

HOUSE BILL No. 6153

November 8, 1990, Introduced by Rep. Jaye and referred to the Committee on State Affairs.

A bill to amend section 10 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,"

being section 125.1660 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 197 of the Public Acts of
2 1975, being section 125.1660 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 10. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
2 municipality may take private property under Act No. 149 of the
3 Public Acts of 1911, as amended, being sections 213.21 to
4 ~~213.41~~ 213.25 of the Michigan Compiled Laws, for the purpose of
5 transfer to the authority, and may transfer the property to the
6 authority for use in an approved development, on terms and condi-
7 tions it ~~deems~~ CONSIDERS appropriate, and the taking, transfer,
8 and use shall be considered necessary for public purposes and for
9 the benefit of the public.

10 (2) A MUNICIPALITY SHALL NOT TAKE PRIVATE PROPERTY FOR
11 TRANSFER TO AN AUTHORITY AS PROVIDED IN SUBSECTION (1) IF BOTH OF
12 THE FOLLOWING APPLY:

13 (A) THE TAKING OF THE PROPERTY WILL BENEFIT SPECIFIC AND
14 IDENTIFIABLE PRIVATE INTERESTS OF A PRIVATE PERSON.

15 (B) TO ACHIEVE THE PURPOSES OF THIS ACT, THE BOARD WILL,
16 DIRECTLY OR INDIRECTLY, SELL THE PROPERTY TO OR LEASE THE PROP-
17 erty TO THE PRIVATE PERSON DESCRIBED IN SUBDIVISION (A); OR WILL
18 ALLOW THE PRIVATE USE OF THE PROPERTY, WHICH USE IS DISTINCT FROM
19 THE USE OF OTHER MEMBERS OF THE PUBLIC, BY THE PRIVATE PERSON
20 DESCRIBED IN SUBDIVISION (A).

21 (3) AS USED IN THIS SECTION, "PERSON" INCLUDES AN INDIVIDU-
22 AL, PARTNERSHIP, ASSOCIATION, CORPORATION, OR ENTITY.