

**TOWNSHIP OF BIRCH RUN**  
**SAGINAW COUNTY, MICHIGAN**

**ORDINANCE NO. 2012-01**

**AN ORDINANCE TO AMEND THE BIRCH RUN TOWNSHIP DOWNTOWN  
DEVELOPMENT AUTHORITY DEVELOPMENT PLAN AND  
TAX INCREMENT FINANCING PLAN**

WHEREAS, the Township Board of the Township of Birch Run previously adopted Ordinance No. 89-2 on April 11, 1989, which established the Birch Run Township Downtown Development Authority (the “Authority”) and designated the boundaries of the Authority’s Development District (the “District”);

WHEREAS, the Township Board adopted Ordinance No. 96-4 on September 10, 1996, which approved of the DDA Downtown Development Plan and Tax Increment Financing Plan;

WHEREAS, the Township Board, by resolution adopted on December 13, 2011 expressed the Township board’s intent to amend the Development Plan and Tax Increment Financing Plan in order to authorize the DDA to contribute funds toward the construction and financing of a Township water tower and related water system improvements; and

WHEREAS, pursuant to the requirements of Act 197 of the Public Acts of Michigan of 1975, as amended, the Township Board held a public hearing on the proposed amendment to the Development Plan and Tax Increment Financing Plan on January 10, 2012 at 7 o’clock p.m., at the Township meeting room. Notice of said public hearing was given by publication in the Birch Run/Bridgeport Herald on December 21, 2012 and December 28, 2012; by mailing to owners of property within the District and the affected taxing jurisdictions not less than 20 days prior to the date set for the hearing; and by posting the notice in at least 20 conspicuous and public place in the District not less than 20 days prior to the date set for the hearing, all in accordance with the

requirements of Act 197. At the public hearing, the Township Board provided an opportunity for interested persons to be heard regarding the proposed amendment to the Development Plan and Tax Increment Financing Plan and to consider all communications submitted in writing with reference to the matter. A record of the public hearing, including all data presented at that time, has been made and is on file with the Township clerk.

NOW THEREFORE, the Township of Birch Run hereby ordains:

1. Amendment to Development Plan and Tax Increment Financing Plan.

Appendix A of Ordinance No. 96-4 is hereby amended by adding the following subsection in the Section entitled “**(D). 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.**”

7. Water System Improvements.

In order to provide a more efficient and safer municipal water system for the DDA District, the DDA will provide funds to the Township of Birch Run for the construction and financing of a water tower and related water system improvements for the Birch Run Township water system.

Estimated time for completion: 2012.

Estimated total cost of project: \$1,820,000 to be paid over a 20 year term.

Estimated contribution by DDA: \$18,000 per year for a term of 20 years.

Total contribution by the DDA is \$360,000.00.

The DDA shall enter into such agreements as are required to provide funding for the construction and financing of said improvements.

2. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

3. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed. However, this Ordinance does not repeal Ordinance No. 89-2 or Ordinance 96-4, or any amendments thereto, but only amends that portion of the Plan as provided in Section 1 above.

4. Publication and Recording. A true copy of this Ordinance shall be published once in the Birch Run/Bridgeport Herald, a newspaper of general circulation within the boundaries of the Township of Birch Run qualified under state law to publish legal notices, within 15 days after its adoption, and the same shall be recorded in the minutes of the Township of Birch Run meeting at which this Ordinance was adopted. In addition, this Ordinance shall be recorded in the record of ordinances of the Township.

5. Effective Date. This Ordinance shall be in full force and effect upon publication as provided by law.

YEAS:

NAYS:

ABSTAIN:

The above ordinance was duly passed and adopted by the Birch Run Township Board, County of Saginaw, Michigan, on January 10, 2012.

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KURT KIESSLING, Supervisor

CERTIFICATION

The undersigned, the duly elected and acting Clerk for Birch Run Township, Saginaw County, Michigan, hereby certifies that the foregoing Ordinance No. 2012-01 was adopted by the Birch Run Township Board on January 10, 2012.

AMY COOK, Clerk