

CITY OF LUNA PIER

ORDINANCE NO. 207

DOWNTOWN DEVELOPMENT AUTHORITY

AN ORDINANCE TO PROMOTE DEVELOPMENT AND ECONOMIC GROWTH AND TO PREVENT DETERIORATION IN PROPERTY VALUE BY CREATING A DOWNTOWN DEVELOPMENT AUTHORITY AND DEFINING THE DEVELOPMENT DISTRICT AND REPEAL ALL OTHER ORDINANCES, RESOLUTIONS AND PARTS THEREOF, IN CONFLICT.

THE CITY OF LUNA PIER ORDAINS:

SECTION 1.

TITLE.

This ordinance shall be referred to as the Luna Pier Downtown Development Ordinance.

SECTION 2.

DEFINITIONS.

- A. For the purposes of this ordinance, “Act 197” means Public Act 197 of 1975, MCL 125.1651 *et seq*
- B. The terms “authority” and “DDA” refer to the City of Luna Pier Downtown Development Authority.
- C. As used in this ordinance, the terms “District” or “Downtown District” means the land described by the boundaries stated in Section 4. of this Ordinance. The district is subject to amendment as authorized by law.

SECTION 3.

CREATION OF DOWNTOWN DEVELOPMENT AUTHORITY

The City of Luna Pier hereby creates a Downtown Development Authority, pursuant to Public Act 197 of 1975, MCL 125.1651 *et seq* for the City of Luna Pier. The authority shall be a public body and shall exercise its powers as “The City of Luna Pier Downtown Development Authority.” The authority has all the powers reasonably necessary to promote its plans and objectives, including but not limited to those powers, authorities and actions listed in Act 197.

SECTION 4.

DOWNTOWN DEVELOPMENT DISTRICT

The City of Luna Pier hereby designates the boundaries of the Downtown Development District as follows:

Beginning at the intersection of the centerline of Lakeside Drive and Elm Street,

Thence in a generally westerly direction 292 feet, more or less, along the centerline of Elm Street to the intersection with Northern Avenue.

Thence continue in a generally Northern direction on Northern Avenue from the centerline of the intersection of Elm Street and Northern Avenue 159 feet, more or less to the intersection with Buckeye Street,

Thence in a generally westerly direction along the centerline of Buckeye Street 203 feet, more or less, to the centerline intersection with Harold Drive,

Thence in a generally southwesterly direction 112 feet, more or less, to the centerline at the intersection of Harold Drive and Erie Street,

Thence in a generally westerly direction on the centerline of Erie Street 280 feet, more or less, to the western boundary of the Elmhurst subdivision,

Thence in a generally northerly direction 554 feet, more or less, along the western boundary of the Elmhurst subdivision,

Thence in a generally westerly direction 348 feet, more or less along the southern boundary of parcel 002-018-00 to the eastern boundary of parcel number 002-020-00

Thence in a generally northerly direction 574 feet, more or less, along the eastern boundary of parcel 002-20-00

to the northeast corner of parcel 002-20-00,

Thence in a generally westerly direction along the northern boundary of parcel 002-20-00 384 feet, more or less, to the city line,

Thence in a generally southwesterly direction along the western border of the city for 1405 feet, more or less, to the west boundary of parcel 51-003-014-00,

Thence in a generally southerly direction along the western boundary of parcel 51-003-014-00 for 690 feet, more or less, to the southern boundary of parcel 51-003-014-00,

Thence in a generally westerly direction along the northern boundary of parcel 51-003-014-00 for 454 feet, more or less, to the western boundary of 51-003-016-00,

Thence follow the western boundary of parcel 51-003-016-00 for 559 feet, more or less, to the center point of Harold drive.

Thence in a generally southeasterly direction for 1203 feet, more or less, to the LaPointe Drain,

Thence in a generally easterly direction for 1420 feet, more or less, along the northern shore of the LaPointe Drain to Grand Boulevard,

Thence in a generally northerly direction for 2201 feet, more or less, along the centerline of Grand Boulevard to the centerline of the intersection of South Harold Drive,

Thence in a generally northeasterly direction for 533 feet, more or less, to the centerline of the intersection of South Harold Drive and First Street,

Thence in a generally easterly direction for 880 feet, more or less, to the waters edge and beyond 361 feet, more or less, to the far eastern edge of the Clyde R. Evans Memorial Pier,

Thence in a generally northeast direction for 1034 feet, more or less, along the east side of the Clyde R. Evans Memorial Pier to the north end of same Pier,

Thence in a generally westerly direction towards the shore for 406 feet, more or less, along the north side of the "B" wall jetty hitting land on the north east corner of Meader's Bend Park,

Thence in a generally westerly direction for 93 feet, more or less, along the northern border of Meader's Bend Park to Lakeside Drive,

Thence travel in a generally southwesterly direction for 662 feet, more or less, to the centerline intersection of Elm Street and Lakeside Drive.

The City Clerk shall also make an area map of the Downtown Development District available for public viewing at the City Hall in Luna Pier.

SECTION 5.

DDA BOARD

The Downtown Development Authority shall be under the supervision and control of a DDA Board. Membership on the DDA Board shall consist of the Mayor and eight (8) Members. The Members shall be appointed by the Mayor and shall be subject to approval by the City Council. A majority of the Members shall have an interest in property located in the Downtown District, or shall be an officer, member, trustee, principal or employee of a legal entity having an interest in property in the district. At least one of the Members shall be a resident of the district.

Members shall serve for a term of four years, except the initial DDA Board membership shall be appointed, in as nearly equal numbers as possible, to terms of 1 year, 2 years, 3 years or 4 years. The Mayor shall make an appointment to fill a vacancy, for the remainder of the unexpired term. Before assuming the duties of office, each Member shall take and subscribe to the constitutional oath of office. The Members shall elect a Chairperson. The Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses. A Member of the board may be removed for cause by the City Council, after the Member is given notice and an opportunity to be heard.

The DDA Board shall conduct its business in public meetings. The board shall be subject to the Open Meetings Act, and shall adopt rules consistent with it, governing its procedures and the holding of regular meetings, subject to the approval of the City Council. Financial records shall always be open to the public and all expense items shall be publicized monthly. A writing prepared, owned, used, possessed, or retained by the DDA Board in the performance of an official function shall be made available to the public in compliance with the freedom of information act.

DDA DIRECTOR, OFFICERS AND EMPLOYEES

The DDA may employ and fix the compensation of a Director, subject to the approval of the City Council. Before assuming office, the Director shall take and subscribe to the constitutional oath, and furnish a bond. The bond shall be in the penal sum of \$10,000.00, payable to the DDA for use and benefit of the authority. The bond must be acceptable to the DDA Board, and filed with the City Clerk. The premium on the bond shall be deemed an operating expense of the authority and paid by the authority. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the authority in the manner authorized by Act 197.

The DDA may also employ and fix the compensation of a treasurer or a secretary, or both. The DDA Board may require the treasurer to furnish a bond in a specified amount. The treasurer would keep the financial records of the authority and would, together with the director, approve all vouchers for the expenditure of funds of the authority. The secretary would maintain custody of any official seal and the records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the DDA Board and keep a record of its proceedings, and perform other duties delegated by the DDA Board. The DDA Board may also retain legal counsel to advise it and represent it in court actions. The board may also employ other personnel.

DDA POWERS, DUTIES AND ACTIVITIES

The Downtown Development Authority shall adopt rules, procedures, meeting schedules and budgets to promote orderly and efficient plans, operations and management. The DDA shall analyze the district and consider the options for economic growth in the district. The DDA shall make plans for improvements and development in the district, including plans for revenue. The DDA shall have the authority and power to engage in all activities, operations, agreements and contracts it considers necessary, advisable or beneficial to promote or accomplish its operations and plans, including the powers, authorities, taxation, financing and other actions expressed in Act 197.

SECTION 6.

REPEAL.

Ordinances, resolutions and parts thereof in conflict with this ordinance are hereby repealed.

SECTION 7.

SEVERABILITY.

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 8.

EFFECTIVE DATE.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on the 24th day of September, 2009.

P. Michelle Cureton, City Clerk

Published: _____
Effective Date: _____
Filed with Secretary of State: _____