

ORDINANCE NO. 47-1

AN ORDINANCE TO ADOPT AND APPROVE AN AMENDMENT TO THE DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN OF THE CHARTER TOWNSHIP OF HAMPTON DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975, AS AMENDED.

WHEREAS, pursuant to Ordinance No. 47 of the Charter Township of Hampton (the "Township") adopted on May 18, 1989, the Township Board of the Township approved the Development Plan and Tax Increment Financing Plan (the "Original Plan") of the Charter Township of Hampton Downtown Development Authority (the "Authority"); and

WHEREAS, the Township Board approved certain amendments to the Original Plan in 1994, 1997 and 1998; and

WHEREAS, the Original Plan, as amended by the 1994, 1997 and 1998 amendments (hereinafter referred to as the "Plan"), is on file with the Township Clerk; and

WHEREAS, in accordance with the provisions of Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"), the Authority has prepared and recommended for approval additional amendments to the Plan entitled "Amendment No. 4 to Development Plan and Tax Increment Financing Plan", which amendments have been presented to the Township Board and are on file with the Township Clerk (the "2006 Amendments"); and

WHEREAS, on March 13, 2006, the Township Board held a public hearing on the 2006 Amendments pursuant to Act 197; and

WHEREAS, the Township Board has given the taxing jurisdictions in which the Development Area of the Authority is located an opportunity to meet with the Township Board and to express their views and recommendations regarding the 2006 Amendments, as required by Act 197; and

WHEREAS, after consideration of the 2006 Amendments, the Township Board has determined to approve the 2006 Amendments to the Plan.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF HAMPTON ORDAINS:

1. Findings.

(a) The Plan, as amended by the 2006 Amendments, meets the requirements set forth in Act 197.

(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 Act 197.

(d) The land included within the Development Area to be acquired, if any, is reasonably necessary to carry out the purposes of Act 197 and the Plan, as amended by the 2006 Amendments, in an efficient and economically satisfactory manner.

(e) The Plan, as amended by the 2006 Amendments, is in reasonable accord with the master plan of the Township.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the 2006 Amendments, are reasonably necessary for the Plan, as amended by the 2006 Amendments, and for the Township.

2. Public Purpose. The Township Board hereby determines that the Plan, as amended by the 2006 Amendments, constitutes a public purpose.

3. Best Interest of the Public. The Township Board hereby determines that it is in the best interests of the public to proceed with the 2006 Amendments to the Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Development Area.

4. Approval and Adoption of 2006 Amendments. The 2006 Amendments are hereby approved and adopted. A copy of the Plan, the 2006 Amendments and all later amendments thereto shall be maintained on file in the Township Clerk's office.

5. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

7. Publication and Recordation. This Ordinance shall be published in full promptly after its adoption in Bay City Democrat a newspaper of general circulation in the Township qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Township, which recording shall be authenticated by the signature of the Supervisor and Township Clerk.

8. Effective Date. The Ordinance is hereby determined by the Township Board to be immediately necessary for the interests of the Township and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Township Board of the Charter Township of Hampton, County of Bay, State of Michigan, on March 13, 2006.