

Commission Letter # 111-10  
Commission Meeting: 4/5/2010

RE: Downtown Development Authority Ordinance Amendment – First Reading

April 1, 2010

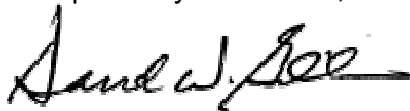
The Honorable Mayor  
and  
Members of City Commission

At the request of several members of the Commission, attached is a proposed amendment to Chapter 52 of the City Code, Downtown Development, for your review and consideration on first reading. The proposed amendment would provide that the Downtown Development Authority's exercise of its powers is subject to the approval of the City Commission.

If the Commission approves of the proposed amendment, the following resolution would be appropriate:

BE IT RESOLVED, that the City Commission hereby approves the 2010 Amendment to the Downtown Development Authority Ordinance on first reading.

Respectfully submitted,



David W. Gillam  
City Attorney

cc: Donald E. Johnson, City Manager  
Melanie Halas, City Clerk  
Timothy E. Thwing, Director of Planning

ORDINANCE NO. 2010 - \_\_\_\_

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 52, "DOWNTOWN DEVELOPMENT", ARTICLE I, "DOWNTOWN DEVELOPMENT AUTHORITY", SECTION 52-7, "POWERS OF AUTHORITY", TO PROVIDE THAT THE DOWNTOWN DEVELOPMENT AUTHORITY'S EXERCISE OF ITS POWERS IS SUBJECT TO THE APPROVAL OF THE CITY COMMISSION

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be cited as the "2010 Amendment to the Downtown Development Authority Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 52, "Downtown Development", Article I, "Downtown Development Authority", Section 52-7, "Powers of Authority", to provide that the Downtown Development Authority's exercise of its powers is subject to the approval of the City Commission.

SECTION 3. AMENDMENT AT SECTION 52-7. The Royal Oak City Code, Chapter 52, "Downtown Development", Article I, "Downtown Development Authority", is hereby amended at Section 52-7, "Powers of Authority", which shall now read as follows:

**"Section 52-7. Powers of Authority.**

The Downtown Development Authority may, subject to the approval of the City Commission:

- A. Prepare an analysis of economic changes taking place in the downtown district.
- B. Study and analyze the impact of metropolitan growth upon the downtown district.
- C. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, assists in the economic growth of the downtown district.
- D. Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- E. Develop long-range plans, in cooperation with the City Commission and/or the Planning Commission, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- F. Implement any plan of development in the downtown district necessary to achieve the purposes of Act No. 197 of the Public Acts of Michigan of

1975 (MCL 125.1651 et seq., as amended) and this Chapter, in accordance with the powers of the authority as granted by the state act.

- G. Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- H. Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of Act No. 197, and to grant or acquire licenses, easements and options with respect to that property.
- I. Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.
- J. Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.
- K. Lease any building or property under its control, or any part of a building or property under its control.
- L. Accept grants and donations of property, labor, or other things of value from a public or private source.
- M. Acquire and construct public facilities.
- N. Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- O. Contract for broadband service and wireless technology service in the downtown district.
- P. Operate and perform all duties and exercise all responsibilities described in this section in a qualified township, as defined in Act 197, if the qualified township has entered into an agreement with the City under Act 197.
- Q. Create, operate, and fund a loan program to fund improvements for existing buildings located in the downtown district to make them marketable for sale or lease. The board may make loans with interest at a below market rate, as determined by the board.
- R. Create, operate, and fund retail business incubators in the downtown district.”

SECTION 4. 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 5. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.