

VILLAGE OF BYRON  
ORDINANCE NO: 2022-1  
(Enacted June 13, 2022)

**ORDINANCE APPROVING  
BYRON DOWNTOWN DEVELOPMENT AUTHORITY'S  
2022 DEVELOPMENT PLAN AMENDMENT**

WHEREAS, a Tax Increment Finance and Downtown Development Plan (hereinafter the "Plan") for the development area within the downtown district established pursuant to Act 197 of the Public Acts of 1975 (later recodified under the Recodified Tax Increment Financing Act, being Public Act 57 of 2018 (hereinafter referred to as the "RTIF Act"), and pursuant to the Village of Byron Ordinance No. 2013-2, enacted September 16, 2013, was prepared by the Village of Byron's Downtown Development Authority (herein after, the "BDDA") and previously approved by a Village of Byron Ordinance on November 20, 2014; and

WHEREAS, the Village approved amendments to the BDDA Development Plan on October 20, 2016 to change the Development Area District (herein after, the "TIF District") and amendments in 2020 to add new projects (see the 2016 and 2020 Plan Amendments, incorporated by reference herein); and

WHEREAS, the BDDA on May 5, 2022 approved a *Resolution to Approve the Byron Downtown Development Authority's 2022 Development Plan Amendment To Incorporate New Projects And Cost Sharing Agreement For Administrative Services* (hereafter referred to as the "Resolution") which forwards to the Village Council for consideration, the holding of a public hearing, and enactment by Ordinance, the proposed *Byron Downtown Development Authority 2022 Development Plan Amendment To Incorporate New Projects And Cost Sharing Agreement For Administrative Services* (hereafter referred to as "proposed 2022 Development Plan Amendment"); and

WHEREAS, an opportunity was provided for the proposed Development Plan Amendment to be reviewed with the area taxing authorities in accordance with the Act; and a public hearing thereon was held before the Village of Byron Council on June 13, 2022 on or after 7:00 p.m. in the Village Council Chambers, Municipal Building Hall, 146 South Saginaw Street, Byron, Michigan 48818 to take comment on the proposed Development Plan Amendment; and

WHEREAS, Notice of said Public Hearing was given in accordance the Act, including but not limited to:

- a. The first publication on May 14, 2022 and second publication on May 15, 2022, in The Argus-Press, a newspaper of general circulation in the Village of Byron;
- b. Certified U.S. mail along with a copy of the proposed 2022 Development Plan Amendment to each of the taxing jurisdictions levying taxes that would be subject to capture if the Development Plan is amended, on May 17, 2022;
- c. U.S. Mail to all property taxpayers of record in the downtown district on May 17, 2022;
- d. Posted in at least 20 conspicuous and public places in the downtown district

between May 19 and May 23, 2022 for a period of at least 20 days, on May , 2022;

WHEREAS, the Council has carefully considered the *Byron Downtown Development Authority 2022 Development Plan Amendment To Incorporate New Projects And Cost Sharing Agreement For Administrative Services*, all comments, written or oral, expressed at the public hearing or received by the Council and has provided the fullest opportunity for expression of opinion, argument on the merits, and for introduction of documentary evidence pertinent to the proposed 2022 Development Plan Amendment;

THE VILLAGE OF BYRON ORDAINS:

Section 1. The Village of Byron Council adopts, with some changes, the Development Plan Amendment originally approved by the Byron DDA. The Village Council adopts the attached *Byron Downtown Development Authority's 2022 Development Plan Amendment To Incorporate New Projects And Finance Administrative Services* after expressly finding that:

- A. The *Byron Downtown Development Authority 2022 Development Plan Amendment To Incorporate New Projects And Provided For Administrative Services* constitutes a public purpose when considering the factors outlined in MCL125.4219;
  - (a) no development area citizens council has ever been formed in the district, nor issued any findings and recommendations as the development area does not qualify for a development area citizens council and the council, if it did qualify, has failed to form;
  - (b) The Development Plan and its Amendments meet the requirements outlined in MCL 125.4217(2); (a) through (h), as applicable.
  - (c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
  - (d) The development is reasonable and necessary to carry out the purposes of this part.
  - (e) Any land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this part in an efficient and economically satisfactory manner.
  - (f) The development plan is in reasonable accord with the Master Plan of the Village.
  - (g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
  - (h) Any changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

Section 2. All provisions of the Original Tax Increment Finance and Development Plan and prior Amendments, not amended herein, shall remain in full force and effect.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any

reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Byron declares that it would have passed this ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. This Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except sanction imposing provisions, if any, shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

Section 5. Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Motion by: Kinaitis Second By: Gutterrohn

Adopted at a Regular Meeting of the Village Council held on the 13<sup>th</sup> day of June, 2022.

YEAS: Kinaitis, Childers, Campbell, Gutterrohn, Orr & Bessenbacher

NAYS: None

ABSENT: Chapman

ABSTAIN: None

VILLAGE OF BYRON

Vicki Bessenbacher

By: Vicki Bessenbacher

Its: Village President

Certification

I certify that the above is a true and complete copy of Ordinance No. 2022-1 adopted by the Village Council at a meeting held on the 13<sup>th</sup> day of June, 2022 and published in The Argus-Press, a newspaper of local circulation on May 14 & 15, 2022.

Marsha Reed

Marsha Reed, Village Clerk

Drafted by: Christopher S. Johnson (P58746)  
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**BYRON DOWNTOWN DEVELOPMENT AUTHORITY  
2022 DEVELOPMENT PLAN AMENDMENT  
TO INCORPORATE NEW PROJECTS AND  
PROVIDE FOR ADMINISTRATIVE SERVICES**

Pursuant to the requirements of MCL 125.4214 and 125.4219, the Byron Downtown Development Authority (hereinafter, the "BDDA") recommends that the following amendments be incorporated into the BDDA's Development and Tax Increment Finance Plans:

1. The original plan treated the boundaries of the downtown district and the boundaries of the Plan's Tax Increment Finance District in a manner that is somewhat confusing between the map contained on page 9 of the November 20, 2014 Original Tax Increment Finance and Development Plan, which is labeled the Development Area Map and the reference on page 24 to the Boundaries of the Development Area and how it differs from the "Downtown Development District".
  - A. Pursuant to the former MCL 125.1653 (2), now MCL 125.4 203, and the prior actions of the Village Council to amend the Ordinance creating the DDA, the map of the Byron DDA's amended Downtown District is attached as Exhibit A to the 2016 Amendment and the legal description of the Downtown District is attached as Exhibit B to the 2016 Amendment. Both of those exhibits are incorporated herein by reference.
  - B. Under MCL 125.4217(2)(a), the map of the BDDA's amended Development Area (TIF District) was attached as Exhibit C to the 2016 Amendment and the legal description of the TIF District was attached as Exhibit D to the 2016 Amendment. Both Exhibits C and D are incorporated herein by reference. The amended Tax Roll for the Development Area District (TIF District) was attached to the 2016 Plan Amendment and is incorporated here by reference.
2. Under MCL 125.4217(2)(b), the location and extent of existing streets and other public facilities within the development area were set forth in the maps contained on page 9 of the Original Plan, they were amended by the 2016 Plan Amendment, and were as pictured in the map attached to the 2016 Plan Amendment as Exhibit C. The Original Plan discussed the Zoning Ordinance on page 20 and attached the Village's 1989 zoning map on page 31. The 2016 Plan Amendment did not amend the zoning map already in place. However on November 30, 2018 the Village passed a new zoning ordinance and the zoning map pursuant that new zoning ordinance was attached to that Amendment as Exhibit A. The map set forth the designated location, character, and extent of the categories of public and private land uses existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses. The original legal description of the development area (TIF District) was attached

to the original Development Plan and the legal description of the area added to the TIF District as part of the 2016 Plan Amendments was attached to the 2016 Plan Amendment and were both incorporated here by reference.

3. Under MCL 125.4217(2)(c), the description of the existing improvements in the area to be demolished, repaired or altered, a description of any repairs or alterations, and an estimate of the time required for completion:

A. *Saginaw/Maple Street Intersection - Wayfinding Signs*

Improvements for this project are confined to the general area of the intersection between Maple and Saginaw Streets in downtown Byron. Up to two wayfinding signs are to be designed, manufactured and installed just outside of the existing street curbs and connecting sidewalks around the intersection of Saginaw and Maple Streets. The wayfinding signs will be installed within the Village's right-of-way at the intersection of Maple and Saginaw Streets. No existing improvements in the area are to be demolished, repaired or altered, apart from the installation of the signs in the right-of-way area of the intersection. Design and manufacture of the signs by the DDA and installation of the wayfinding signs by the Village of Byron is scheduled to be completed by the end of December 2022.

B. *West Side of Saginaw Street - Sidewalk Replacement*

This project involves the DDA financing one half (50%) of the cost to dismantle and remove old, existing sidewalk between Maple Street to the north and Hamilton Street to the south intersect Saginaw Street, except only on the west side of Saginaw Street. This area is in the downtown business area. This is to be followed by installation of 4" of new, reenforced concrete and installation of ADA dimple mats where the current sidewalk will be removed. Part of this sidewalk will intersect two driveways where the concrete will be increased to a 6" depth at the point where the driveway intersects the sidewalk. This is simply the replacement of old sidewalk with new sidewalk in the area and is not an expansion of the area where the current sidewalk exists. This project had an estimated completion deadline by the end of 2022.

C. *Conceptual Riverwalk Design*

This project will involve contracting with an engineering/civil planning firm to host a meeting and site visit to gather ideas and discuss options. Following the meeting, the information gathered will be used to draft two conceptual designs for a layout for a potential construction of a riverwalk on the east side of the Shiawassee River in the downtown area, running from Maple Street at the

northernmost point and southward to the general area of where Hamilton Street joins Saginaw Street. Following discussions of the two conceptual designs, a final concept will be determined. Based upon the final conceptual design, a construction cost opinion will be prepared and both the design and construction cost opinion will be presented by the firm at a public meeting. After a final plan for the potential riverwalk project is arrived upon, a presentation board will be prepared along with a digital copy of the conceptual plan for the possible, future construction. No actual construction of a riverwalk itself will occur. This conceptual plan can be utilized by the DDA in potential fund raising efforts seeking to raise additional money to eventually construct such a riverwalk. Since no riverwalk is to be constructed as part of this project, no existing improvements in the development area will be demolished, repaired or altered as part of this design project. Designing and drafting of the conceptual riverwalk plan and presentation materials is estimated to be completed by the end of 2022.

4. Under MCL 125.4217(2)(d), the description of 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, signage or signalization.

*A. Saginaw/Maple Street Intersection - Wayfinding Signs*

Wayfinding signs are to be designed, manufactured and installed just outside of the existing street curbs and connecting sidewalks around the intersection of Maple and Saginaw Streets. The wayfinding signs will be installed within the Village's right-of-way at the intersection of Maple and Saginaw Streets. The costs of this project is to be up to \$2,000.00 plus a cost overrun amount of ten percent (10%), or \$200.00 will be added to the project, for a total estimated costs of up to \$2,200.00. The estimated time for completion of this project is the end of 2022.

*B. West Side of Saginaw Street - Sidewalk Replacement*

This project involves the DDA financing one half (50%) of the cost to dismantle and remove old, existing sidewalk between Maple Street to the north and where Hamilton Street intersects Saginaw Street, except only on the west side of Saginaw Street. This area is in the downtown business area. This is to be followed by installation of new, reinforced concrete where the old concrete sidewalk was removed. This is simply the replacement of old sidewalk with new sidewalk in the area and is not an expansion of the area where the current sidewalk exists. The total costs of the overall project is estimated at \$23,200.00, half of which will be provided by the DDA and the remained will be provided by

the Village of Byron. The DDA's estimated portion of the cost of the project is up to \$11,600.00, plus a cost overrun amount of ten percent (10%), or \$1,160.00 will be added to the project, for a total estimated costs to the DDA of \$12,760.00. This amount could be reduced by applying Act 51 money or other funding to pay part of the total cost to the Village. The entire project is estimated to be completed by the end of December 2022.

C. *Conceptual Riverwalk Design*

This project will involve contracting with an engineering/civil planning firm to host a meeting and site visit to gather ideas and discuss options. Following the meeting, the information gathered will be used to draft two conceptual designs for a layout for potential, future construction of a riverwalk in the general area above and adjacent to the steep, east bank of the Shiawassee River in the downtown area, running from Maple Street at the northernmost point and southward to the general area of where Hamilton Street joins Saginaw Street. Following discussions of the two conceptual designs, a final concept will be determined. Based upon the final conceptual design, a construction cost opinion will be prepared and both the design and construction cost opinion will be presented by the firm at a public meeting. After a final plan for the potential riverwalk project is arrived upon, a presentation board will be prepared along with a digital copy of the conceptual plan for the possible, future construction. No actual construction of a riverwalk itself will occur. This conceptual plan can be utilized by the DDA in potential fund raising efforts seeking to raise additional money to eventually construct such a riverwalk in the future. The total cost of the meeting, design, cost opinion and drafting of the conceptual plan is \$5000.00, plus a cost overrun amount of 10% or \$500.00 will be added to the project for a total of \$5,500.00. Since no riverwalk is to be constructed as part of this design project, the designing and drafting of the conceptual riverwalk plan and presentation materials is estimated to be completed by the end of 2022.

5. Under MCL 125.4217(2)(e), the following is a statement of the construction, or stages of construction, planned and the estimated time for completion of each stage.

A. *Saginaw/Maple Street Intersection - Wayfinding Signs*

This project will be completed in one stage where the DDA, while working with a manufacturer, shall designed, have manufactured and then install the wayfinding signs. Installation itself will be performed by the Village of Byron and is scheduled to be completed by the end of December 2022.

B. *West Side of Saginaw Street - Sidewalk Replacement*

This project involves one stage of construction where the existing sidewalk along the west side of Saginaw Street will be replaced, between Maple Street to the north, and the intersection of Hamilton and Saginaw streets to the south. The existing sidewalk in this area Street will be removed, followed by installation of new, reinforced concrete where the former sidewalk was removed. Installation of ADA dimple mats whereat the sidewalk intersects the cross walk at Maple Street and where the crosswalk across Saginaw Street where it intersects Hamilton Street, will be done simultaneously with the pouring of the new concrete sidewalk. This project had an estimated completion date by the end of 2022.

C. *Conceptual Riverwalk Design*

This project will involve design and drafting. No construction of an actual riverwalk is included as part of this project. A meeting will be held during a site visit by an engineering firm where ideas and options for a future, potential, riverwalk project will be discussed. Then the information gathered will be used to draft two conceptual designs for layouts for a potential, future riverwalk. Following discussions of the two conceptual designs, a final concept will be determined. Based upon the final conceptual design, a construction cost opinion will be prepared and both the design and construction cost opinion will be presented by the firm at a public meeting. After a final plan for the potential riverwalk project is arrived upon, a presentation board will be prepared along with a digital copy of the conceptual plan for the possible, future riverwalk. No actual construction of a riverwalk itself will occur. This conceptual plan can be utilized by the DDA in potential fund raising efforts seeking to raise additional money to eventually construct such a riverwalk. Since no riverwalk is to be constructed as part of this design project, the designing and drafting of the conceptual riverwalk plan and presentation materials is estimated to be completed by the end of 2022.

6. Under MCL 125.4217(2)(f), the description of any parts of the development area to be left as open space, and the use contemplated for the space is contained in the Original 2014 Plan.

A. *Saginaw/Maple Street Intersection - Wayfinding Signs*

No change proposed in this Plan Amendment.

B. *West Side of Saginaw Street - Sidewalk Replacement*

No change proposed in this Plan Amendment.



C. *Conceptual Riverwalk Design*

No change proposed in this Plan Amendment.

7. Under MCL 125.4217(2)(g), the following is a description of any portion of the development area that the authority desires to sell, donate, exchange, or lease to, or from the municipality and the proposed terms.

A. *Saginaw/Maple Street Intersection - Wayfinding Signs*

The wayfinding signs will be donated to the Village of Byron for installation in Village right-of-ways at the intersection.

B. *West Side of Saginaw Street - Sidewalk Replacement*

No change proposed in this Plan Amendment.

C. *Conceptual Riverwalk Design*

No change proposed in this Plan Amendment.

8. Under MCL 125.4217(2)(h), the following is a description of desired zoning changes, and changes in streets, street levels, intersections, or utilities.

No change proposed in this Plan Amendment.

9. Under MCL 125.4217(2)(i), the following is an estimate of the costs of the development, a statement of the proposed method of financing the development, and the ability of the Authority to arrange the financing.

A. *Saginaw/Maple Street Intersection - Wayfinding Signs*

The total costs of the project is estimated at up to \$2,000.00, plus a cost overrun amount of ten percent (10%), or \$200.00 will be added to the project, for a total estimated costs of up to \$2,200.00.

The Byron DDA proposes to finance this project through the capture of tax increment funds, Byron DDA fund-raising events, public or private grants, and/or donations of funds, materials and/or services. The DDA may also utilize any of the following financing mechanisms:

- A. Any tax increment revenue bonds issued by the Village, pursuant to MCL 125.4213 of the Recodified Tax Increment Financing Act;
- B. Any tax increment revenue bonds issued by the Byron DDA, pursuant to MCL 125.4213(a) of the Recodified Tax Increment Financing Act;
- C. Other advances from the Village repayable from tax increment revenues of the Byron DDA, which advances may be financed through obligations incurred by the Village under the Local Building Authority Act or other authorizing statutes;
- D. Tax increment revenues on a pay-as-you-go basis; and
- E. Other Federal or State grants or contributions, not specified above.

*B. West Side of Saginaw Street - Sidewalk Replacement*

The total costs of the overall project is estimated at \$23,200.00, half of which will be provided by the DDA and half by the Village of Byron. The DDA's estimated portion of the cost of the project is \$11,600.00, plus a cost overrun amount of ten percent (10%), or \$1,160.00 will be added to the project, for a total estimated costs to the DDA of \$12,760.00. This amount could be reduced by applying Act 51 money or other funding to pay part of the total cost to the Village. The entire project involves the breakup and removal of existing old sidewalk, installing ADA dimple mats at street intersections and pour new, reinforced concrete that is 4" thick throughout sidewalk, but increases to 6" where two driveways intersect sidewalk.

The Byron DDA proposes to finance their half costs of the total project through the capture of tax increment funds, Byron DDA fund-raising events, public or private grants, and/or donations of funds, materials and/or services. The DDA may also utilize any of the following financing mechanisms:

- A. Any tax increment revenue bonds issued by the Village, pursuant to MCL 125.4213 of the Recodified Tax Increment Financing Act;
- B. Any tax increment revenue bonds issued by the Byron DDA, pursuant to MCL 125.4213(a) of the Recodified Tax Increment Financing Act;
- C. Other advances from the Village repayable from tax increment revenues of the Byron DDA, which advances may be financed through obligations

incurred by the Village under the Local Building Authority Act or other authorizing statutes;

- D. Tax increment revenues on a pay-as-you-go basis; and
- E. Other Federal or State grants or contributions, not specified above.

C. *Conceptual Riverwalk Design*

The total cost of the meeting, design, cost opinion and drafting of the conceptual plan is \$5,000.00, plus a cost overrun amount of 10%, or \$500.00 will be added to the project for a total of \$5,500.00. The Byron DDA proposes to finance the costs of this project through the capture of tax increment funds, Byron DDA fund-raising events, public or private grants, and/or donations of funds, materials and/or services. The DDA may also utilize any of the following financing mechanisms:

- A. Any tax increment revenue bonds issued by the Village, pursuant to MCL 125.4213 of the Recodified Tax Increment Financing Act;
- B. Any tax increment revenue bonds issued by the Byron DDA, pursuant to MCL 125.4213(a) of the Recodified Tax Increment Financing Act;
- C. Other advances from the Village repayable from tax increment revenues of the Byron DDA, which advances may be financed through obligations incurred by the Village under the Local Building Authority Act or other authorizing statutes;
- D. Tax increment revenues on a pay-as-you-go basis; and
- E. Other Federal or State grants or contributions, not specified above.

10. Under MCL 125.4217(2)(j), the following is a designation of the person or persons, natural or corporate, to whom all, or a portion of the development is to be leased, sold, or conveyed in any manner, and for whose benefit the project is being undertaken, if the information is available to the authority.

No change proposed in this Plan Amendment,

11. Under MCL 125.4217(2)(k), the procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the Authority and persons, natural or

corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.

No change proposed in this Plan Amendment.

12. It is estimated that there are less than 100 persons and families residing in the development area. It is estimated that zero (0) persons or families residing in the development area will be displaced.

Since the Plan does not call for the acquisition of occupied residential property, the Plan does not include a survey of the families or individuals to be displaced (including their income and racial composition); a statistical description of the housing supply in the community (including the number of private and public units in existence or under construction); the condition of those units in existence; the number of owner-occupied and renter-occupied units; the annual rate of turnover of the various types of housing and the range of rents and sale prices; an estimate of the total demand for housing in the community; and the estimated capacity of private and public housing available to displaced families and individuals.

13. Under MCL 125.4217(2)(m), the following constitutes the plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.

Because of the answer to paragraph 12 above, no plan for establishing priority for relocation is required.

14. Under MCL 125.4217(2)(n), the following shall constitute the provisions for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the *Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, being Public Law 91-646, 42 U.S.C. Sections 4601, *et seq.*

Because of the answer to paragraph 12 above, no provision for the costs of relocating persons displaced is included.

15. Under MCL 125.4217(2)(o), no persons are being relocated in the development area, but any future relocation will be done in compliance with Act No. 227 of the *Public Acts of 1972*, being Sections 213.321 to 213.332 of the Michigan Compiled Laws.
16. Under MCL 125.4217(2)(p), this Plan Amendment also provides for the following other material that the authority, local public agency, or governing body, considers pertinent:

The DDA proposes to enter into a Revenue Sharing Agreement with the Village of Byron to provide administrative services including clerical and treasurer services from Village of Byron employees and/or subcontractors, as well as copying, mailing, shipping, publication and posting services and/or expenses. This involves the drafting and entering into a Revenue Sharing Agreement with the Village of Byron wherein the Village of Byron provides administrative and clerical services for the Byron DDA. In exchange for these services, the DDA will make payment to the Village of Byron utilizing tax increment financing revenue received by the DDA. The drafting and signing of an agreement will be completed by the end of 2022. The services to be provided under the agreement will be ongoing and likely involve periodic renegotiation of costs based upon changes in cost of living, inflation, labor costs, material costs, and a change in amount of services or materials needed. Further the DDA proposes to utilize tax increment financing funds to pay for services of police and Department of Public Works services, both before, during and after DDA events or functions. The DDA will also use tax increment financing funds to pay for services of attorneys, auditors, engineers, and others who provide a service to the DDA.

17. This Development Plan does not provide for improvement related to a qualified facility, as defined in the *Federal Facilities Development Act*, Act No. 275 of the *Public Acts of 1992*.
18. The original 2014 Plan states that its duration will “last until the principal and interest on bonds issued pursuant to the Plan have been paid or until funds sufficient to make such payments have been segregated or until all improvements have been financed, if bonds are not sold . . . In the absence of a specific bond issue, the Plan is designed . . . for a 25-year plan.” Nothing in this Amendment changes that length.
19. The estimated impact of tax increment financing on all taxing jurisdictions in which the BDDA’s Development Area was originally addressed by the BDDA on page 39 of the Plan and Tables 2 & 3. Nothing in this Amendment changes those projections drastically. Additionally, the BDDA states:

Tax increment financing permits the BDDA to capture Tax Increment Revenues (as defined below) attributable to increases in the value of real and personal property in the Development Area. The tax increment finance procedure is governed by Act 57 of the *Public Acts of 2018*, as amended (the “Recodified Tax Increment Finance Act” or “RTIF Act”), being MCL 125.4101 et seq. The procedures outlined below are the procedures provided by the RTIF Act effective as of the date this Plan Amendment is adopted, but are subject to any changes imposed by future amendments to the RTIF Act.

The Tax Increment Revenues are generated when the Current Assessed Value of all properties within the Development Area exceed the Initial Assessed Value of the properties. The amount in any one year by which the Current Assessed exceeds the Initial Assessed Value is the Captured Assessed Value.

**Initial Assessed Value:** When the Village Council enacted the Original Plan by Ordinance in 2014, the Initial Assessed Value of the Development Area was established as the assessed value, as equalized, of all the taxable property within the boundaries of the Development Area at the time that Ordinance was approved, as shown by the then most recent assessment roll of the Village for which equalization had been completed, prior to the adoption of the 2014 Original Plan by Ordinance. Property exempt from taxation at the time of the determination of the Initial Assessed Value was included as zero. However, in determining the Initial Assessed Value, property for which a “specific local tax” was paid in lieu of a property tax was not considered to be property that was exempt from taxation. A “specific local tax” is defined in the RTIF Act and includes “Industrial Facilities Taxes” levied under 1974 PA 198, taxes levied under the *Technology Park Development Act*, 1984 PA 385, and taxes levied on lessees and users of tax-exempt property under 1953 PA 189. The Initial Assessed Value or Current Assessed Value of property subject to a specific local tax was determined by calculating the quotient of the specific local tax paid divided by the *ad valorem* millage rate, or by other method as prescribed by the State Tax Commission.

**Current Assessed Value:** Each year the “Current Assessed Value” of the Development Area will be determined. The Current Assessed Value of the Development Area is the taxable value of the property in the Development Area.

**Captured Assessed Value:** The amount by which the Current Assessed Value exceeds its Initial Assessed Value in any one year is the “Captured Assessed Value.”

**Tax Increment Revenues:** For the duration of the Plan, taxing jurisdictions will continue to receive tax revenues based upon the Initial Assessed Value of the Development Area. The BDDA will receive that portion of the *ad valorem* tax levy of all taxing jurisdictions on the Captured Assessed Value of the taxable property in the Development Area, other than the State, local school district, intermediate school district tax levies, and specific local taxes attributable to such *ad valorem* property taxes (the “Tax Increment Revenues”), subject to limitations and exemptions which may be contained in the RTIF Act, this Tax Increment Financing Plan, and the provisions of any agreements for the sharing of Captured Assessed Value.

Increases in the Current Assessed Values which generate Tax Increment Revenues can result from any of the following:

- a. Construction of new developments;
- b. New rehabilitation, remodeling, alterations, or additions;
- c. Increases in property values which occur for any other reason.

Tax Increment Revenues can be used as they accrue annually, can be held to accumulate amounts necessary to make improvements described in the Plan, or can be pledged for payment of bonds or notes issued by the BDDA or the Village under the RTIF Act. Further, the BDDA may not borrow money or issue revenue notes without the prior approval of the Village. The BDDA may expend tax increment revenues only in accordance with this Plan; surplus revenues revert proportionally to the respective taxing jurisdictions.

20. **Adoption of these Amendments.** The Village of Byron, before adopting an Ordinance approving this 2022 Amendment, shall hold a public hearing on this development plan amendment and seek input and approval from the Citizens Advisory Committee, if one forms. At the time of the hearing, the Village Council shall provide to all interested persons an opportunity to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument of merits, and for introduction of documentary evidence pertinent to the development plan. The Village Council shall make and preserve a record of the public hearing, including all data presented at that time. All provisions of the Original 2014 Plan and the 2016 Amendment not modified by any subsequent amendments to the Plan shall remain in full force and effect.

Clerk Certification

This 2022 Development Plan Amendment was adopted and approved by the Byron Village Council upon the passage of Ordinance 2022-1 titled *Ordinance Approving Byron Downtown Development Authority's 2022 Development Plan Amendment to Incorporate New Projects and Finance Administrative Services* following a duly noticed Public Hearing held at a regular meeting before the Village Council on June 13, 2022.



Marsha Reed  
Village Clerk

Drafted By: Christopher S. Johnson (P-58746)  
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