

## AN ORDINANCE

Of the Council of the City of Berkley, Michigan  
Approving Amendment to and Restatement of the  
Development Plan and Tax Increment Financing Plan of the  
Downtown Development Authority of the City of Berkley

WHEREAS, the Downtown Development Authority of the City of Berkley (the "Authority") has previously prepared and recommended for approval a Development Plan and Tax Increment Financing Plan (the "Original Plan") which was approved by the City Council of the City of Berkley (the "City"), as subsequently amended pursuant to Ordinance No. 0-04-09 adopted on May 18, 2009 (as amended, the "Plan"); and

WHEREAS, the Authority has prepared and recommended for approval amendments to and a restatement of the Plan, attached hereto as Exhibit A (the "Amended and Restated Plan"); and

WHEREAS, on April 18, 2016, the City Council held a public hearing on the Amended and Restated Plan pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and

WHEREAS, the City Council has given the taxing jurisdictions subject to capture in the Downtown District an opportunity to meet with the City Council and to express their views and recommendations regarding the Amended and Restated Plan, as required by the Act; and

WHEREAS, after consideration of the Amended and Restated Plan, the City Council has determined to approve the Amended and Restated Plan.

NOW, THEREFORE, THE CITY OF BERKLEY ORDAINS:

1. Findings.
  - (a) The Amended and Restated Plan meets the requirements set forth in the Act.
  - (b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
  - (c) The development is reasonable and necessary to carry out the purposes of the Act.
  - (d) The land included within the Development Area to be acquired, if any, is reasonably necessary to carry out the purposes of the Amended and Restated Plan and the purposes of the Act in an efficient and economically satisfactory manner.
  - (e) The development plan portion of the Plan as amended by the Amended and Restated Plan is in reasonable accord with the master plan of the City.
  - (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

- (g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Amended and Restated Plan, are reasonably necessary for the project and for the City.
2. Public Purpose. The City Council hereby determines that the Amended and Restated Plan constitutes a public purpose.
  3. Best Interest of the Public. The City Council hereby determines that it is in the best interests of the public to proceed with the Amended and Restated Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.
  4. Approval and Adoption of Amended and Restated Plan. The Amended and Restated Plan is hereby approved and adopted. A copy of the Amended and Restated Plan and all later amendments thereto shall be maintained on file in the City Clerk's office.
  5. Amendment to Ordinance Number; Conflict and Severability. Ordinance No. 0-04-09 is hereby amended by this Ordinance. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.
  6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.
  7. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the *Daily Tribune*, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.
  8. Effective Date. The Ordinance is hereby determined by the City Council to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication as required by law.

Introduced on the First Reading at a Regular Meeting of the Berkley City Council on Monday, April 18, 2016.

Approved on the Second Reading at a Regular Meeting of the Berkley City Council on Monday, May 2, 2016.

Attest:

  
Phommady A. Boucher, City Clerk

  
Phil O'Dwyer, Mayor


CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance O-03-16, duly adopted by the City Council of the City of Berkley, County of Oakland, State of Michigan, at a regular meeting held on May 2, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following Members were present at said meeting Kideckel, Steadman, Terbrack, Blanchard, O'Dwyer and that the following Members were absent Baker.


I further certify that Member Blanchard moved adoption of said Ordinance and Member Steadman supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Kideckel, Steadman, Terbrack, Blanchard, O'Dwyer and that none of the Members voted against adoption of said Ordinance.



Phommady A. Boucher  
City Clerk

I, hereby certify that the foregoing ordinance received legal publication in the Daily Tribune, and Macomb Daily on Sunday, May 8, 2016.



Phommady A. Boucher  
City Clerk

**EXHIBIT A**

**[Attach Amended and Restated Plan Here]**