

# HOUSE BILL No. 4131

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 1 and 7 of Act No. 197 of the Public Acts of 1975, entitled as amended

"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; to authorize the use of tax increment financing; and to prescribe the powers and duties of certain state officials,"

as amended by Act No. 221 of the Public Acts of 1985, being sections 125.1651 and 125.1657 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1 and 7 of Act No. 197 of the Public  
2 Acts of 1975, as amended by Act No. 221 of the Public Acts of

1 1985, being sections 125.1651 and 125.1657 of the Michigan  
2 Compiled Laws, are amended to read as follows:

3 Sec. 1. As used in this act:

4 (a) "Authority" means a downtown development authority cre-  
5 ated pursuant to this act.

6 (b) "Board" means the governing body of an authority.

7 (c) "Business district" means an area in the downtown of a  
8 municipality zoned and used principally for business.

9 (d) "Chief executive officer" means the mayor or city man-  
10 ager of a city, the president of a village, or the supervisor of  
11 a township.

12 (e) "Development area" means that area to which a develop-  
13 ment plan is applicable.

14 (f) "Development plan" means that information and those  
15 requirements for a development set forth in section 17.

16 (g) "Development program" means the implementation of the  
17 development plan.

18 (h) "Downtown district" means an area in a business district  
19 ~~which~~ THAT is specifically designated by ordinance of the gov-  
20 erning body of the municipality pursuant to this act.

21 (i) "Governing body of a municipality" means the elected  
22 body of a municipality having legislative powers.

23 (j) "Municipality" means a city, village, or township.

24 (k) "Operations" means office maintenance, including sala-  
25 ries and expenses of employees, office supplies, consultation  
26 fees, design costs, and other expenses incurred in the daily  
27 management of the authority and planning of its activities.

1       (1) "Public facility" means a street; ~~/~~ plaza; ~~/~~  
2 pedestrian mall; ~~/, and any improvements~~ IMPROVEMENT to a  
3 street, plaza, or pedestrian mall, including street furniture and  
4 beautification; ~~/~~ park; ~~/~~ parking facility; ~~/~~ recreational  
5 facility; ~~/~~ right of way; ~~/~~ structure; ~~/~~ waterway; ~~/~~  
6 bridge; ~~/~~ lake; ~~/~~ pond; ~~/~~ canal; ~~/~~ utility line or pipe;  
7 ~~/~~ building; ~~/, and~~ OR AN access ~~routes to any of the~~  
8 ~~foregoing~~ ROUTE TO A PUBLIC FACILITY SPECIFIED IN THIS  
9 SUBDIVISION, designed FOR and dedicated to use by the public gen-  
10 erally, or used by a public agency. PUBLIC FACILITY ALSO MEANS A  
11 PARK, ACCESS TO WHICH IS LIMITED TO THE OWNERS AND OCCUPANTS AND  
12 THE GUESTS AND PATRONS OF THE OWNERS AND OCCUPANTS OF PROPERTY  
13 SPECIALLY ASSESSED TO PAY FOR THE COST OF ACQUISITION, OPERATION,  
14 MAINTENANCE, AND IMPROVEMENT OF THE PARK, OR A PARKING FACILITY,  
15 ACCESS TO WHICH IS LIMITED TO THE OWNERS AND OCCUPANTS AND THE  
16 GUESTS AND PATRONS OF THE OWNERS AND OCCUPANTS OF PROPERTY SPE-  
17 Cially ASSESSED TO PAY FOR THE COST OF ACQUISITION OR CONSTRUC-  
18 TION, OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE PARKING  
19 FACILITY. Public facility includes an improvement to a facility  
20 used by the public or a public facility as those terms are  
21 defined in section 1 of Act No. 1 of the Public Acts of 1966,  
22 being section 125.1351 of the Michigan Compiled Laws, which  
23 improvement is made to comply with the barrier free design  
24 requirements of the state construction code promulgated under the  
25 state construction code act of 1972, Act No. 230 of the Public  
26 Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan  
27 Compiled Laws.

1     Sec. 7. (1) The board may DO 1 OR MORE OF THE FOLLOWING:

2     (a) ~~Prepare an analysis of~~ ANALYZE economic changes taking  
3 place in the downtown district.

4     (b) Study and analyze the impact of metropolitan growth upon  
5 the downtown district.

6     (c) Plan and propose the construction, renovation, repair,  
7 remodeling, rehabilitation, restoration, preservation, or recon-  
8 struction of a public facility, an existing building, or a  
9 multiple-family dwelling unit ~~which~~ THAT may be necessary or  
10 appropriate to the execution of a plan ~~which~~ THAT, in the opin-  
11 ion of the board, aids in the economic growth of the downtown  
12 district.

13     (d) Plan, propose, and implement an improvement to a public  
14 facility within the development area to comply with the barrier  
15 free design requirements of the state construction code promul-  
16 gated under the state construction code act of 1972, Act No. 230  
17 of the Public Acts of 1972, being sections 125.1501 to 125.1531  
18 of the Michigan Compiled Laws.

19     (e) Develop long-range plans, in cooperation with the agency  
20 ~~which~~ THAT is chiefly responsible for planning in the munici-  
21 pality, designed to halt the deterioration of property values in  
22 the downtown district and to promote the economic growth of the  
23 downtown district, and ~~take such steps as may be necessary to~~  
24 persuade property owners to implement the plans to the fullest  
25 extent possible.

26     (f) Implement ~~any~~ A plan of development in the downtown  
27 district necessary to achieve the purposes of this act, in

1 accordance with the powers of the authority ~~as~~ granted by this  
2 act.

3 (g) Make ~~and enter into~~ contracts necessary or incidental  
4 to the exercise of its powers and the performance of its duties.

5 (h) Acquire ~~by purchase or otherwise,~~ on terms and condi-  
6 tions and in a manner the authority ~~deems~~ CONSIDERS proper,  
7 ~~or own, convey, or otherwise~~ dispose of, or lease as lessor  
8 or lessee ~~, land and other property,~~ real or personal ~~,~~  
9 PROPERTY or rights or interests ~~therein, which~~ IN PROPERTY THAT  
10 the authority determines is reasonably necessary to achieve the  
11 purposes of this act ~~,~~ and ~~to~~ grant or acquire licenses,  
12 easements, and options with respect ~~thereto~~ TO THE PROPERTY.

13 (i) Improve land and construct, reconstruct, rehabilitate,  
14 restore, ~~and~~ preserve, equip, improve, maintain, repair, and  
15 operate ~~any~~ A building, including A multiple-family  
16 ~~dwellings,~~ DWELLING and any necessary or desirable appurte-  
17 nances ~~thereto~~ TO A BUILDING, within the downtown district for  
18 the use, in whole or in part, of ~~any~~ A public or private person  
19 or corporation, or a combination thereof.

20 (j) Fix, charge, and collect fees, rents, and charges for  
21 the use of ~~any building or~~ property under its control ~~or any~~  
22 ~~part thereof, or facility therein,~~ and pledge the fees, rents,  
23 and charges for the payment of revenue bonds issued by the  
24 authority.

25 (k) Lease ~~any building or~~ property under its control. ~~,~~  
26 ~~or any part thereof.~~

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

3       (m) Acquire and construct public facilities.

4       (2) IF A PARK IS ACQUIRED PURSUANT TO THIS ACT OR A PARKING  
5 FACILITY IS ACQUIRED OR CONSTRUCTED PURSUANT TO THIS ACT, AND THE  
6 COST OF ACQUIRING, OPERATING, AND MAINTAINING THE PARK OR ACQUIR-  
7 ING OR CONSTRUCTING, OPERATING, AND MAINTAINING THE PARKING  
8 FACILITY IS PAID FOR ENTIRELY BY SPECIAL ASSESSMENTS PURSUANT TO  
9 SECTION 11 OF THIS ACT AND ANY OTHER APPLICABLE ACT, ACCESS TO  
10 THE PARK OR PARKING FACILITY MAY BE LIMITED TO THE OWNERS AND  
11 OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT DISTRICT AND  
12 THEIR GUESTS AND PATRONS.