THAN 15 days before ~~such~~ THE hearing to the
18 last known owner of each parcel of land in ~~such~~ THE area at the
19 last known address of ~~such~~ THE owner as shown by the records of
20 the assessor. ~~Such~~ THE notice shall contain a description of
21 the neighborhood area. ~~For purposes of this notice it~~ IT shall
22 be sufficient to describe the neighborhood area by its location
23 in relation to highways, streets, streams, or otherwise. ~~Such~~
24 THE notice shall ~~further~~ contain a statement that maps, plats,
25 and a particular description of the NEIGHBORHOOD betterment plan
26 are available for public inspection at a suitable place, ~~to~~
27 WHICH SHALL be designated in ~~such~~ THE notice. At the time set

1 for hearing, the local legislative body shall provide an
2 opportunity for all persons interested to be heard and shall
3 receive and consider communications in writing with reference
4 ~~thereto~~ TO THE NEIGHBORHOOD BETTERMENT PLAN.

5 Sec. 6c. (1) ~~As an additional and alternative method of~~
6 ~~financing part or all of the costs of any~~ TO FINANCE A project
7 undertaken under this act, ~~any~~ A municipality may use general
8 tax revenues levied for the purpose or not otherwise earmarked ~~or~~
9 ~~or the legislative body in its discretion may provide that the~~
10 ~~cost and expense or any portion thereof shall be assessed to a~~
11 ~~special district. The~~ OR MAY LEVY SPECIAL ASSESSMENTS. A spe-
12 cial assessment district shall be coterminous with the neighbor-
13 hood area, and the special assessment district together with the
14 tentative plan of assessment shall be set up as part of the
15 neighborhood betterment plan before acquisition of the property
16 involved in ~~such~~ THE plan. The written consent of a majority
17 of the owners of property in the PROPOSED special ASSESSMENT dis-
18 trict to the betterment plan shall be submitted to the legisla-
19 tive body. The rate of assessment shall be spread equally, on a
20 front foot or land area basis, throughout the special ASSESSMENT
21 district.

22 (2) IF A PARK, PLAYGROUND, OR PARKING FACILITY IS ACQUIRED
23 OR CONSTRUCTED PURSUANT TO THIS ACT, AND THE COSTS OF ACQUISSI-
24 TION, CONSTRUCTION, MAINTENANCE, IMPROVEMENT, AND OPERATION OF
25 THE PARK, PLAYGROUND, OR PARKING FACILITY ARE PAID ENTIRELY BY
26 SPECIAL ASSESSMENTS ACCESS TO THE PARK, PLAYGROUND, OR PARKING

1 FACILITY MAY BE LIMITED TO THE OWNERS AND OCCUPANTS OF PROPERTY
2 IN THE SPECIAL ASSESSMENT DISTRICT AND THEIR GUESTS AND PATRONS.