

Chapter 15

ECONOMIC DEVELOPMENT

Art. I	In General §§ 15-1 – 15-15
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ARTICLE I. IN GENERAL

Secs. 15-1 – 15-15. Reserved.

ARTICLE II. ECONOMIC DEVELOPMENT CORPORATION

Sec. 15-16. Approval

The application dated January 3, 1977, and articles of incorporation for the Economic Development Corporation of the city, are hereby approved and adopted.

(Ord. of 2-7-77, § 1)

Sec. 15-17. Articles of incorporation filed.

A certified copy of the ordinance from which this section was derived has been filed with the Secretary of State in accordance with Section 5, of Act 338 of the P.A. of 1975 [MCL § 125.1605, MSA § 5.3520(5)], as amended.

(Ord. of 2-7-77, § 2)

Sec. 15-18. Authority to incorporate.

The applicants in the application dated January 3, 1977, as approved in section 15-16 are authorized to incorporate the Economic Development Corporation in the city as a nonprofit corporation pursuant to Act 327 of the P.A. of 1931[MCL § 450.62 et seq., MSA § 21.62 et seq.], as amended.

(Ord. of 2-7-77, § 2)

Sec. 15-19 – 15-29. Reserved.

HOMESTEADING*

Secs. 15-30 – 15-49. Reserved.

***Editor's note-**An ordinance adopted July 6, 1993, § 1, repealed former Art. III, §§ 15-30 – 15-39 in its entirety. Former Art. III pertained to the city's homestead program and derived from Ord. No. 603-89, § 1, adopted Jan. 9, 1989.

Sections 2 and 3 of said ordinance provided as follows:

That all contracts entered into by the homestead board or the City of Benton Harbor for the rehabilitation or construction upon property conditionally conveyed to any individual, individuals or organization are hereby assigned to the city.

The mayor, city manager, city attorney, and city clerk are hereby empowered to execute all documents necessary to convey title by quit claim deed to any individual, individuals or organizations which have been previously assigned a property parcel by the homestead board and for a conditional deed has previously been issued provided that the following conditions have been fulfilled:

- (a) A building permit has been obtained for the estimated value of the rehabilitation or construction; and

- (b) The property is and has not been occupied until issuance of a certificate of occupancy from the division of building inspection; and
- (c) The assigned parcel has been brought up to City Code standards or a new facility has been constructed therefore within nine (9) months after assignment of the parcel to the individual, individuals, or organizations by the former homestead board or such greater period of time as may have been granted by extension by the former homestead board; and
- (d) The individual, individuals, or organization to which a parcel has been previously assigned by the former homestead board permits periodic inspections by the division of building inspections and/or appropriate city officials for a determination of whether reasonable, satisfactory progress is being made by the individual, individuals, or organization in rehabilitating or constructing on the assigned parcel; and
- (e) The individual, individuals, or organization to which a parcel has been previously assigned by the former homestead board agrees to live in, occupy, and maintain as a single-family dwelling to Code standards the parcel assigned for a minimum period of five (5) years, unless this requirement has been previously waived for good cause by the former homestead board; and
- (f) The individual, individuals, or organization to which a parcel has been previously assigned by the former homestead board has paid all real estate taxes when due. If there are any unpaid taxes from any preceding tax or assessment year, the property shall revert to the city if not paid by the first (1st) of April of the following tax year.

ARTICLE IV. DOWNTOWN DEVELOPMENT AUTHORITY*

Sec. 15-50. Definitions

The terms used in the article shall have the same meanings as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicate to the contrary. As used in this chapter:

- (1) *Authority* means the City of Benton Harbor Development Authority created by this article.
 - (2) *Act 197* means Act No. 197 of the Public Acts of Michigan of 1975 as now in effect or hereafter amended being MCLA 125.1651 et seq.; MSA 5.3010(1) et seq.
 - (3) *Board or board of trustees* means the board of trustees of the authority, the governing body of the authority.
 - (4) *Chief executive officer* means the mayor of the city
 - (5) *City* means the City of Benton Harbor, Michigan
 - (6) *Downtown district* means the downtown district designated by this article as now existing or hereafter amended.
 - (7) *Council or city council* means the city council of the city.
- (Ord. No. 542-85, § 1, 6-27-85)

Sec. 15-51. Determination of necessity.

The city council of the city determines that it is necessary for the best interests of the city to halt property value deterioration and increase property tax valuation where possible in the business district of the city, to eliminate the causes of that deterioration, and to promote economic growth by establishing a downtown development authority pursuant to Act 197.

(Ord. No. 542-85, § 1, 6-27-85)

**Editor's note-* Ord. No. 542-85, § 1, adopted June 27, 1985, amended the Code by the addition of provisions designated as Art. IV of this chapter, which provisions have been included herein at the editor's discretion as §§ 15-50 – 15-57

Sec. 15-52. Creation of authority.

There is hereby created pursuant to Act 197 a downtown development authority for the City of Benton Harbor, Michigan. The authority shall be a public body corporate and shall be known and exercise its powers under title of "The City of Benton Harbor Downtown Development Authority." The authority may adopt a seal, may sue and be sued in any court for this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 197. The enumeration of a power in this article or in Act 197 shall not be construed as a limitation upon the general powers of the authority.

(Ord. No. 542-85, § 1, 6-27-85)

Sec. 15-53. Description of downtown district

The downtown district in which the authority shall exercise its powers as provided by Act 197 shall consist of the following described territory in the City of Benton Harbor, Michigan, subject to such changes as may hereinafter be made pursuant to this article and Act 197.

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

Commencing at the intersection of the West line of Eleventh Street and the North Line of Britain Avenue in the City of Benton Harbor, Berrien County, Michigan; thence Southerly along said Westerly line to the Northerly line of Empire Avenue; thence Westerly along said Northerly line to the Easterly bank of the St. Joseph River; thence Northerly and Westerly along said bank as it winds and turns to the Easterly bank of the Paw Paw River; thence Northerly along said Easterly bank as it winds and turns to the North line of the Pere Marquette Railroad; thence Easterly along said North line to the Westerly line of North Shore Drive; thence Northerly along said Westerly line to the Southerly line of Klock Road; thence Westerly along said Southerly line, and across Highway U.S. 31, to the point that is due south of a point described at 1010.59 feet South 89 degrees 55'30" East and 50 feet North 0 degrees 04'30" East of the West quarter post of Section 13, Township 4 South, Range 19 West; thence due North to said point; thence North 59 degrees 27'09" East 1979.92; thence North 39 degrees 20'30" East 37.07 feet to the centerline of Grand Boulevard; thence around a curve to the right along said centerline a chord distance of South 89 degrees 24'10" West 113.25 feet to the North and South quarter line of said Section 13, said point being 1565.17 feet South 0 degrees 08'20" East of the North quarter corner of said Section 13; thence South 0 degrees 08'20" East along said quarter line 33.15 feet to the Southerly right of way of Grand Boulevard; thence North 84 degrees 35'50" West, 114.44 feet; thence around a curve to the right a chord distance of North 80 degrees 38'40" West, 168.20 feet; thence North 75 degrees 33'00" West 89.05 feet; thence around a curve to the right a chord distance of North 55 degrees 17'45" West 387.47 feet; thence North 35 degrees 02'30" West, 451.92 feet; thence North 32 degrees 51'10" West all along said southerly line of Grand Boulevard 238.05 feet to the East line of the recorded plat of "Long Beach," recorded in Liber 5, Page 1 thence continuing along said East plat line and the Southerly and Westerly line of Grand Boulevard North 17 degrees 37'50" West, 118.50 feet; thence North 2 degrees 14'50" West, 110.21 feet thence North 8 degrees 11'50" East, 109.58 feet; thence North 17 degrees 43'50" East, 30.30 feet; thence North 47 degrees 17'50" East all along said East plat line and said Southerly and Westerly line of Grand Boulevard, 49.90 feet to the most Southerly corner of Lot 115 of said plat; thence along the Northerly line of Lot 116 around a 95 foot radius curve to the left a chord distance of North 59 degrees 42'50" West, 166.85 feet to the most Easterly corner of Lot 113 of said plat; thence North 54 degrees 39'10" West along the Northerly line of Lot 113, 75.00 feet; thence South 39 degrees 29'40" West along the Northerly line of Lot 113, 55 degrees, 8'50" East 219.35 feet; thence North 34 degrees 42'10" East, 49.17 feet; thence South 55 degrees 21'00" East, 164.38 feet to a point on the West line of Section 13 that is 165.50 feet North 0 degrees 16'50" East of the West quarter corner of Section 13; thence South 0 degrees 16'50" West along said section line 83.13 feet to a point on said section line that is 82.37 feet North 0 degrees 16'50" East of said West quarter corner; thence South 55 degrees 35'25" East, 35.60 feet; thence South 24 degrees 57'30" West, 68.66 feet to the West quarter corner of Section 13, Township 4 South, Range 19 West, City of Benton Harbor, Berrien County, Michigan; thence South 89 degrees 55'30" East along the East and West quarter line, 601.21 feet to the right-of-way of Highway U.S. 33; thence North 0 degrees 04'30" East 409.38 feet; thence along the Northerly line of Klock Road and extended, and across Highway U.S. 31, to the Easterly line of North Shore Drive thence Southerly along said Easterly line to the North line of Water Street; thence Southerly across Water Street to the intersection of the East line of Fifth Street and the Southerly line of Water Street; thence Southerly along the East line of Fifth Street to the Northerly line of the East/West alley between Park and Water Streets, said point also being the Southwest corner of Lot 6, Block 2, original plat of Brunson Harbor (now city of Benton Harbor) Berrien County, Michigan; thence Easterly along the Northerly line of said alley to the Westerly line of Fourth Street; thence Southerly along said Westerly line of Fourth Street; thence Southerly along said Westerly line to the Northerly line of Park Street; thence Easterly along said Northerly line to the Easterly line of Fourth Street; then Southerly along said Easterly line to the Northerly line of Main Street: THENCE Easterly along said Northerly line to the

Westerly line of Paw Paw Avenue, thence Southerly along said Westerly line to the Northerly line of Highland Avenue; thence Westerly along said Northerly line to the Westerly line of Market Street; thence Southerly and Westerly along the Westerly and Northerly line of said Market Street to the Westerly line of Eleventh Street; thence Southerly along said Westerly line to the place of beginning. (Ord. No. 542-83, § 1, 6-27-85)

Sec. 15-54. Board of trustees.

The authority shall be under the authority, supervision and control of a board of trustees, consisting of the chief executive officer of the city and twelve (12) members as provided by Act 197. The members shall be appointed by the chief executive officer, subject to approval by the council, and shall hold office until the members' successors are appointed. (Ord. No. 542-85, § 1, 6-27-85; Ord. No. 594-88, 6-27-88)

Sec. 15-55. Powers of the authority.

Except as specifically otherwise provided in this article, 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 at the rate of not more than two (2) mills each year if the city council annually approves the levy thereof by the authority. (Ord. No. 542-84, § 1, 6-27-85)

Sec. 15-56. Bond requirement for director.

If a director is employed as authorized by Section 5 of Act 197, he shall post bond in the penal sum of ten thousand dollars (\$10,000.00) as required by said section. (Ord. No. 542-85, § 1, 6-27-85)

Sec. 15-57. Fiscal year; adoption of budget.

(a) The fiscal year of the authority shall begin on July first of each year and end on June thirtieth of the following year.

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

(c) The authority shall submit financial reports to the city council as requested by the city council. 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 council.

(Ord. No. 542-85, § 1, 6-27-85; Ord. No. 606-89, § 1, 1-17-89)

Sec. 15-58 – 15-69. Reserved

ARTICLE V. TAX INCREMENT FINANCING AUTHORITY*

Sec. 15-70. Definitions.

The terms used in this article shall have the same meanings given to them in Act 450 or as hereinafter in this section provided unless the context clearly indicate to the contrary. As used in this article:

- (1) *Authority* means the City of Benton Harbor Tax Increment Financing Authority created by this article.
- (2) *Act 450* means Act No. 450 of the Public Acts of Michigan of 1980 as now in effect or hereafter amended being MCLA 125.1801 et seq.; MSA 3.540 (201) et. Seq.
- (3) *Board* means the board of the authority, the governing body of the authority
- (4) *Chief executive officer* means the mayor or city manager of the city.
- (5) *City* means the City of Benton Harbor, Michigan.

***Editor's note**-Ord. No. 543-85, § 1, adopted June 27, 1985, amended the Code by the addition of provisions designated as Art. V of this chapter, said provisions being included herein at the discretion of the editor as §§ 15-70 – 15-77.

***Cross reference**-Taxation Ch. 40

(6) *Governing body* means the city council of the city. (Ord. No. 543-85, § 1, 6-27-85)

Sec. 15-71. Determination of necessity.

The city council of the city determines that it is necessary for the best interest of the city to halt property value deterioration and increase property tax valuation where possible in the city north of Main Industrial Park, to eliminate the causes of that deterioration, and to promote economic growth by establishing a tax increment financing authority pursuant to Act 450. (Ord. No. 543-85, §1, 6-27-85)

Sec. 15-72. Creation of authority.

There is hereby created pursuant to Act 450 a tax increment financing authority for the City of Benton Harbor, Michigan. The authority shall be a public body corporate and shall be known and exercise its powers under title of "The City of Benton Harbor Tax Increment Financing Authority." The authority may adopt a seal, may sue and be sued in any court for this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 450. The enumeration of a power in this article or in Act 450 shall not be construed as a limitation upon the general powers of the authority. (Ord. No. 543-85, §1, 6-27-85)

Sec. 15-73. Description of downtown district

The district in which the authority shall exercise its powers as provided by Act 450 shall consist of the following described territory in the city, subject to such changes as my hereinafter be made pursuant to this article and Act 450.

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

North of Main Industrial Park Entire Parcel: commencing at the intersection of the Northerly line of Main Street and the Westerly line of Paw Paw Avenue in the City of Benton Harbor, Berrien County, Michigan; thence Westerly along the Northerly line of Main Street to the Easterly line to the Northerly line of Park Street; thence Westerly along said Northerly line to the Westerly line of South Street; thence Northerly along said Westerly line to the Northerly line of the East/West alley between Park and Water Streets and also the Southeast corner of Lot 1 Block 2 of the original plat of Brunson Harbor (now city of Benton Harbor); thence Westerly along said Northerly alley line to the Easterly line of Fifth Street; thence Northerly along said Easterly line to the Southerly line of Water Street also the Northwest corner of Lot 6 Block 2, original plat of Brunson Harbor(now city of Benton Harbor); thence Northeasterly along said Southerly line of Water Street to the Center of Ox Creek to the Southerly line of the Pere Marquette Railroad right of way; thence Northeasterly along the center line of Ox Creek to the Southerly line of the Pere Marquette Railroad right of way; thence Northeasterly along the Westerly line of said railroad right of way to the Southerly line of Waukonda Avenue extended; thence Easterly along said W=Southerly line to the Westerly line of Paw Paw Avenue; thence Southerly along said Westerly line to the Northerly line of Main Street, also the place of beginning. Containing 51.0 acres, more or less. Areas established by planimetric methods. (Ord. No. 543-85, §1, 6-27-85)

Sec. 15-74. Board.

The authority shall be under the supervision and control of a board consisting of the board of trustees of the City of Benton Harbor Downtown Development Authority established pursuant to sections 15-50 et seq. of this Code. (Ord. No. 543-85, § 1, 6-27-85; Ord. No. 598-88, 10-10-88)

Sec. 15-75 Powers of authority.

Except as specifically otherwise provided in this article, the authority shall have all powers provided by law subject to the imitation imposed by law and herein . (Ord. No. 543-85, § 1, 6-27-85)

Sec. 15-76. Bond requirement for director.

If a director is employed as authorized by Section 5 of Act 450, he shall post bond in the penal sum of ten thousand dollars (\$10,000.00) as required by said section. (Ord. No. 543-85, § 1, 6-27-85)

Sec. 15-77. Fiscal year; adoption of budget.

- (a) The fiscal year of the authority shall begin on July first of each year and end on June thirtieth of the following year.
- (b) The board shall annually prepare a budget and shall submit it to the council on the same date that the proposed budget for the city is required by the City Harter to be submitted to the council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the city council. The board may, however, temporarily adopt a budget in the connection with the operation of any improvements which have been financed by revenue bond where required to do so by the ordinance authorizing the revenue bonds.
- (c) The authority shall submit financial reports to the city council as requested by the city council. 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 council. (Ord. No. 543-85, § 1, 6-27-85; Ord. No. 607-89, § 1, 1-17-89)