

HOUSE BILL No. 6155

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

A bill to amend section 9 of Act No. 281 of the Public Acts of 1986, entitled
"The local development financing act,"
being section 125.2159 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9 of Act No. 281 of the Public Acts of
2 1986, being section 125.2159 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 9. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
5 municipality may take private property under the uniform condem-
6 nation procedures act, Act No. 87 of the Public Acts of 1980,
7 being sections 213.51 to 213.77 of the Michigan Compiled Laws,
8 for the purpose of transfer to the authority, and may transfer
9 the property to the authority for use as authorized in the
10 development plan, on terms and conditions it considers

1 appropriate. The taking, transfer, and use shall be considered
2 necessary for public purposes and for the benefit of the public.

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

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

8 (B) TO ACHIEVE THE PURPOSES OF THIS ACT, THE BOARD WILL,
9 DIRECTLY OR INDIRECTLY, SELL THE PROPERTY TO OR LEASE THE PROP-
10 ERTY TO THE PRIVATE PERSON DESCRIBED IN SUBDIVISION (A); OR WILL
11 ALLOW THE PRIVATE USE OF THE PROPERTY, WHICH USE IS DISTINCT FROM
12 THE USE OF OTHER MEMBERS OF THE PUBLIC, BY THE PRIVATE PERSON
13 DESCRIBED IN SUBDIVISION (A).

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