

## CHAPTER 31: DOWNTOWN DEVELOPMENT AUTHORITY

### Section

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### ***Cross-reference:***

*Downtown Development Authority Development Plan; Tax Increment Finance Plan,  
see §§ 34.25 and 34.26*

### **§ 31.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The terms used in this chapter shall have the same meaning as given to them in Public Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, or as hereinafter in this section provided unless the context clearly indicates to the contrary.

**ACT 197.** Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, as now in effect or hereafter amended.

**AUTHORITY.** The City of Auburn Downtown Development Authority, as created by Ord. 113.

**BOARD** or **BOARD OF TRUSTEES.** The Board of Trustees of the Authority, the governing body of the Authority.

**CHIEF EXECUTIVE OFFICER.** The Mayor of the city.

**CITY.** The City of Auburn, Michigan.

**COMMISSION** or **CITY COMMISSION.** The City Commission of the City of Auburn, Michigan.

**DOWNTOWN DISTRICT.** The downtown district designated by and described in § 31.09, as now existing or hereafter amended.

(1991 Code, § 1.211)

*Editor's note:*

*By § 1(4) of Ord. 141, passed 5-6-1991, the City Commission approved the development plan and the financing plan presented by the DDA Board on April 8, 1991*

#### § 31.02 DETERMINATION OF NECESSITY.

The City Commission hereby determines that it is necessary to form a Downtown Development Authority, for the best interests of the city to halt property value deterioration and increase property tax valuation where possible in the central business district of the city, to eliminate the causes for that economic and physical deterioration and to promote economic growth and development by establishing a Downtown Development Authority pursuant to Public Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended.

(1991 Code, § 1.212)

#### § 31.03 CREATION OF AUTHORITY.

There is hereby created pursuant to Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, a Downtown Development Authority for the city. The Authority shall be a public body corporate and shall be known and exercise its powers under title of "Auburn Downtown Development Authority". The Authority may adopt a seal, may sue and be sued in any court of law in this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this chapter and Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended. The enumeration of a power in this chapter or in Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, shall not be construed as a limitation upon the general powers of the Authority.

(1991 Code, § 1.213)

#### § 31.04 BOARD OF TRUSTEES.

The Authority shall be under the supervision and control of a Board consisting of the chief executive officer of the municipality and eight members as determined by the governing body of the municipality. Members shall be appointed by the governing body of the municipality. Not less than a majority of members of the Board shall be persons having an interest in property located in the downtown district. Of the members first appointed, an equal number of the members as near as is practicable, shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve a term of four years. An appointment to fill a vacancy shall be made by the governing body of the municipality for the unexpired term only. The Chairperson of the Board shall be elected by the Board.

(1991 Code, § 1.214) (Ord. 147, passed 3-16-1992)

**§ 31.05 POWERS OF THE AUTHORITY.**

Except as specifically otherwise provided in this chapter, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein. The Authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the downtown district at the rate of not more than two mills each year if the City Commission annually approves the levy thereof by the Authority.  
(1991 Code, § 1.215)

**§ 31.06 DIRECTOR; BOND.**

If a director is ever employed as authorized by § 5 of Act 197, being M.C.L.A. § 125.1655, as amended, he or she shall post bond in penal sum as may be required by the Board of Trustees at the time of appointment and shall be in conformance with § 5 of Act 197, being M.C.L.A. § 125.1655, as amended.  
(1991 Code, § 1.216)

**§ 31.07 BYLAWS.**

The Board of Trustees shall adopt rules and regulations governing its procedures and the holding of regular meetings subject to the approval of the governing body of the city. Said rules of operation shall be governed by Public Act 267 of 1976, being M.C.L.A. §§ 15.261 through 15.275, and Public Act 442 of 1976, being M.C.L.A. §§ 15.231 through 15.246.  
(1991 Code, § 1.217)

**§ 31.08 FISCAL YEAR; ADOPTION OF BUDGET.**

(A) The fiscal year of the Authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the city.

(B) The Board shall annually prepare a budget and shall submit it to the Commission on the same date that the proposed budget for the city is required by the city's Charter to be submitted to the Commission. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Commission. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.

(C) The Authority shall submit financial reports to the City Commission as requested by the City Commission. The Authority shall be audited annually by the same independent auditors auditing the city, and copies of the audit report shall be filed with the Commission.  
(1991 Code, § 1.218)

**§ 31.09 DESCRIPTION OF DOWNTOWN DISTRICT.**

(A) The downtown district in which the Authority shall exercise its powers as provided by Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, shall consist of the following described territory in the city, subject to such changes as may hereinafter be made to this chapter pursuant to Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, as amended.

(B) An area in the city, within the boundaries described as follows:

A part of Sections 23 and 24, T.14 N. - R.3 E., City of Auburn, Bay County Michigan, commencing at the west quarter corner of said Section 23; thence north on the west section line 264 feet; thence east on the north line of lots 14 to 17 and 45 and 46 and their extension, Brown's Subdivision, to the east line of said subdivision; thence south 37 feet; thence east on the north line of lot 1, Wiedyk Subdivision No. 1, and its extension, 165 feet; thence north on the centerline of Sycamore Street, 166 feet; thence east on the centerline of Green Street, 165 feet; thence south on the east line of Wiedyk Subdivision No. 1 and its extension, 208 feet; thence east 165 feet more or less; thence north on the west line of the east half of the east half of the southwest quarter of the northwest quarter of said Section 23, to the south line of the Central Michigan Railroad; thence east 165 feet more or less; thence south on the west one-eighth line to a point 210 feet north of the east and west quarter line; thence east 696 feet more or less to the centerline of Noell Way; thence north 183 feet; thence east on the centerline of Bryant Boulevard West, 656.5 feet; thence south 393 feet to the east and west quarter line; thence east on said quarter line to a point 108 feet west of the west line of the Plat of Auburn; thence north 270 feet; thence east 108 feet; thence north on the west line of the Plat of Auburn, 108 feet; thence east on the north line of vacated Green Street, 133 feet; thence south on the centerline of Frances Street as platted, 110 feet; thence east on the north line of lots 2 and 9, Block 15, Plat of Auburn, 266 feet; thence north on the centerline of Whittemore Street, 110 feet; thence east on the south line of lot 1, Block 11, Plat of Auburn, 133 feet; thence north on the east lines of lots 1, 2 and 3 of said Block 11, 150 feet; thence east on the south lines of lots 7 through 19, said Block 11, 703 feet; thence south 378 feet; thence east parallel with and 150 feet north of the east and west quarter line, 297 feet; thence south 150 feet to said quarter line; thence east on said quarter line, 29.5 feet; thence north 368 feet; thence east 165.99 feet; thence south 160.5 feet; thence east 132 feet to the east line of Section 23; thence north on said east line to the south line of Macomber Avenue extended east; thence west on said extended line, 33 feet; thence north on the west line of Auburn Road to the northeast corner of lot 7, Block 1, Plat of Auburn; thence west on the north line of said lot 7, 130 feet; thence south on the centerline of the vacated alley in said Block 1, 100 feet; thence west on the south line of lots 1 through 6, said Block 1, 353 feet; thence north on the centerline of vacated Nuffer Street, 100 feet; thence west on the north line of Block 2, Plat of Auburn, 458 feet; thence north on the east line of lot 12 and its northerly extension, North Auburn Subdivision No. 1, to the north line of the Plat of Auburn; thence east on said north line which is the south line of the Central Michigan Railroad right-of-way, 1,243.5 feet; thence south 20 feet; thence east 643.5 feet; thence north 20 feet; thence east 33 feet to the east section line; thence north on said east section line to the northwest corner of F. Weber's Subdivision; thence east entering

into Section 24 and on the north line of F. Weber's Subdivision, and the south line of the Central Michigan Railroad right-of-way to the east line of the west half of the northwest quarter of said Section 24; thence south on said east line, 200 feet; thence west 608.1 feet; thence south on the centerline of Park Avenue, 156.82 feet; thence west on the north line of Noble Street, 250 feet; thence north on the centerline of Weber Street, 355.11 feet; thence west on said north line of F. Weber's Subdivision, 322.75 feet; thence south on the east lines of lots 7 and 6, Block 4, F. Weber's Subdivision, 102.35 feet; thence west on the south line of said lot 6, 100 feet; thence south on the east line of Auburn Road, 275 feet; thence east on the centerline of Hemmingway Street, 213 feet; thence south 242.5 feet; thence east 84.75 feet; thence south 132.5 feet; thence east on the north lines of lots 1 and 2, Block 2, and the north lines of lots 1 and 2, Block 3, F. Weber's Subdivision, 250 feet; thence north 91.25 feet; thence east on the north line of lot 20, Block 3, F. Weber's Subdivision, 125 feet; thence south on the centerline of Park Avenue, 240.75 feet; thence east on the east and west quarter line of said Section 24 to a point 275 feet west of the northeast corner of the northwest quarter of the southwest quarter of said Section 24; thence south, 422 feet; thence west 330 feet; thence south 36 feet; thence west to a line which is 656.3 feet east of the west section line; thence north on said line, 146 feet; thence west 273.3 feet; thence south 146 feet; thence west on the centerline of Elm Street, 383 feet; thence south on the west line of Section 24, 238 feet; thence east 33 feet; thence south 660 feet; thence west 33 feet; thence south to the northwest corner of the south half of the north half of the south half of the southwest quarter of said Section 24; thence east on the north line of said south half of the north half of the south half of the southwest quarter to the north and south quarter line; thence south on said quarter line to the north right-of-way line of Highway U.S. 10; thence west on said right-of-way line, 1,913.67 feet; thence northwesterly on said right-of-way line, 535.88 feet; thence northwesterly on said right-of-way line, 278.26 feet; thence west on the north line of the south half of the south half of the southwest quarter, 46.52 feet; thence north on the west line of said Section 24 to the northwest corner of said south half of the north half of the south half of the southwest quarter of said Section 24; thence north on the east line of said Section 24 to a point 874.5 feet south of the east quarter corner of said Section 24; thence west 165 feet; thence north 77.5 feet; thence east 165 feet; thence north on said east section line to the centerline of Elm Street; thence west 332 feet; thence north 125 feet; thence west one foot; thence north 73 feet; thence east 36 feet; thence north 74 feet; thence west 260 feet; thence south on the centerline of Roberts Street, 47 feet; thence west 165 feet; thence south 100 feet; thence west to a point 143 feet east of the west line of the northeast quarter of the southeast quarter; thence north 297 feet; thence west on the east and west quarter line, 143 feet; thence south 264 feet; thence west on the north line of Price Subdivision, 390 feet; thence north 24 feet; thence west 125 feet to the centerline of Price Street; thence west on the south lines of lots 9 and 8, of Price Subdivision, 310 feet; thence north on the centerline of Edwards Street 60.5 feet; thence west on the south line of the north 19.5 feet of lot 3, of Price Subdivision, 176.7 feet; thence south 40 feet; thence west on the south lines of lots 1 and 2, Block 2, and on the south lines of lots 1 and 2, Block 1, of O.B. Braun's Subdivision, 330.5 feet; thence south on the north and south quarter line, 30 feet; thence west on the south line of the north 180 feet of lot 1, DeCourey Subdivision, 333 feet; thence north on the centerline of Renshar Drive, 80 feet; thence west 122 feet; thence south 30 feet; thence west 56 feet; thence

south 118 feet; thence west 152 feet; thence south on the west line of the east half of the east half of the southwest quarter of Section 23, 407 feet; thence west to the east line of the west half of the west half of the east half of the southwest quarter thence south on said east line, to the north right-of-way line of Highway U.S. 10; thence west to the west line of the west half of the west half of the east half of the southwest quarter; thence north on said west line to the south line of the north half of the southwest quarter of the southwest quarter; thence west on said south line to the west line of Section 23; thence north on said west line, 1974 feet more or less to the west quarter corner of said Section 23 and the point of beginning.

(1991 Code, § 1.219) (Ord. 140, passed 5-6-1991)

**City of Auburn  
Downtown Development Authority  
Amendment to the Downtown Development Plan  
and Extension to the  
Tax Increment Financing Plan**

The Auburn Downtown Development Authority (DDA) Tax Increment Financing (TIF) Plan was created by the City of Auburn and its DDA in 1991 in accordance with Michigan Public Act 197 of 1975, as amended, in order to make possible the financing of public improvements necessary or desired to halt current and prevent future deterioration within the Development Area and in accordance with the Development Plan for the area of the Authority. Over the last twenty years many improvements have been made within the development area, but the DDA and the City Commission have determined that conditions still exist which require improvements in order to halt current and to prevent future deterioration especially in these dire economic times.

The TIF Plan shall remain unchanged but will be reinstated; and therefore in accordance with Section IV of the TIF plan, the program shall continue for twenty (20) years henceforth, until the year 2031, unless canceled after hearing and notice in accordance with Section 18 of the Downtown Development Authority Act to a longer or shorter period.

The Auburn DDA Development Plan shall be amended as follows:

**Section IV** The location, extent, character and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required to completion:

The following is proposed:

1. Improve the overall attractiveness of the city and create an Identity Image.
2. To continue and complete streetscape improvements.
3. To continue the Facade Improvements Program.
4. To improve signage and identify the US-10 Business Loop.
5. To make infrastructure and equipment improvements.
6. To purchase and rehabilitate deteriorating properties for resale or lease.
7. Research and construct a community recreation center if justified.
8. To take any other actions deemed appropriate by the DDA and approved in its budget by the City Commission.

The costs of and times to complete the improvements will be forecast in the Authority's Budget. A six-year budget 2011-2016 is attached hereto.

**Section V** A statement of the construction or stages of construction planned, and the estimated time of completion of each stage:

Current contemplated improvements are included in the budget attached.

**Section IX** An estimate of the cost of the development, a statement of the proposed method of financing the development and the ability of the authority to arrange financing: Proposed improvements with their costs are included in the attached budget. It is estimated that tax increment revenues will provide the means to finance the projects as outlined in the budget.

**Section X** The procedures for bidding for the leasing, purchasing or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the Authority and persons, natural or corporate, that all or a portion of the development will be leased, sold or conveyed in any manner to those persons:

The purchasing, leasing and/or conveying of a development will be done on an open negotiated basis between the DDA and interested private parties.

All other sections of the Development Plan shall remain as originally adopted.

## **Attachments**

- DDA Budget 2011-2016
- Streetscape Plan
- Facade Program Rules & Guidelines
- DDA Map
- DDA Legal Description



**City of Auburn DDA Budget**

2011 to 2016

**DDA Action**

2011      2012      2013      2014      2015      2016

Streetscape Improvements	100,000	100,000	100,000	100,000	100,000	100,000
Facade Improvement Program	75,000	75,000	75,000	75,000	40,000	0
Infrastructure Improvements and Equipment	25,000	25,000	25,000	25,000	25,000	20,000
Purchase & Rehabilitation of Deteriorating Property	20,000	20,000	20,000	20,000	20,000	5,000
Community Recreation Center	10,000	50,000	50,000	50,000	50,000	50,000
Signage & Marketing	25,000	1,500	1,500	1,500	1,500	1,500
Repairs, Maintenance & Utilities	8,000	8,300	8,700	9,100	9,500	9,900
Administration, Legal & Professional Fees	10,000	10,000	10,000	10,000	10,000	10,000
Total Expenditures	273,000	289,800	290,200	290,600	256,000	196,400
Projected Annual Revenues (\$195,000 per year*)	195,000	195,000	195,000	195,000	195,000	195,000
From Fund Balance	(78,000)	(94,800)	(95,200)	(95,600)	(61,000)	(1,400)
Fund Beginning Balance	429,400	351,400	256,600	161,400	65,800	4,800
Fund Balance	351,400	256,600	161,400	65,800	4,800	3,400

\* 2010 estimates.



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# City of Auburn

## Downtown Development Authority

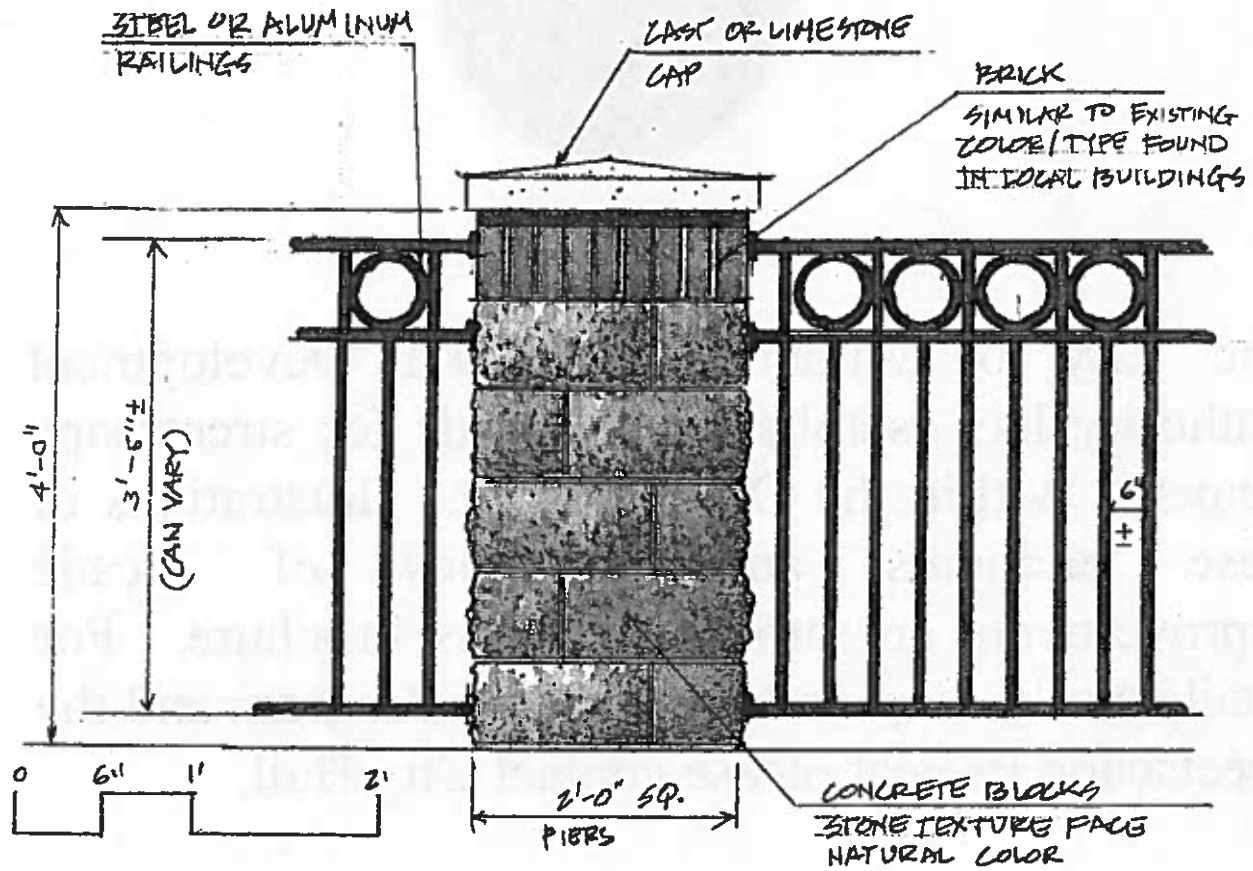
# Streetscape & Façade Standards

July 2009

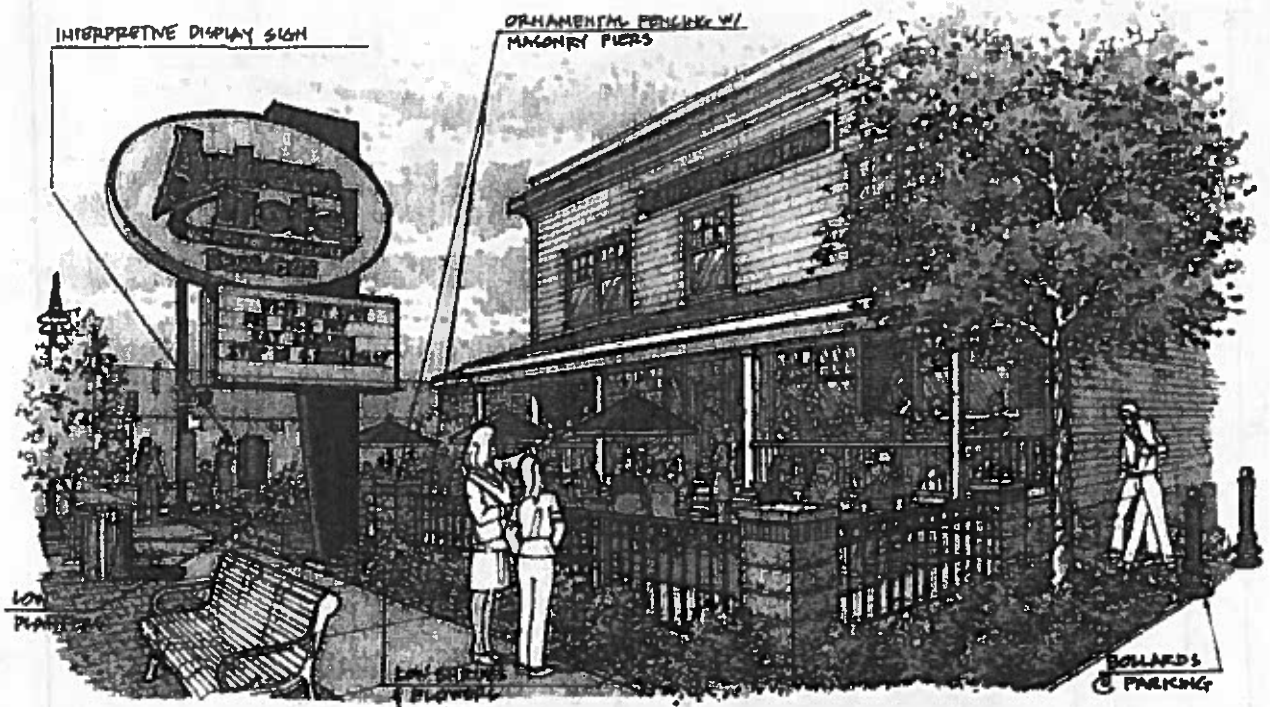
Prepared By:  
 **LAPHAM**  
**ASSOCIATES**  
Clare Gladwin West Branch



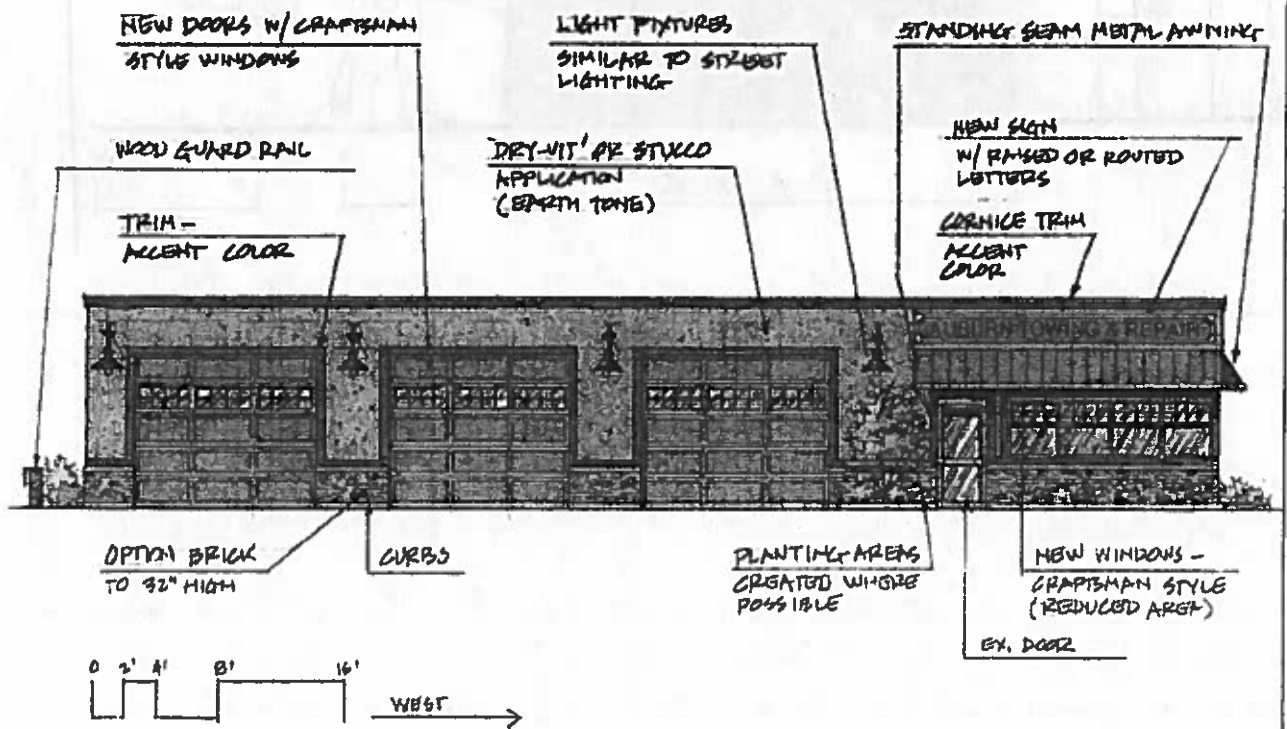
The City of Auburn Downtown Development Authority has established standards for streetscape elements within the DDA District. Illustrations of these elements and examples of façade improvements are provided in this brochure. For details on the Façade Improvement Program and the Streetscape Project please contact City Hall.



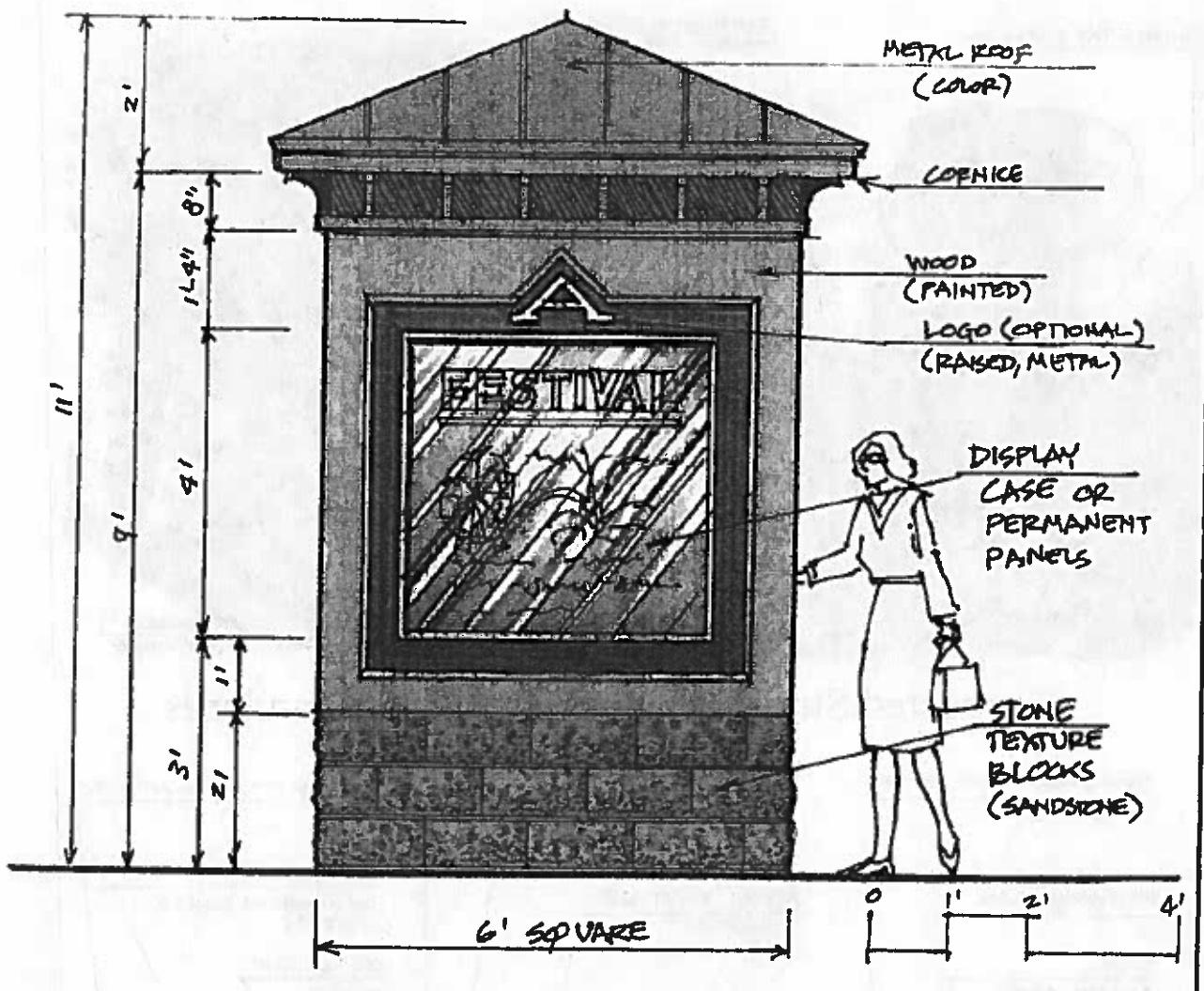
Masonry Pier & Ornamental Fence Standard



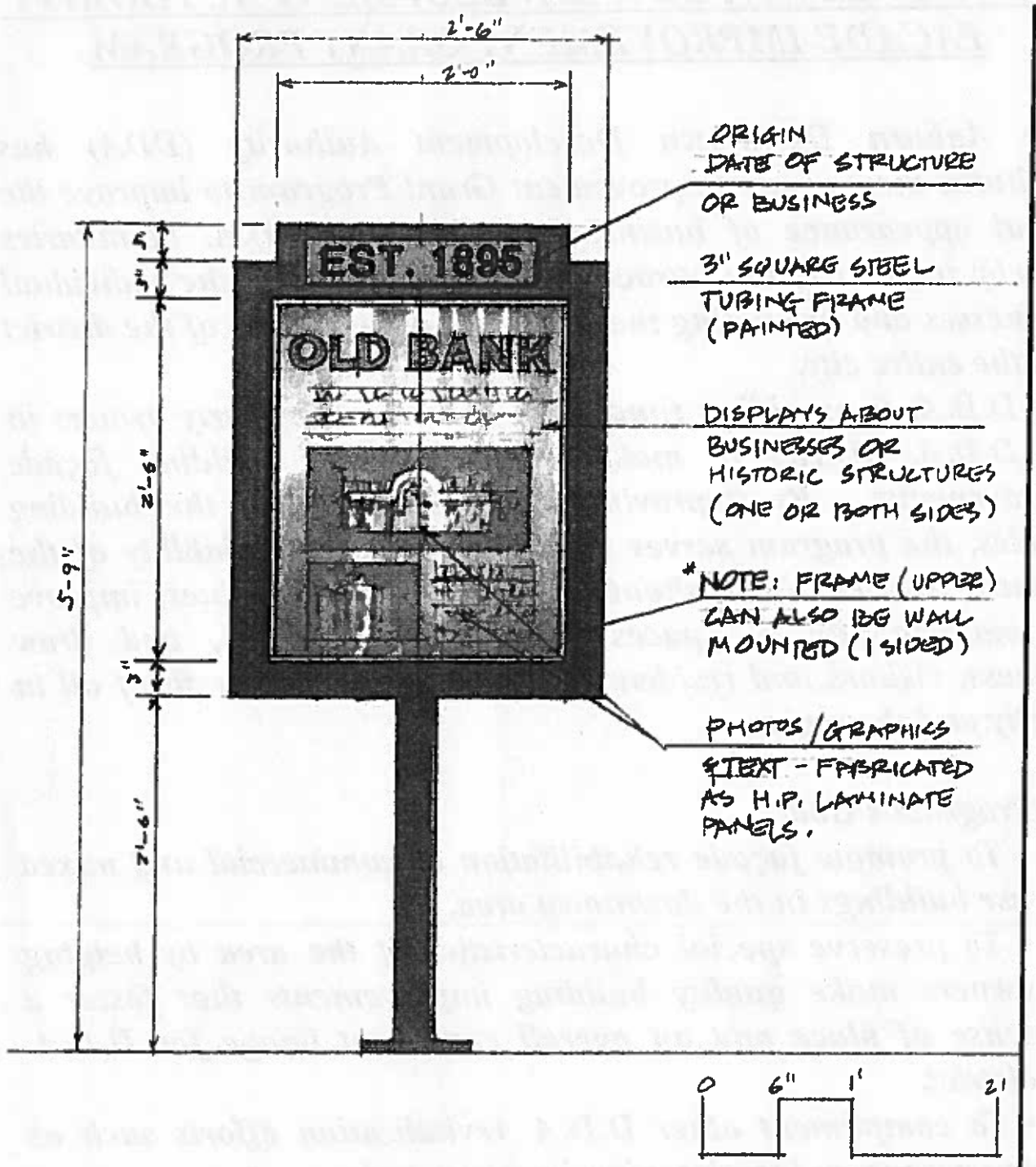
## Suggested Streetscape Improvement Standards



## Typical Potential Façade Improvements



## Information Display and Kiosk Standards



## Interpretive Display Sign Standards

## **AUBURN DOWNTOWN DEVELOPMENT AUTHORITY** **FAÇADE IMPROVEMENT GRANT PROGRAM**

*The Auburn Downtown Development Authority (DDA) has instituted the Façade Improvement Grant Program to improve the visual appearance of businesses within the D.D.A. boundaries thereby improving the attractiveness and appeal of the individual businesses and promoting the economic development of the district and the entire city.*

*The D.D.A. is providing funding to encourage property owners in the D.D.A. district to make needed exterior building façade improvements. By improving the appearance of the building façades, the program serves to improve economic viability of the business district. This should increase property values, improve the marketability of spaces within the buildings, and draw business, visitors and residents to the area to the benefit of all in the city and the region.*

### ***The Program's Goals***

- To promote façade rehabilitation of commercial and mixed use buildings in the downtown area.*
- To preserve special characteristics of the area by helping owners make quality building improvements that foster a sense of place and an overall consistent image for D.D.A. district.*
- To compliment other D.D.A. revitalization efforts such as streetscape and landscaping improvements.*
- To establish an attractive environment for new investment and business activity.*



The Auburn Downtown Development Authority Façade Improvement Grant Program is designed to make a significant impact on the look of the downtown district. Eligible work shall include the improvement of building façades that enhance the **appearance, function, or safety** of a commercial property provided such work is in accordance with all D.D.A. design requirements. A façade is defined as that part of a building visible from a public thoroughfare.

A Façade Improvement Grant can be used for a variety of external building façade improvements. Some examples include awnings, highly visible storefront improvements, restoration of original historical windows, doors, and trim, repair or replacement of windows, doors, and trim as part of a larger scope of work, cleaning and/or painting of wood surfaces, cleaning and/or repainting of surface brick and stone, exterior lighting, removal of "modernization" efforts and/or inappropriate non-historic alterations or additions, cleaning and/or replacement of façade siding, wall improvements including visible side walls, and murals. Grants are available on a first-come, first-serve basis.

### **Eligible Activities**

The D.D.A. will fund the following components of a façade renovation:

- Awnings And/ Or Marquees
- Business Signage (New, Repair, Replacements, or Removal)
- Exterior Lighting, Including Façade And Display Lighting
- Exterior Painting
- Exterior Windows & Doors Replacement or repair
- Landscaping
- Driveway pavers
- Streetscaping including brickwork, statues, fountains and pedestrian features
- Removal of Architectural Barriers
- Repair/Replacement of Exterior Inappropriate Or Incompatible Exterior Finishes, Materials and siding treatments
- Recessing/reconfiguring entrances
- Removal of extraneous elements
- Graphics
- Roof Repair
- Improvements to Parking Lot (if visible from the public thoroughfare)
- Handicap Accessible Entrances And Ramps
- Trash And/Or Recycle Area Screening
- Other Similar Improvements

Funding may also be available for the following items:

- Permit fees
- Design or engineering fees
- Inspection and approval fees

## Eligible Improvement Details



### Paint and Color



*New paint and a change of color can improve the façade. Exterior cleaning and painting (including the use of graphics to create the illusion of façade forms) are eligible costs.*

### Signage



*The program encourages the removal of old inappropriate signs. New signs are to be compatible with the building or storefront and meet the city's sign code.*



### Awnings and Shutters



*Awnings or shutters can be added or replace existing awnings or shutters. The awnings/shutters should be compatible with the building. Installation of awnings should be above a storefront opening or along the storefront to provide protection from the elements for pedestrians. Awnings may be used as signs when appropriate.*



### Doors and Windows



*Installation of new entry doors including updating doors with handicapped access. Window replacement, repair and installation can help with marketing merchandise and add to the visual attractiveness of a business.*



### Siding and Application of Plaster

*Siding is an eligible improvement when it is compatible to the architectural character of the building and application of new exterior plaster, including the use of plaster to create new façade form, are eligible costs.*



### Fencing



*The incorporation of fencing and pillars to provide character to a façade, a streetscape or as the addition of a courtyard feature is eligible. This can add more than visual attractiveness by providing additional security.*

### Driveway Pavers / Asphalt Driveway & Parking

*An upgrade of an existing asphalt driveway to pavers is an improvement that provides an attractive entryway to the business. Repairs, replacement and installation of asphalt driveways and parking lot stripping are also an eligible use for the façade funds.*

### Landscaping

*The introduction of landscaping materials to accentuate a building's features or add to the pedestrian environment is a recommended improvement. Some recommended improvements are the addition of at-*

grade, raised or portable planters. The addition of planters to a building's parking lot is eligible when the lot is visible and a focal point from the street. Also, as indicated above, fencing and pillars.



### Exterior Lighting

The provision, improvement or addition of exterior lighting that enhances a building façade and improves the pedestrian environment by illuminating the sidewalk are eligible.

### Other Improvements

Other improvements may be evaluated to meet program criteria and approved on a case-by-case basis by the Auburn D.D.A.

### Program Elements

- The D.D.A. Façade Improvement Grant Program will grant as funds are available up to \$10,000 to property owners and business owners, with an additional \$10,000 available, in dollar-for-dollar matching funds to eligible activities.
- Each grant application will be evaluated in terms of consistency with the façade improvement program guidelines, the economic feasibility of the request, the availability of program funds, the likelihood that the project will be completed in a timely fashion, and other review criteria as established by the Auburn D.D.A. Façade Improvement Grant Program. The Auburn D.D.A. may amend the details of the of the grant program from time-to-time by majority vote.
- All rehabilitation work must comply with all applicable City of Auburn codes, ordinances, and policies, including but as and limited to building code requirements, local ordinances (including historic district guidelines, where applicable) and established design standards for the designated area.
- A property address can only receive D.D.A. Façade Improvement Grant Program funds, up to the maximum amount allowed by the program, once every 5 years.
- Renovations must be started within six months and completed within twelve months of the date of project approval or the grant will become void and the property or business owner must reapply to the program.
- The Grantee shall retain ownership of said building for a period of no less than five (5) years after the date of this agreement. In the event that ownership is transferred within five (5) years of this payment of the grant, the Grantee shall reimburse the Auburn Downtown Development Authority Façade Improvement Grant Program according to the following schedule:

Year One	100% reimbursement of grant
Year Two	80% reimbursement of grant
Year Three	60% reimbursement of grant
Year Four	40% reimbursement of grant
Year Five	20% reimbursement of grant

## **How You Qualify**

- The property must be commercially zoned and must be located within the D.D.A. district boundaries.
- The Auburn D.D.A. Façade Improvement Grant Program is intended for the renovation of existing commercial façades. (New commercial construction may be considered at the discretion of the D.D.A.)
- Property owners must comply with design standards set forth in the D.D.A. Façade Improvement Grant guidelines. The final design is subject to review and approval by the D.D.A. Façade Improvement Grant program committee or the D.D.A. Board.
- The applicant must complete an application provided by the D.D.A.

## **Application Process**

### **Phase One**

A completed application must be submitted to the Auburn City Hall.

Tenant applications must have the building owner's written approval. All applications must be submitted for approval prior to the beginning of any construction work for which grant monies will be expended.

The D.D.A. Façade Improvement Grant Program application must include the following:

- Digital Photos, both print and electronic files, of the elevation of the building for which the application is being made;
- Drawings and Site Plan of Proposed Improvements; (as applicable)
- Written Description of proposed improvements, including materials and colors
- A Signage Plan; (if applicable)
- An Exterior Lighting Plan; (if applicable)
- A Landscape Plan; (if applicable)
- Proposed timeline for the project including design and construction

### **Phase Two**

- Upon completion of Phase 1, the Auburn D.D.A. Façade Improvement Grant Program will provide initial conceptual drawings, from the designer of the Auburn D.D.A. Façade Improvement Grant Program's choice. The cost of the drawings will be part of the total available funds allocated to the project.

### **Phase Three**

- The applicant will return to Auburn City Hall-Cost Estimates listing Labor, Materials, and Design Services, based on two quotes minimum. (Incomplete applications will not be reviewed by the D.D.A.)
- The D.D.A. will meet and study the proposal. The applicant may be asked to provide additional or clarifying information. The D.D.A. may send the proposal back to the applicant with requests for modifications and/or simply notify him or her of acceptance or rejection of the proposal;
- Once the proposal is approved and accepted the applicant and the D.D.A. will enter into a Conditional Grant Agreement specifying the terms and conditions of the grant and the Applicant will grant a façade easement to the D.D.A.

**Phase Four**

- The D.D.A. will reimburse approved applicants for eligible improvements once the conditions of the grant agreement have been met.

**EXAMPLES OF STREET SCAPE PLANS**

**Existing**

**Recommendation**

**Existing**

**Recommendation**

**AUBURN DOWNTOWN DEVELOPMENT AUTHORITY  
FAÇADE IMPROVEMENT PROGRAM  
APPLICATION FORM**

1. ADDRESS OF FAÇADE IMPROVEMENT: \_\_\_\_\_

2. APPLICANT'S NAME: \_\_\_\_\_

3. APPLICANT'S MAILING ADDRESS: \_\_\_\_\_

4. APPLICANT'S TELEPHONE NO: \_\_\_\_\_

5. APPLICANT'S INTEREST IN PROPERTY:  PROPERTY OWNER  TENANT (IF A TENANT, ATTACH OWNER'S AUTHORIZATION TO APPLY FOR & MAKE PROPOSED PROPERTY IMPROVEMENTS)

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM THE APPLICANT):

• NAME: \_\_\_\_\_

• MAILING ADDRESS: \_\_\_\_\_

• TELEPHONE NO: \_\_\_\_\_

6. LIST BELOW THE BUSINESS NAMES OF ALL TENANTS ON THE PROPERTY:

• TENANT 1: \_\_\_\_\_

• TENANT 2: \_\_\_\_\_

• TENANT 3: \_\_\_\_\_

I understand that my participation in the program is conditional upon approval of my plans and specifications by the Auburn Downtown Development Authority that payment of grant funds is contingent upon certification by the city of satisfactory completion of all improvements in accordance with such plans and specifications and all requirements of the Auburn Downtown Development Authority Façade Improvement Grant Program, and that the D.D.A. reserves the right to accept or reject any application.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
          APPLICANT

SUBMIT THE FOLLOWING DOCUMENTATION WITH YOUR COMPLETED APPLICATION FORM:

- DOCUMENTATION OF CURRENT OWNERSHIP OR TENANCY
- PHOTOGRAPHS & MEASUREMENTS (SEE ATTACHED REQUIREMENTS)
- DRAWINGS
- WRITTEN DESCRIPTION OF IMPROVEMENTS
- A BUSINESS SIGNAGE PLAN
- AN EXTERIOR LIGHTING PLAN
- A LANDSCAPE PLAN
- PROPOSED TIMELINE

*Submit completed application and required documentation to:  
Auburn City Hall, 113 E. Elm St., Auburn, MI 48611*

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**Photographs:** The Applicant will provide a photograph that shows 90 degrees (or straight on) to the building. If the building is longer rather than shorter, then a series of overlapping photographs will be required to capture the entire building façade. A series of photographs need to be taken for each façade, including:

- One photo that is far enough back to capture adjoining buildings, walks, landscape curb lines, etc.;
- Another needs to be "head-on" filling the top and bottom of the view frame;
- A third photo needs to capture any details within the existing architecture, i.e. brick dental work, intricate moldings, glass or other ornate components and other related insets or setbacks that don't show head on.

**Measurements:**

- LAP requires at least 2 horizontal and 2 vertical dimensions be included with each façade. These measurements will allow the designer to create a scale to use in proportioning the proposed improvements. Measurements like window dimensions, wall to wall and knee wall heights are examples.
- We also need dimensions for any setback or inserts such as: Inset doorways, protrusions like bay windows or other architectural components that vary from the front building line.

## CONDITIONAL GRANT AGREEMENT

THIS CONDITIONAL GRANT AGREEMENT (this "Agreement") dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is entered by and between the DOWNTOWN DEVELOPMENT AUTHORITY of The City of Auburn, a Michigan public authority organized under the laws of the State of Michigan, of 113 E. Elm Street., Auburn, Michigan 48611 (the "DDA") and \_\_\_\_\_, a Michigan \_\_\_\_\_, of \_\_\_\_\_, Michigan \_\_\_\_\_ (the "Applicant")

### RECITALS

- A. The DDA is engaged in a program to enhance the appearance of the Downtown Development Authority district of the City of Auburn by encouraging the coordination and enhancement of building façades as authorized by Act No. 197 of the Public Acts of 1975, as amended ("Act 197").
- B. The Applicant is the owner of that certain building in the downtown development district of the City of Auburn commonly known as \_\_\_\_\_, City of Auburn, and more particularly described on the attached Exhibit A (the "Building").
- C. The Applicant has submitted an application to the DDA for a grant to construct and install upon the building façade improvements described in the plans and specifications attached as Exhibit B (the "Façade Improvements").
- D. The Applicant and the DDA desire to enter into this agreement to set forth the terms and conditions of the Applicant's construction, installation and maintenance of the proposed Façade Improvements and the DDA grant of certain funds to applicant upon satisfactory completion of the Façade Improvements, all as set forth herein.

### AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and the sufficiency of which is acknowledged, for the Applicant and the D.D.A. hereby agree as follows:

1. Completion of Façade Improvements. The applicant shall obtain all the necessary permits and approvals and complete or cause its contractors and/or subcontractors to complete the façade improvements (the "Work") within one (1) year of the date of this agreement.
2. Grant Disbursement.
  - (a.) Grant amount. Subject to satisfaction of the conditions precedent set forth in this section, the DDA shall disburse a grant to the applicant or his designee in the amount of \_\_\_\_\_ and no/100 Dollars (\$\_\_\_\_\_.00) less the cost of plans, sketches and administration costs to be determined at the time of disbursement (the "Grant")
  - (b.) Conditions Precedent to Grant Disbursement.
    - (i) Completion of the Work. Applicant and his or her contractors and/or subcontractors shall have completed the Work in accordance with approved plans and permits an in accordance with the plans and



- specifications attached as Exhibit B.
- (ii) Submission of a federal W-9 from.
  - (iii) Payment of all City of Auburn taxes and fees due on the subject parcel.
  - (iv) Submittal. The following documents shall be submitted to the DDA:
    - (A) Completed façade easement;
    - (B) Invoices and/or contracts documenting the costs of completing the Work;
    - (C) Canceled checks or credit card receipts documenting payment of the costs of completing the Work;
    - (D) Lien waivers from all contractors; subcontractors and suppliers;
    - (E) Copy of approved final building inspections and certificate of occupancy (if required);
    - (F) Photographs of the Building façade(s) prior to and after completion of the Work;

Draws may be allowed prior to completion at the discretion of the DDA with the submission by the Applicant of (B), (C), and (D) above.

3. Maintenance of Façade Improvements. Applicant, at its sole cost and expense, shall maintain the façade improvements in accordance with the approved plans and permits and all applicable federal state and local laws and regulations.
4. Indemnification. To the fullest extent permitted by law, applicant shall indemnify, defend, and hold harmless the DDA, the City of Auburn (the "City"), and/or their elective and appointive boards, commissions, officers, agents and employees (collectively, "DDA Parties") from any and all present and future liabilities, obligations, orders, claims, damages, fines, penalties and expenses (including attorneys' fees and costs) (collectively, "Claims") arising, directly or indirectly from the acts or omissions of applicant or its contractors, subcontractors, employees, representatives or agents. Applicant's indemnity obligations shall survive the expiration or termination of this agreement.
5. Insurance. Until completion of the work and disbursement of the Grant by DDA, applicant shall maintain or shall cause its contractor to maintain commercial general liability and workers' compensation insurance.
  - (a) Commercial General Liability. A policy in the amount of one million dollars (\$1,000,000) combined single limit, or such other policy limit as the DDA may approve at its discretion, including contractual liability, as shall protect the Applicant, the DDA and the City from claims for damages. The general liability policy hereunder shall name the DDA and the City of Auburn and its and their respective officers, agents, employees, and representatives as additional insureds.
  - (b) Workers' Compensation insurance. Applicant shall furnish to the DDA evidence satisfactory to the DDA that the Applicant and any contractor with whom it has contracted for the performance of the Work or otherwise pursuant to this Agreement carries any applicable, Workers' Compensation Insurance as required by law.
6. Compliance With Laws. Applicant shall carry out the Work in conformity with all applicable federal, state and local laws.
7. Notices. Any notices relating to this Agreement shall be given in writing to the addresses that first appear above and shall be deemed sufficiently given and served for the purposes when delivered personally or by generally recognized overnight

courier service, or five (5) days after deposit in the United States mail, certified or registered, return receipt requested, with postage prepaid.

8. Default.

- (a) Any failure by Applicant to perform any term or provision of this Agreement shall constitute an "Event of Default" if Applicant does not cure such failure within thirty (30) days following written notice of default from the DDA.
- (b) Upon the occurrence of an event of default, the DDA shall have the right, in addition to any other rights or remedies, to institute any action at law or in equity to cure, correct, prevent or remedy any Event of Default; to recover damages for any Event of Default; or to terminate this agreement by written notice to applicant. The applicant's indemnity obligations under Section 4 shall survive such termination.
- (c) Any failure or delay by DDA in asserting any of its rights or remedies as to any Event of Default shall not operate as a waiver of any Event of Default or of any such rights or remedies.

9. Miscellaneous Terms and Provisions.

- (a) Severability. If any term, provision, condition or covenant of this agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.
- (b) Integrated Agreement. This Agreement represents the entire understanding of the Applicant and the DDA as to those matters contained herein. In the event of any conflict between the provisions of this Agreement and the DDA Façade Improvement Program guidelines or any other understanding, the provisions of this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties.
- (c) No Third-Party Beneficiary. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties to it.
- (d) Governing Law; Venue. The laws of the State of Michigan shall govern the interpretation and enforcement of this Agreement without reference to principles of conflict of laws.
- (e) Authority. Each party executing this Agreement on behalf of a party represents and warrants that such person is duly and validly authorized to do so on behalf of the entity it purports to bind.
- (f) No Agency Relationship. Neither Applicant nor any of Applicant's agents, contractor or subcontractors are or shall be considered to be agents of the DDA in connection with the performance of any of Applicant's obligations under this Agreement.

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IN WITNESS WHEREOF, the DDA and the Applicant have caused this Agreement to be executed as of the dates set forth below.

Auburn DDA:

By: \_\_\_\_\_  
Steve VanTol, Charman

Applicant

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_



# STREETSCAPE PLAN

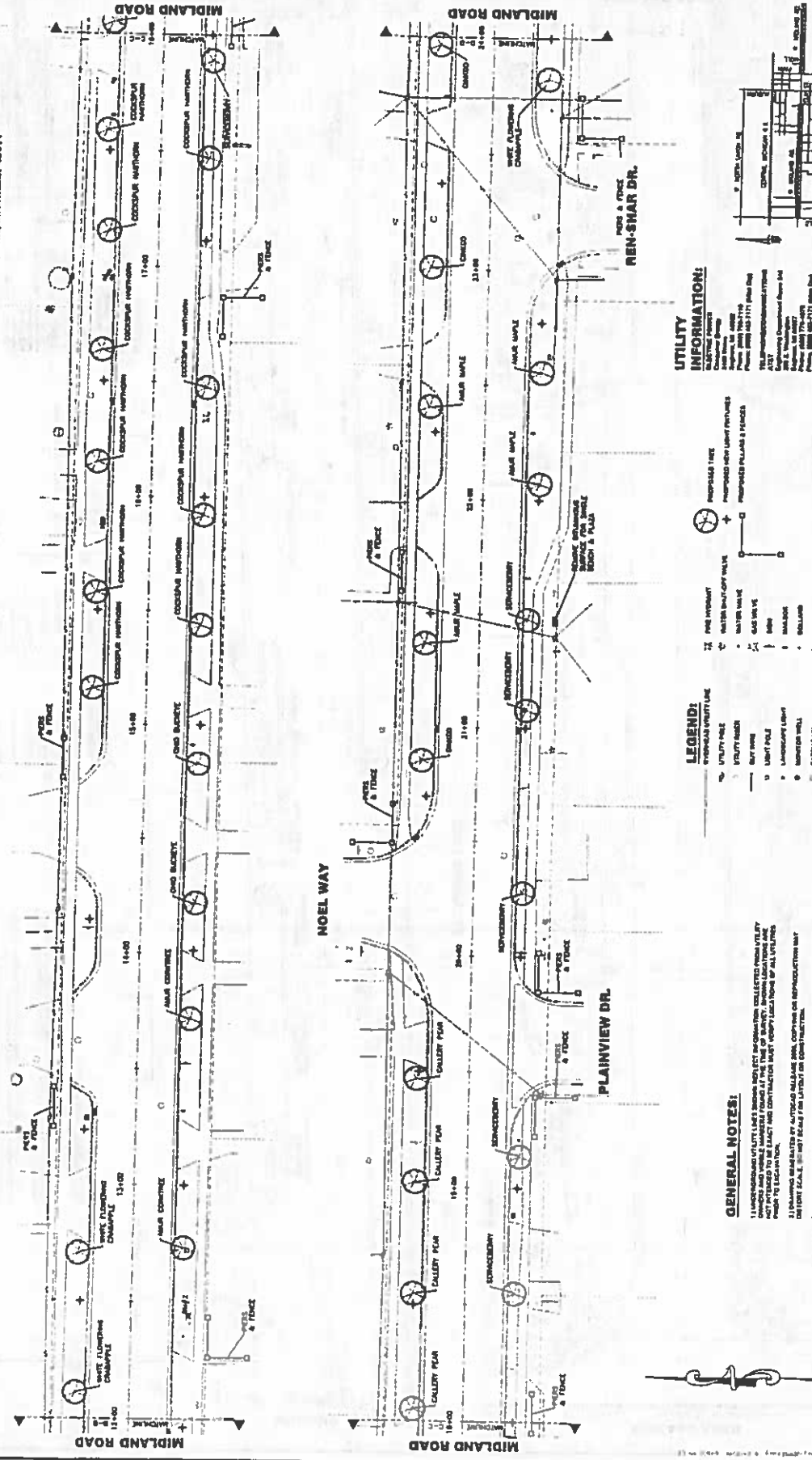
PREPARED FOR:  
DOWNTOWN DEVELOPMENT AUTHORITY  
CITY OF AUBURN  
113 S. ELM STREET  
AUBURN, MICHIGAN 48611

PROJECT NUMBER: 100074	DATE: MAY 23, 2008	SCALE: 1" = 30'
PROJECT NAME: MIDLAND ROAD	DATE: MAY 23, 2008	SCALE: 1" = 30'
PROJECT NUMBER: 100074	DATE: MAY 23, 2008	SCALE: 1" = 30'

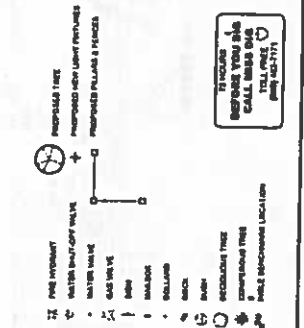
DRAWING OF  
**MIDLAND ROAD**  
STA. 12+00 TO STA. 24+00  
AUBURN, MICHIGAN

**LAPHAM ASSOCIATES**  
ENGINEERING ARCHITECTS  
113 S. ELM STREET  
AUBURN, MICHIGAN 48611  
TEL: (517) 252-7171  
FAX: (517) 252-7172

**A-2**  
SHEET NUMBER

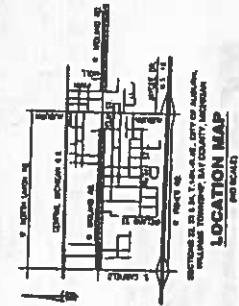


**UTILITY INFORMATION:**  
ELECTRIC POWER  
TELEPHONE  
CABLE TELEVISION  
GAS  
WATER  
SEWER  
STORM SEWER



**LEGEND:**  
PROPOSED UTILITY POLE  
UTILITY POLE  
UTILITY POLE WITH TRANSFORMER  
POLE  
POLE WITH TRANSFORMER  
POLE WITH TRANSFORMER AND METER  
POLE WITH TRANSFORMER AND METER AND WALKWAY  
POLE WITH TRANSFORMER AND METER AND WALKWAY AND SIDEWALK  
POLE WITH TRANSFORMER AND METER AND WALKWAY AND SIDEWALK AND PLANTING AREA  
POLE WITH TRANSFORMER AND METER AND WALKWAY AND SIDEWALK AND PLANTING AREA AND STREET FURNITURE  
POLE WITH TRANSFORMER AND METER AND WALKWAY AND SIDEWALK AND PLANTING AREA AND STREET FURNITURE AND SIGNAGE  
POLE WITH TRANSFORMER AND METER AND WALKWAY AND SIDEWALK AND PLANTING AREA AND STREET FURNITURE AND SIGNAGE AND STREET LIGHT

**GENERAL NOTES:**  
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



FOR MORE INFORMATION  
CALL LAPHAM ASSOCIATES  
TEL: (517) 252-7171  
FAX: (517) 252-7172

SCALE: 1" = 30'

Handwritten initials 'JL'

# STREETSCAPE PLAN

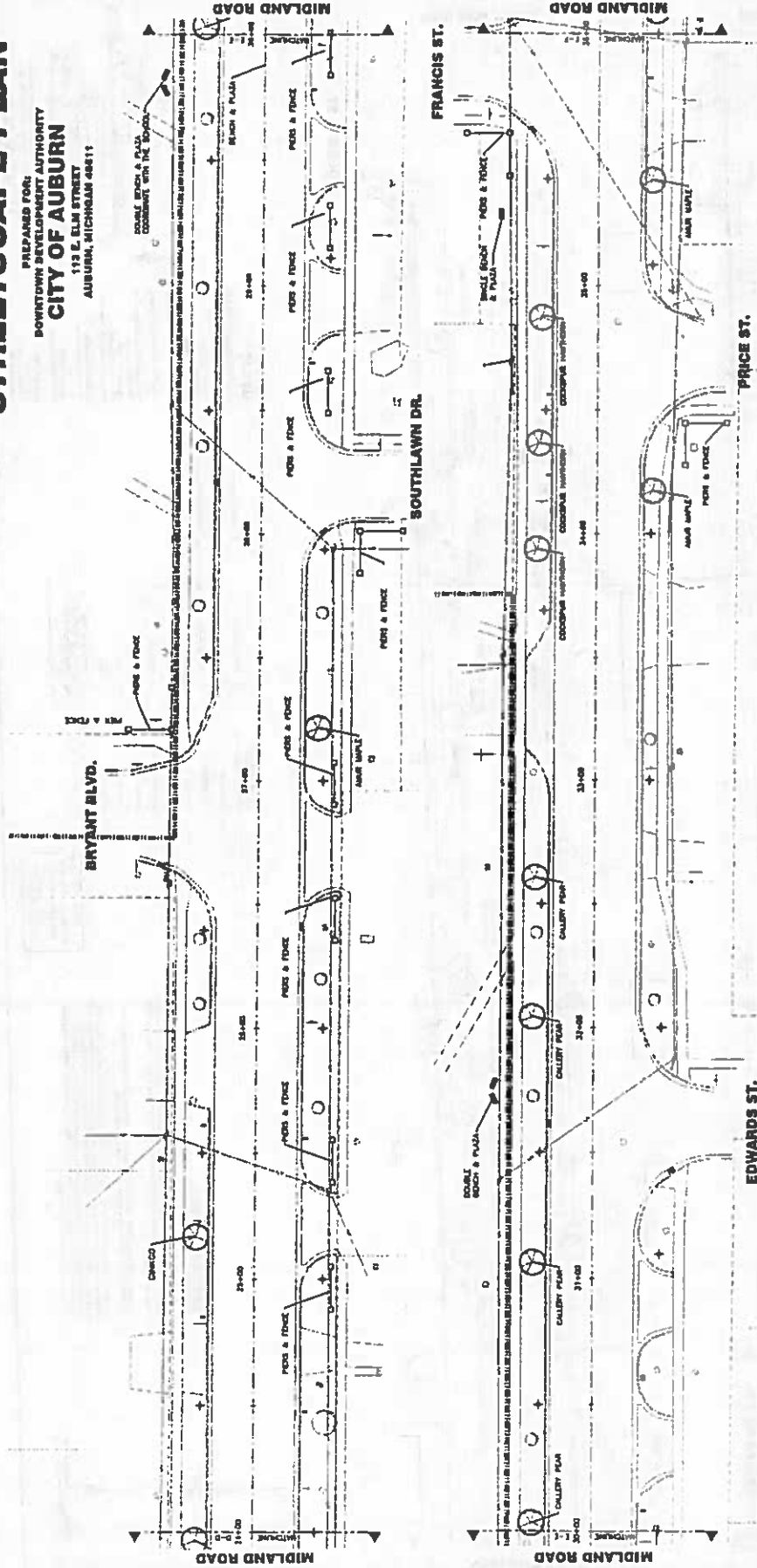
PREPARED FOR:  
 DOWNTOWN DEVELOPMENT AUTHORITY  
**CITY OF AUBURN**  
 113 E. ELM STREET  
 AUBURN, MICHIGAN 48811

PROJECT NUMBER: 2008-01  
 DATE: MAY 20, 2008  
 DRAWN BY: J. W. [unreadable]  
 CHECKED BY: [unreadable]

DRAWING OF  
**MIDLAND ROAD**  
 STA. 24+00 TO STA. 36+00  
 AUBURN, MICHIGAN

**LAPHAM ASSOCIATES**  
 ENGINEERING  
 515 EAST FORD STREET  
 AUBURN, MICHIGAN 48817  
 PHONE: (517) 246-7774  
 FAX: (517) 246-7774

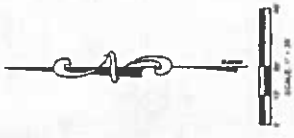
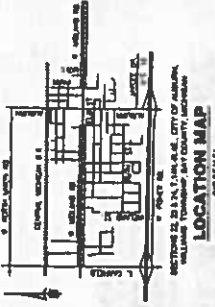
A-3



- ### LEGEND:
- EXISTING UTILITY LINE
  - UTILITY POLE
  - UTILITY AREA
  - STREET LIGHT
  - LANDSCAPE LIGHT
  - SCOURER WELL
  - CATCH BASIN
  - CLASH PAINT
  - MANHOLE
- ### UTILITY INFORMATION:
- PROPOSED TREE
  - PROPOSED SIGN LIGHT FIXTURES
  - PROPOSED PAVEMENT & VEHICLES
- ### UTILITY INFORMATION:
- POLE MOUNTED
  - WATER VALVE
  - GAS VALVE
  - MAN
  - MANHOLE
  - SCOURER
  - CATCH BASIN
  - CLASH PAINT
  - MANHOLE
  - SCOURER TREE
  - CONCRETE TREE
  - POLE MOUNTED LOCATION

**GENERAL NOTES:**

- 1) UNDEGROUND UTILITIES SHOWN ARE LISTED AND LOCATIONS COLLECTED FROM UTILITY COMPANIES AND RECORD DRAWINGS FOUND AT THE TIME OF SURVEY. JOISTS LOCATED AND NOTED ON THIS PLAN. THE CONTRACTOR MUST VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO EXCAVATION.
- 2) UNDEGROUND UTILITIES NOT SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE NOTED BY THE CONTRACTOR.
- 3) ANY INFORMATION ON THIS PLAN THAT IS NOT SHOWN IS NOT TO BE RELIED UPON FOR CONSTRUCTION AND ADJUSTMENTS BY THE CONTRACTOR ARE NOT TO BE MADE WITHOUT WRITTEN APPROVAL FROM THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION.



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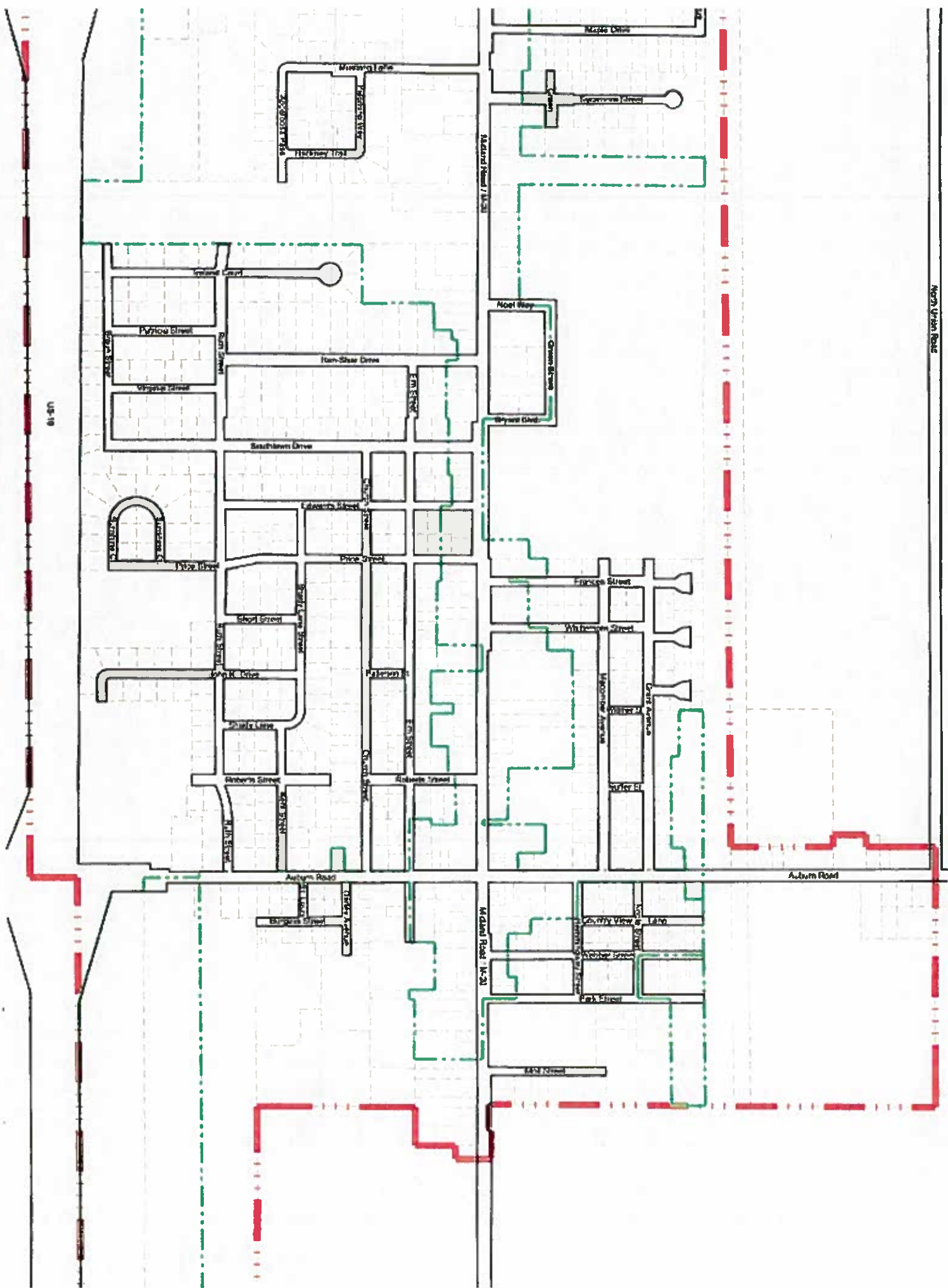
Exhibit E

Legal Description  
DDA District Boundaries  
City of Auburn, Bay County

A part of Sections 23 and 24, T.14N.-R.3E., City of Auburn, Bay County Michigan, commencing at the west 1/4 corner of said Section 23; thence north on the west section line 264 feet; thence east on the north line of lots 14 to 17 and 45 and 46 and their extension, Brown's Subdivision, to the east line of said subdivision; thence south 37 feet; thence east on the north line of lot 1, Wiedyk Subdivision No.1, and its extension, 165 feet; thence north on the centerline of Sycamore Street, 166 feet; thence east on the centerline of Green Street, 165 feet; thence south on the east line of Wiedyk Subdivision No.1 and its extension, 208 feet; thence east 165 feet more or less; thence north on the west line of the east 1/2 of the east 1/2 of the southwest 1/4 of the northwest 1/4 of said Section 23, to the south line of the Central Michigan Railroad; thence east 165 feet more or less; thence south on the west 1/8 line to a point 210 feet north of the east and west 1/4 line; thence east 696 feet more or less to the centerline of Noell Way; thence north 183 feet; thence east on the centerline of Bryant Boulevard West, 656.5 feet; thence south 393 feet to the east and west 1/4 line; thence east on said 1/4 line to a point 108 feet west of the west line of the Plat of Auburn; thence north 270 feet; thence east 108 feet; thence north on the west line of the Plat of Auburn, 108 feet; thence east on the north line of vacated Green Street, 133 feet; thence south on the centerline of Frances Street as platted, 110 feet; thence east on the north line of lots 2 and 9, Block 15, Plat of Auburn, 266 feet; thence north on the centerline of Whittemore Street, 110 feet; thence east on the south line of lot 1, Block 11, Plat of Auburn, 133 feet; thence north on the east lines of lots 1, 2 and 3 of said Block 11, 150 feet; thence east on the south lines of lots 7 through 19, said Block 11, 703 feet; thence south 378 feet; thence east parallel with and 150 feet north of the east and west 1/4 line, 297 feet; thence south 150 feet to said 1/4 line; thence east on said 1/4 line, 29.5 feet; thence north 368 feet; thence east 165.99 feet; thence south 160.5 feet; thence east 132 feet to the east line of Section 23; thence north on said east line to the south line of Macomber Avenue extended east; thence west on said extended line, 33 feet; thence north on the west line of Auburn Road to the northeast corner of lot 7, Block 1, Plat of Auburn; thence west on the north line of said lot 7, 130 feet; thence south on the centerline of the vacated alley in said Block 1, 100 feet; thence west on the south line of lots 1 through 6, said Block 1, 353 feet; thence north on the centerline of vacated Nuffer Street, 100 feet; thence west on the north line of Block 2, Plat of Auburn, 458 feet; thence north on the east line of lot 12 and its northerly extension, North Auburn Subdivision No. 1, to the north line of the Plat of Auburn; thence east on said north line which is the south line of the Central Michigan Railroad right-of-way, 1243.5 feet; thence south 20 feet; thence east 643.5 feet; thence north 20 feet; thence east 33 feet to the east section line; thence north on said east section line to the northwest corner of F. Weber's Subdivision; thence east entering into Section 24 and on the north line of F. Weber's

Subdivision, and the south line of the Central Michigan Railroad right-of-way to the east line of the west 1/2 of the northwest 1/4 of said Section 24; thence south on said east line, 200 feet; thence west 608.1 feet; thence south on the centerline of Park Avenue, 156.82 feet; thence west on the north line of Noble Street, 250 feet; thence north on the centerline of Weber Street, 355.11 feet; thence west on said north line of F. Weber's Subdivision, 322.75 feet; thence south on the east lines of lots 7 and 6, Block 4, F. Weber's Subdivision, 102.35 feet; thence west on the south line of said lot 6, 100 feet; thence south on the east line of Auburn Road, 275 feet; thence east on the centerline of Hemmingway Street, 213 feet; thence south 242.5 feet; thence east 84.75 feet; thence south 132.5 feet; thence east on the north lines of lots 1 and 2, Block 2, and the north lines of lots 1 and 2, Block 3, F. Weber's Subdivision, 250 feet; thence north 91.25 feet; thence east on the north line of lot 20, Block 3, F. Weber's Subdivision, 125 feet; thence south on the centerline of Park Avenue, 240.75 feet; thence east on the east and west 1/4 line of said Section 24 to a point 275 feet west of the northeast corner of the northwest 1/4 of the southwest 1/4 of said Section 24; thence south, 422 feet; thence west 330 feet; thence south 36 feet; thence west to a line which is 656.3 feet east of the west section line; thence north on said line, 146 feet; thence west 273.3 feet; thence south 146 feet; thence west on the centerline of Elm Street, 383 feet; thence south on the west line of Section 24, 238 feet; thence east 33 feet; thence south 660 feet; thence west 33 feet; thence south to the northwest corner of the south 1/2 of the north 1/2 of the south 1/2 of the southwest 1/4 of said Section 24; thence east on the north line of said south 1/2 of the north 1/2 of the south 1/2 of the southwest 1/4 to the north and south 1/4 line; thence south on said 1/4 line to the north right-of-way line of Highway U.S. 10; thence west on said right-of-way line, 1913.67 feet; thence northwesterly on said right-of-way line, 535.88 feet; thence northwesterly on said right-of-way line, 278.26 feet; thence west on the north line of the south 1/2 of the south 1/2 of the southwest 1/4, 46.52 feet; thence north on the west line of said Section 24 to the northwest corner of said south 1/2 of the north 1/2 of the south 1/2 of the southwest 1/4 of said Section 24; thence north on the east line of said Section 24 to a point 874.5 feet south of the east 1/4 corner of said Section 24; thence west 165 feet; thence north 77.5 feet; thence east 165 feet; thence north on said east section line to the centerline of Elm Street; thence west 332 feet; thence north 125 feet; thence west 1 foot; thence north 73 feet; thence east 36 feet; thence north 74 feet; thence west 260 feet; thence south on the centerline of Roberts Street, 47 feet; thence west 165 feet; thence south 100 feet; thence west to a point 143 feet east of the west line of the northeast 1/4 of the southeast 1/4; thence north 297 feet; thence west on the east and west 1/4 line, 143 feet; thence south 264 feet; thence west on the north line of Price Subdivision, 390 feet; thence north 24 feet; thence west 125 feet to the centerline of Price Street; thence west on the south lines of lots 9 and 8, of Price Subdivision, 310 feet; thence north on the centerline of Edwards Street 60.5 feet; thence west on the south line of the north 19.5 feet of lot 3, of Price Subdivision, 176.7 feet; thence south 40 feet; thence west on the south lines of lots 1 and 2, Block 2, and on the south lines of lots 1 and 2, Block 1, of O.B. Braun's Subdivision, 330.5 feet; thence south on the north and south 1/4 line, 30 feet; thence west on the south line of the north 180 feet of lot 1,

DeCourey Subdivision, 333 feet; thence north on the centerline of Renshar Drive, 80 feet; thence west 122 feet; thence south 30 feet; thence west 56 feet; thence south 118 feet; thence west 152 feet; thence south on the west line of the east 1/2 of the east 1/2 of the southwest 1/4 of Section 23, 407 feet; thence west to the east line of the west 1/2 of the west 1/2 of the east 1/2 of the southwest 1/4 thence south on said east line, to the north right-of-way line of Highway U.S. 10; thence west to the west line of the west 1/2 of the west 1/2 of the east 1/2 of the southwest 1/4; thence north on said west line to the south line of the north 1/2 of the southwest 1/4 of the southwest 1/4; thence west on said south line to the west line of Section 23; thence north on said west line, 1974 feet more or less to the west 1/4 corner of said Section 23 and the point of beginning.



North Urban Road

Auburn Road

US 10

## TAX INCREMENT FINANCING PLAN

This Tax Increment Financing Plan for the City of Auburn Downtown Development Authority Area is submitted in accordance with Section 14 of the Downtown Development Authority Act, Act No. 197, P.A. of 1975, as amended (the "Act"), being Section 125.1664 of the Michigan Compiled Laws.

This Tax Increment Plan is established to make possible the financing of the public improvements necessary or desirable to halt current and prevent future deterioration within the Development Area in accordance with the Development Plan for same.

- I. Development Plan: The Development Plan for the Development Area, prepared in accordance with Section 17 of the Act is attached.
  
- II. Detailed explanation of the tax increment procedure. Tax increment is a procedure which allows newly created value within the Development Area to be captured by the Downtown Development Authority, rather than by other units of government which normally receive property tax revenues. IT IS NOT A RAISE IN TAX RATES. It does not reduce the amount of revenue available to other units of government, but it does restrict the increase in revenue that those units of government might receive if property values in the Development Area increase. At such time as the purposes of the Tax Increment Plan are accomplished, the plan may be abolished by the governing body of the City, except that the Plan may not be abolished until the principal of, and interest on, any bonds issued pursuant to Section 16 of the Act have been paid or funds sufficient to make the payments have been segregated. At such time as the Tax Increment Financing Plan is abolished, the tax increment revenues which have been captured by the Authority pursuant to this Plan will revert proportionately to all taxing jurisdictions which cover the Development Area.

The tax increment financing procedure as outlined in Act 197 requires the adoption by the City, by ordinance, of a Development Plan and a Tax Increment Financing Plan. Following the adoption of that ordinance, the City and County Treasurers are required by law to transmit to the Authority that portion of the tax levy of all taxing bodies paid each year on the "Captured Assessed Value" of all eligible real and personal property located in the Deployment Area. The amounts so transmitted are hereinafter referred to as "Tax Increment Revenue." The "Captured Assessed Value" is defined as the amount in any year by

which the current assessed value as equalized, of all eligible real and personal property in the Development Area (including the assessed value that appears on the tax roll under Act 198 of Public Acts of 1974, as amended, Act 255 of Public Acts of 1978, as amended Act 224 of Public Acts of 1985, or Act 438 of Public Acts of 1976, as amended), exceeds the assessed value, as equalized, of all eligible real and personal property in the Development Area as determined on the assessment roll of the City then in effect on the date of the approval of the ordinance. The assessed value as of December 31, 1990 of all real property in the Development Area ("Initial Assessed Value") is \_\_\_\_\_ . The Act permits the Authority to capture that portion of the tax levy of all of all eligible personal property located in the Development Area and this Plan provides for such capture.

(i) Preparation of Base Year Assessment Roll

Within sixty (60) days of the effective date of the ordinance adopting the Plan, the City Assessor shall prepare the initial Base Year Assessment Roll for the Development Area. The initial Base Year Assessment Roll shall list each Taxing Jurisdiction in which the Development Area is located, the Initial Assessed Value of the Development Area on the effective date of the ordinance and the amount of tax revenue derived by each Taxing Jurisdiction from ad valorem taxes on the property in the Development Area.

The City Assessor shall transmit copies of the initial Base Year Assessment Roll to the City Treasurer, County Treasurer, the Authority and each Taxing Jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this Tax Increment Financing Plan, and the Development Plan, approved by the ordinance.

(ii). Preparation of Annual Base Year Assessment Roll

Each year within fifteen (15) days following the final equalization of property in the Development Area, the Assessor shall prepare an updated Base Year Assessment Roll. The updated Base Year Assessment Roll shall show the information required in the initial Base Year Assessment Roll and, in addition, the Captured Assessed Value for that year. Copies of the annual Base Year Assessment Roll shall be transmitted by the Assessor to the same persons as the Initial Base Year Assessment Roll, together with a notice that it has been prepared in accordance with this Tax Increment Financing Plan and Development Plan.



(iii) Establishment of Project Fund; Approval of Depository  
The Treasurer of the Authority shall establish in a separate fund which shall be kept in a separate depository bank account or accounts in a bank or banks approved by the Director of Finance of the City to be designated Downtown Development Authority fund. All monies in that fund and earnings thereon shall be used only in accordance with this Tax Increment Financing Plan and the Development Plan.

(iv) Payment of Tax Increment to Downtown Development Authority

The City and County Treasurers shall, as ad valorem taxes are collected on the property in the Development Area, pay that proportion of the taxes, except for penalties and collection fees, that the Captured Assessed Value bears to the initial Assessed Value to the Treasurer of the Authority for deposit in the Project Fund, excluding millage specifically levied for the payment of principal and interest approved by electors or obligations pledging the unlimited taxing power of the particular local governmental authority. The payments shall be made on the date or dates on which the City and County Treasurers are required to remit taxes to each of the taxing jurisdictions.

III. The Maximum Amount of Bonded Indebtedness to be Incurred:

The plan does not contemplate the incurring of any bonded indebtedness. There will be no bonded indebtedness proposed unless and until this Plan is modified after further hearing and public notice of hearing in accordance with Section 19 (2) of the Act.

IV. Duration of the Program:

The duration of the program shall be twenty (20) years from the date of the adoption of the ordinance, unless amended after hearing and notice in accordance with Section 19 (2) of the Act to a shorter or longer period. The term may be extended by amendment or modification of this Tax Increment Financing Plan and the Development Plan to incorporate future development activities within all or part of the Development Area.

V. Statutory Compliance:

This Plan shall be administered in compliance with Section 15 of the Act, being Section 125.663 of the Michigan Compiled Laws. That section includes, among others, requirements that:

a) The Authority shall expend the tax increments received for the Development Plan Fund only pursuant to this Tax Increment Financing Plan, and



surplus funds shall revert proportionately to the respective taxing bodies.

- b) The tax increments received by the Authority shall not be used to circumvent existing property tax limitations.
- c) The governing body of the City may abolish this Tax Increment Financing Plan when it finds that the purposes for which it was established have been accomplished; provided that the Tax Increment Financing Plan may not be abolished until the principal of, and interest on, bonds, if any, issued pursuant to Section 16 of the Act have been paid on funds sufficient to make payment have been segregated.
- d) Annually the Authority shall submit to the governing body of the City, a report on the status of the tax increment financing account which report shall include the information required by Section 15 (3) of the Act and shall be published in accordance with the requirements of that Section.

VI. Estimated impact on the Assessed Values of All Taxing Jurisdictions in which the Development Area is located:

The assessed value in the Development Area of real property as of December 31, 1990 was

The Plan will not reduce the assessed valuations of any of the taxing jurisdictions, as it captures only taxes on newly created property values. Inasmuch as the Development Plan is intended to provide for the orderly development of the Development Area, which should benefit areas not included within the Development Area as well, the long term impact on assessed valuations should be to arrest current deterioration of property within the Area and preserve, if not increase the values of property both within and adjoining the Development Area. Consequently, the long term impact is to benefit the effected taxing jurisdictions.

VI. Portion of the Captured Assessed Value to be Used:

The tax increments generated within the Development Area pursuant to the Development Plan will be used to pay for all or a portion of these activities which include:

- a) Payment of the administrative and operating costs of the Authority for the Development Area, including planning and promotion, to the extent provided in the annual budget of the DDA approved by the City.

- b) Payment, to the extent deemed desirable or necessary by the Authority as determined by its inclusion in its Annual Budget, of the costs of any studies contemplated by the Development Plan.
- c) Payment, to the extent deemed desirable or necessary by the Authority as determined by its inclusion in its Annual Budget, of the cost of the public improvements contemplated by the Development Plan to the extent those improvements are not financed by the participation of the Federal and State governments.
- d) Payment, to the extent deemed desirable or necessary by the Authority as determined by its inclusion in its Annual Budget, of any additional improvements in the Development Area deemed desirable by the Authority.
- e) Reimbursement of other units of government for services performed in the furtherance of the Development Plan on an actual cost basis, including overhead.

The Plan contemplates the use of the entire Captured Assessed Value by the Authority.

\_\_\_\_\_  
Henry Kahn  
Its Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Its Secretary

\_\_\_\_\_  
Date

To: Honorable Mayor and City Commissioners  
Fr: Judy L. Slancik, City Administrator  
Re: D.D.A. Boundary Changes  
D.D.A. Development Plans  
D.D.A. Tax Increment Financing Plan

I will bring the proposed Downtown Development Authority's boundary maps, Exhibits, and Development Area Map to the Public Hearing. Please find attached the proposed Downtown Development Authority's Development Plan and Tax Increment Financing Plan.

Members of the Downtown Development Authority, Joy Gaash from Growth Alliance, and City Assessor Bob Peltier will be present at the Public Hearing.

This is a brief summary of the steps accomplished and the final steps needed to implement amending the Downtown Development boundaries, adopting the Downtown Development Plan and adopting the Tax Increment Financing Plan according to Public Act 197:

STEPS ACCOMPLISHED:

1. The City Commission by resolution, declared its intention to amend the Downtown Development Authority Boundaries, adopt a Development Plan, adopt a Tax Increment Financing Plan and set the date for a Public Hearing.
2. Notice of the Public Hearing was published twice, not less than 20 days nor more than 40 days before the date of the Public Hearing. Notice of the Public Hearing was posted in at least 20 conspicuous and public places in the downtown district not less than 20 days before the Public Hearing.
3. Before the Public Hearing, the City Commission provided a reasonable opportunity to the members of the County Board of Commissioners and to the members of the School Board to meet with the City Commission.
  - A. Public Act 197 of 1975 requires The Downtown Development Authority to fully inform members of the County Board of Commissioners and of the School Board of the fiscal and economic implications of the proposed plans. The members of the County Board of Commissioners and of the School Board may present their recommendations at the Public Hearing.
  - B. The Downtown Development Authority may enter into agreements with the County Board of Commissioners, the School Board, and the City Commission to share a portion of the captured assessed value of the district.

STEPS NEEDED:

1. At the Public Hearing, the City Commission shall provide an opportunity for interested people to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the plans. The City Commission shall make and preserve a record of the Public Hearing, including all data presented thereat.
2. After the Public Hearing, the City Commission shall determine whether the Development Plan or Tax Increment Financing Plan constitutes a public purpose. If it determines that the Development Plan or Tax Increment Financing Plan constitutes a public purpose, it shall then approve or reject the plans, or approve them with modifications, by ordinance.

I have attached a Resolution for your consideration. This Resolution will place the Ordinances needed on your April 15th agenda for the 1st reading and on your May 6th agenda for a second reading.

Once the Ordinances are read and adopted, they are sent to the Secretary of State of the State of Michigan and are published once in the Bay City Democrat. The ordinances become effective immediately upon publication.

DOWNTOWN DEVELOPMENT RESOLUTION

WHEREAS, the Auburn City Commission has determined that the Development Plan and Tax Increment Financing Plan submitted by the Downtown Development Authority constitutes a public purpose and,

WHEREAS, pursuant to Public Act 197 of 1975, requires approval, rejection, or modifications of the plans must be based on the following considerations:

- (a) The Plans meet the requirements set forth in Section 17 (2) of Public Act 197 of 1975.
- (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 Development Plan is in reasonable accord with the Master Plan of the municipality.
- (e) Public services, such as fire and police protection and utilities, are or will be adequate to serve the project area.
- (f) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and the municipality, and

WHEREAS, the Auburn City Commission has used said considerations in its determination;

NOW, THEREFORE, BE IT RESOLVED; that the Auburn City Commission hereby approves the amending of the Downtown Development District, the Downtown Development Plan, and the Tax Increment Financing Plan, and

BE IT FURTHER RESOLVED that an Ordinance be prepared to amend the Downtown Development Ordinance Section 1.219, DESCRIPTION OF DOWNTOWN DISTRICT and an Ordinance be prepared to approve the Downtown Development Authority's Financing Plan and Development Plan, 1st reading of said Ordinances to be placed on the agenda of the Regular City Commission Meeting, April 15, 1991 and 2nd reading of said Ordinances to be placed on the agenda of the Regular City Commission Meeting, May 6, 1991.

Ayes \_\_\_\_\_

Nayes \_\_\_\_\_

I do hereby certify that the foregoing resolution to be a true and accurate copy of a resolution adopted by the Auburn City Commission at a Public Hearing held on April 8, 1991.

\_\_\_\_\_  
Lucille Wiesenauer, City Clerk

DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF AUBURN

I. INTRODUCTION

A. Purpose of the Downtown Development Act

Act No. 197 of Public Acts of 1975 of the State of Michigan ("Act 197") was created to prevent and correct property value deterioration of business districts; to promote economic growth and revitalization within those districts; to encourage historic preservation; to authorize the creation of a downtown development authority ("DDA"); and to authorize the levy and collection of taxes, the issuance of bonds and the use of tax increment financing in the accomplishment of specific downtown development activities described in locally adopted development plans for the downtown development district of the community involved.

The Act provides communities with the necessary legal, monetary and organizational tools to attack problems of urban decline and stagnation, and to revitalize downtown districts either through public initiated projects or in cooperation with private development projects.

The strategy which each DDA uses to make use of these tools depends on the development priorities sought by the community in the revitalization of its business center.

Properties located in the downtown development area of the City of Auburn (the "City") shown on map 1 attached hereto have remained undeveloped or have been deteriorating in value over the past years. In order to halt such deterioration and to stimulate development of the downtown area of the City, the City Commission decided that it was in the best interest of the City to create a DDA in the City and the request the DDA to establish a plan for the development of the downtown area and to interest developers in moving to the City.

B. Legal Authority for the Downtown Area.

Public Act 197 of 1975 provides the legal mechanism for the community to address the need for economic development and revitalization in its business district. The Authority has the power to prepare development plans for specific areas within a downtown district, described in Act 197 as "development area". The Authority has designated the area shown on Map 2 as the development area ~~to~~ development under this Development Plan ("Development Area No. 1").

C. Findings for Authority's Determination of Necessity for the Development Area

The need for establishing Development Area No. 1 stems from the City's desire to facilitate economic growth in the community through the construction of an area in Development Area No. 1. The activities of the Authority will encourage the development of new private uses which will prevent further deterioration, create new jobs, attract new business and generate an increase in the tax base of all taxing jurisdictions in which Development Area No. 1 is located.

The Authority is convinced of the public necessity to participate in encouraging private enterprises to make new use of the existing site and to create new facilities, through a Downtown Development and Tax Increment Financing Plan. The public improvements which will be undertaken will encourage private investments, create additional jobs and increase the tax base in Development Area No.1 and in the Downtown District in general.

D. Purpose of the Tax Increment Financing Plan for Development Area No. 1

The purpose, of the Act, of the Tax Increment Financing Plan and Development Plan is to provide the legal authority for and to establish procedures for, the public financial participation necessary to assist the Authority in accomplishing the public and private development activities which will be necessary to meet the immediate needs and long term needs within the City.

AMENDED DEVELOPMENT PLAN

This amended Development Plan for the City of Auburn Downtown Development Authority is submitted pursuant to Section 17 of the Downtown Development Authority Act, Act No. 197 P.A. of 1975, as amended (the "Act"), being Section 125.667 of the Michigan Compiled Laws.

- I. The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise: The boundaries of the Development Area are the same as the boundaries of the City of Auburn Downtown Development Authority. For a map and legal description of boundaries, see Map #1 attached to this Plan.

II. The location and extent of existing streets and other public facilities within the development area and shall designate the location, character, and extent of the categories of public and private land uses then existing and proposed for the Development Area, including residential, recreational, commercial, industrial, educational, and other uses and shall include a legal description of the Development Area: The Development Plan does not propose the immediate change of the designation of any land uses. For the location, character and extent of the existing categories of public and private land uses, see Exhibit I.

III. A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion:  
None.

IV. The location, extent, character and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion:

The following is proposed:

- 1) Improve the overall attractiveness of the city and create an Identity Image.
- 2) Consolidate and unify the business area to re-establish downtown.
- 3) Improve signage and unify.
- 4) Make U.S. 10 business loop through downtown.
- 5) New Streetscape.
- 6) Establish T.I.F. to finance the above.
- 7) Establish adequate parking.

Costs of and time to complete public improvements will be estimated as they are contemplated.

V. A statement of the construction or stages of construction planned, and the estimated time of completion of each stage: At this time, all contemplated improvements are to be public facilities and no stages of construction can be set until studies are completed.

VI. A description of any parts of the development area to be left as open space and the use contemplated for the space: At this time the plan does not call for any changes in the designation of open space within the district. Most of the land within the district is zoned for development. It is anticipated that requirements for open space will be dealt with as



development proposals are received during the course of the project. The open space in Development Area is currently mainly Commercial land.

- VII. A description of any portions of the development area which the authority desires to sell, donate, exchange or lease to or from the municipality and the proposed terms:  
The Authority does not desire to sell, donate, exchange, or lease to or from the City any portion of the Development Area at this time.
- VIII. A description of desired zoning changes and changes in streets, street levels, intersections and utilities:  
The plan does not contemplate any zoning changes. The plan does not contemplate any changes in existing streets, or any changes in existing street levels, intersections or utilities at this time.
- IX. An estimate of the cost of the development, a statement of the proposed method of financing the development and the ability of the authority to arrange the financing:  
The cost of proposed improvements have yet to be determined. The Authority believes that as it begins its work, tax values will rise, creating a tax increment income stream which would if necessary, make possible the future financing of those improvements in an orderly manner.
- X. The procedures for bidding for the leasing, purchasing or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the Authority and persons, natural, or corporate, that all or a portion of the development will be leased, sold or conveyed in any manner to those persons:  
The purchasing and/or conveying of land will be on a negotiated basis between the DDA in cooperation with the Bay County Growth Alliance, Inc. and private parties.
- XI. Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the

condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and estimated capacity private and public housing available to displaced families and individuals:

The Development Plan does not contemplate the displacement of any persons by the development.

- XII. A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area:

No persons will be displaced and so no priority is necessary.

- XIII. Provision for the costs of relocation persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, being Public Law 91-646, 42 USC sections 4601, et seq:

For the reasons stated in Paragraphs XI and XII above, no provision for costs for relocating persons displaced by the development and/or for financial assistance and reimbursement of expenses has been made.

- XIV. A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws:

For the reasons stated in Paragraphs XI and XII above, no provision has been made for relocation assistance advisory services for displaced persons.

- XV. Other material which the authority, local public agency, or governing body deems pertinent:

This Development Plan contemplates that the Downtown Development Authority shall be empowered to use tax increment funds received by it pursuant to this Plan specifically to:

- a) Administer the Authority including the hiring of staff, legal counsel, etc., as deemed necessary and appropriate by the Authority in accordance with the Tax Increment Plan for the Development Area.

- b) Hire appropriate consultants, designers, engineers, etc. for the purpose of implementing the Development Plan.
- c) Reimburse other units of local government for services performed in the furtherance of the Development Plan on an actual cost basis, including the cost of overhead.

\_\_\_\_\_  
Henry Kolm  
Its Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Its Secretary

\_\_\_\_\_  
Date

CITY OF AUBURN  
COUNTY OF BAY, MICHIGAN

ORDINANCE NO. 140

AN ORDINANCE AMENDING SECTION 1.219  
CHAPTER 7, DOWNTOWN DEVELOPMENT AUTHORITY  
OF THE CODE OF THE CITY OF AUBURN

THE CITY OF AUBURN ORDAINS:

**SECTION 1.219 DESCRIPTION OF DOWNTOWN DISTRICT.** The Downtown District in which the Authority shall exercise its powers as provided by Act 197 of 1975, as amended shall consist of the following described territory in the City of Auburn, Michigan subject to such changes as may hereinafter be made to the Chapter pursuant to Act 197, as amended:

An area in the City of Auburn, Michigan, within the boundaries described as follows:

A part of sections 23 and 24, T.14 N. - R.3 E., City of Auburn, Bay County Michigan, Commencing at the West 1/4 corner of said section 23; thence North on the West Section line 264 feet; thence East on the North line of lots 14 to 17 and 45 and 46 and their extension, Brown's Subdivision, to the East line of said Subdivision; thence South 37 feet; thence East on the North line of lot 1, Wledy k Subdivision No. 1, and its extension, 165 feet; thence North on the centerline of Sycamore Street, 166 feet; thence East on the centerline of Green Street, 165 feet; thence South on the East line of Wiedyk Subdivision No. 1 and its extension, 208 feet; thence East 165 feet more or less; thence North on the West line of the East 1/2 of the East 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 23, to the South line of the Central Michigan Railroad; thence East 165 feet more or less; thence South on the West 1/8 line to a point 210 feet North of the East and West 1/4 line; thence East 696 feet more or less to the centerline of Noell Way; thence North 183 feet; thence East on the centerline of Bryant Boulevard West, 656.5 feet; thence South 393 feet to the East and West 1/4 line; thence East on said 1/4 line to a point 108 feet West of the West line of the Plat of Auburn; thence North 270 feet; thence East 108 feet; thence North on the West line of the Plat of Auburn, 108 feet; thence East on the North line of vacated Green Street, 133 feet; thence South on the centerline of Francis Street as platted, 110 feet; thence East on the North line of lots 2 and 9, Block 15, Plat of Auburn, 266 feet; thence North on the centerline of Whittemore Street, 110 feet; thence East on the South line of lot 1, Block 11, Plat of Auburn, 133 feet; thence North on the East lines of lots 1, 2 and 3 of said Block 11, 150 feet; thence East on the South lines of lots 7 through 19, said Block 11, 703 feet; thence South 378 feet; thence East parallel with and 150 feet North of the East and West 1/4 line, 297 feet; thence South 150 feet to said 1/4 line; thence East on said 1/4 line, 29.5 feet; thence North 368 feet; thence East 165.99 feet; thence South 160.5 feet; thence East 132 feet to the East line of Section 23; thence North on said East line to the South line of Macomber Avenue extended East; thence West on said extended line, 33 feet; thence North on the West line of Auburn Road to the Northeast corner of lot 7, Block 1, Plat of Auburn; thence West on the North line of said lot 7, 130 feet; thence South on the centerline of the vacated alley in said Block 1, 100 feet; thence West on the South line of lots 1 through 6, said Block 1, 353 feet; thence North on the centerline of vacated Nuffer Street, 100 feet; thence West on the North line of Block 2, Plat of Auburn, 458 feet; thence North on the East line of lot 12 and its Northerly extension, North Auburn Subdivision No. 1, to the North line of the Plat of Auburn; thence East on said North line which is the South line of the Central Michigan Railroad right-of-way, 1243.5 feet; thence South 20 feet; thence East 643.5 feet; thence North 20 feet; thence East 33 feet to the East Section line; thence North on said East Section line to the Northwest corner of F. Weber's Subdivision; thence East entering into Section 24 and on the North line of F. Weber's Subdivision, and the South line of the Central Michigan Railroad right-of-way to the East line of the West 1/2 of the Northwest 1/4 of said Section 24; thence South on said East line, 200 feet; thence West 608.1 feet; thence South on the centerline of Park Avenue, 156.82 feet; thence West on the North line of Noble Street, 250 feet; thence North on the centerline of Weber Street, 355.11 feet; thence West on said North line of F. Weber's Subdivision, 322.75 feet; thence South on the East lines of lots 7 and 6, Block 4, F. Weber's Subdivision, 102.35 feet; thence West on the South line of said lot 6, 100 feet; thence South on the East line of Auburn Road, 275 feet; thence East on the centerline of Hemmingway Street, 213 feet; thence South 242.5 feet; thence East 84.75 feet; thence South 132.5 feet; thence East on the North lines of lots 1 and 2 block 2, and the North lines of lots 1 and 2, block


J, F. Weber's Subdivision, 250 feet; thence North 91.25 feet; thence East on the North line of lot 20, Block 3, F. Weber's Subdivision 125 feet; thence South on the centerline of Park Avenue, 240.75 feet; thence East on the East and West 1/4 line of said Section 24 to a point 275 feet West of the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 24; thence South, 422 feet; thence West 330 feet; thence South 36 feet; thence West to a line which is 656.3 feet East of the West Section line; thence North on said line, 146 feet; thence West 273.3 feet; thence South 146 feet; thence West on the centerline of Elm Street, 383 feet; thence South on the West line of Section 24, 238 feet; thence East 33 feet; thence South 660 feet; thence West 33 feet; thence South to the Northwest corner of the South 1/2 of the North 1/2 of the South 1/2 of the Southwest 1/4 of said Section 24; thence East on the North line of said South 1/2 of the North 1/2 of the South 1/2 of the Southwest 1/4 to the North and South 1/4 line; thence South on said 1/4 line to the North right-of-way line of Highway U.S.-10; thence West on said right-of-way line, 1913.67 feet; thence Northwest on said right-of-way line, 535.88 feet; thence Northwest on said right-of-way line, 278.26 feet; thence West on the north line of the South 1/2 of the South 1/2 of the Southwest 1/4, 46.52 feet; thence North on the West line of said Section 24 to the Northwest corner of said South 1/2 of the North 1/2 of the South 1/2 of the Southwest 1/4 of said Section 24; thence North on the East line of said Section 23 to a point 874.5 feet East South of the East 1/4 corner of said Section 23; thence West 165 feet; thence North 77.5 feet; thence East 165 feet; thence North on said East Section line to the centerline of Elm Street; thence West 332 feet; thence North 125 feet; thence West 1 foot; thence North 73 feet; thence East 36 feet; thence North 74 feet; thence West 260 feet; thence thence South on the centerline of Roberts Street, 47 feet; thence West 165 feet; thence South 100 feet; thence West to a point 143 feet East of the West line of the Northeast 1/4 of the Southwest 1/4; thence North 297 feet; thence West on the East and West 1/4 line, 143 feet; thence South 264 feet; thence West on the North line of Price Subdivision, 390 feet; thence North 24 feet; thence West 125 feet to the centerline of Price Street; thence West on the South lines of lots 9 and 8, of Price Subdivision, 310 feet; thence North on the centerline of Edwards Street 60.5 feet; thence West on the South line of the North 19.5 feet of lot 3, of Price Subdivision, 176.7 feet; thence South 40 feet; thence West on the South lines of lots 1 and 2, Block 2, and on the South lines of lots 1 and 2, Block 1, of O.B. Braun's Subdivision, 330.5 feet; thence South on the North and South 1/4 line, 30 feet; thence West on the South line of the North 180 feet of lot 1, DeCourcy Subdivision, 333 feet; thence North on the centerline of Ken-Shar Drive, 80 feet; thence West 122 feet; thence South 30 feet; thence West 56 feet; thence South 118 feet; thence West 152 feet; thence South on the West line of the East 1/2 of the East 1/2 of the Southwest 1/4 of Section 23, 407 feet; thence West to the East line of the West 1/2 of the West 1/2 of the East 1/2 of the Southwest 1/4; thence South on said East line, to the North right-of-way line of Highway U.S.-10; thence West to the West line of the West 1/2 of the West 1/2 of the East 1/2 of the Southwest 1/4; thence North on said West line to the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4, thence West on said South line to the West line of Section 23; thence North on said West line, 1974 feet more or less to the West 1/4 corner of said Section 23 and the point of beginning.

This Ordinance once adopted shall be filed with the Secretary of State of the State of Michigan and shall once be published in the Bay City Democrat on or before May 17, 1951.

This Ordinance shall become immediately effective upon publication.

CITY OF AUBURN

  
BY: JOHN CHABALIS, MAYOR

  
BY: LUCILLE WIESNAUER, CLERK

DATE OF 1ST READING: APRIL 15, 1951

DATE OF 2ND READING: MAY 6, 1951

CITY OF AUBURN

COUNTY OF BAY, MICHIGAN

ORDINANCE NO. 141

AN ORDINANCE APPROVING THE DOWNTOWN  
DEVELOPMENT AUTHORITY'S FINANCING  
PLAN AND DEVELOPMENT PLAN

THE CITY OF AUBURN ORDAINS:

SECTION I

(1) Pursuant to the Downtown Development Authority Act (Act 197 of 1975 the City Commission of the City of Auburn did by the adoption of Ordinance No. 113 create a Downtown Development Authority and establish a Downtown Development District, and did subsequently appoint a DDA Board consisting of nine (9) members which Board did meet, approve and submit a Development Plan and Financing Plan to the City Commission. Thereafter on February 18, 1991 the City Commission did adopt a Resolution setting said Plans for public hearing with such notice as required by Section 18 of the Act.

(2) The City Commission of the City of Auburn hereby determines that the Development Plan and Financing Plan submitted by the DDA Board constitute reasonable efforts and direction towards the furtherance of public purposes.

(3) The City Commission further determines:

- (a) The Plans meet the requirements of Section 17(2) of 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 is reasonably necessary to carry out the purposes of the plans and of the Act in an efficient and economically satisfactory manner.
- (e) The development plan is in reasonable accord with the master plan of the City of Auburn.
- (f) Public services such as fire and police protection and utilities are or will be adequate to service the project area.
- (g) There are no currently contemplated or proposed zoning changes, street changes, or utility changes within the project area.

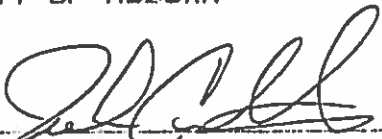
(4) The City Commission does accordingly approve the Development Plan and the Financing Plan submitted to the City Commission on April 8, 1991 and the Clerk shall keep copies of said Plans on file with the City for review by the public.

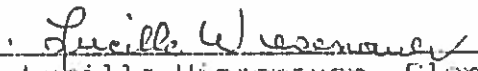
SECTION II

This Ordinance once adopted, shall be filed with the Secretary of State of the State of Michigan and shall once be published in the Bay City Democrat on or before May 17, 1991.

This Ordinance shall become immediately effective upon publication.

CITY OF AUBURN

  
BY: John Limbalik, Mayor

  
BY: Lucille Wiesenauer, Clerk

DATE OF 1ST READING: APRIL 15, 1991

DATE OF 2ND READING: MAY 6, 1991