

APPENDIX G

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 01-12

**A RESOLUTION CREATING A LOCAL DEVELOPMENT FINANCE AUTHORITY  
FOR THE CITY OF KALAMAZOO, DESIGNATING BOUNDARIES OF AUTHORITY  
DISTRICT AND PROVIDING FOR OTHER MATTERS**

Minutes of a regular meeting of the City Commission of the City held on February 5 2001, at 7:00 o'clock p.m., local time, at the Kalamazoo City Commission Chambers

**PRESENT:** Commissioners Cooney, Gordon, Heilman, McCann, Teeter, Vice Mayor McKinney, Mayor Jones

**ABSENT:** None

**WHEREAS**, the City of Kalamazoo (the "City") is authorized by the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281"), to create local development finance authority; and

**WHEREAS**, pursuant to Act 281, the City is required to hold a public hearing on the establishment of a local development finance authority and the creation of authority districts in which the local development finance authority will exercise its powers; and

**WHEREAS**, on October 30, 2000, the City Commission conducted a public hearing on the proposed local development finance authority and the designation of the proposed authority district; and

**WHEREAS**, not less than 60 days have passed since the public hearing.

**NOW THEREFORE**, be it resolved as follows:

**Section 1.** *Determination of Necessity; Purpose.* The City Commission hereby determines that it is necessary and in the best interests of the public to create a public body corporate which shall operate to help eliminate the causes of unemployment, underemployment and joblessness, and to promote economic growth in the City, pursuant to Act 281.

**Section 2.** *Definitions.* The terms used in this resolution shall have the same meaning as given to them in Act 281 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Act 281" mean Act No. 281 of the Public Acts of Michigan of 1986, as amended.

"Authority" means the Local Development Finance Authority of the City of Kalamazoo created by this resolution.

"Authority District" means the authority district designated by this resolution as now existing or hereafter amended, within which the Authority shall exercise its powers.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City of Kalamazoo.

"City" means the City of Kalamazoo.

"Commission" or "City Commission" means the City Commission of the City of Kalamazoo.

**Section 3.** *Creation of Authority.* There is hereby created, pursuant to Act 281, a Local Development Finance Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its power under title of the "**LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF KALAMAZOO.**" The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this resolution and Act 281. The enumeration of a power in this resolution or in Act 281 shall not be construed as a limitation upon the general powers of the Authority.

**Section 4.** *Termination.* Upon completion of its purposes, the Authority may be dissolved by the City Commission. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

**Section 5.** *Description of Authority District.* The Authority District shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 281.

**Section 6.** *Board of Directors.* The Authority shall be under the supervision and control of the Board. The Board shall consist of 11 board members, seven of whom shall be appointed by the Chief Executive Officer of the City, subject to approval by the City Commission; one of whom shall be appointed by the County Board of Commissioners for the County of Kalamazoo; one of whom shall be appointed by the chief executive officer of the community college; two of whom shall be appointed by the chief executive officer of the local school district. Members shall be appointed to serve for a term of four years, except that the members first appointed, an equal number as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's

successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made in the same manner as the original appointment but for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chair of the Board shall be elected by the Board. The Board shall adopt bylaws governing its procedures subject to the approval of the City Commission. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of Fifty Thousand Dollars (\$50,000.00) payable to the Authority for use and benefit of the Authority and shall fine the same with the City Clerk.

**Section 7.** *Powers of Authority.* Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

**Section 8.** *Fiscal Year; Adoption of Budget.*

a. The fiscal year of the Authority shall begin on January 1 of each year and end on December 31 of that year, or such other fiscal year as may hereafter be adopted by the City Commission.

b. The Board shall prepare annually a budget and shall submit it to the City Commission for approval in the manner and at the time, and which budget shall contain the information, and be prepared in the manner required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Commission. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the resolution authorizing the revenue bonds.

c. The Authority shall submit financial reports to the City Commission at the same time and on the same basis as departments of the City are required to submit such reports. 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 City Commission.

**Section 9.** *Publication, Recording and Filing.* This resolution shall be published once after its adoption in full in the **Kalamazoo Gazette**, a newspaper of general circulation in the City of Kalamazoo, and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

**Section 10.** *Effective Date.* This resolution shall take effect immediately upon its publication.

**Section 11.** *Repealer.* All resolutions and parts of any resolution in conflict herewith are hereby repealed.

The above resolution was offered by Commissioner Heilman and supported by Commissioner McCann:

**AYES**, Commissioners: Gordon, Heilman, McCann, Teeter, Vice Mayor McKinney, Mayor Jones

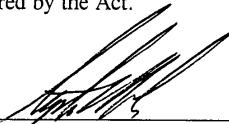
**NAYS**, Commissioners: Commissioner Cooney

**ABSTAIN**, Commissioners: None

**RESOLUTION DECLARED ADOPTED.**

**CERTIFICATE**

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on February 5, 2001. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

  
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Stephen M. French, City Clerk

**EXHIBIT A**

Land lying in Section 31, Town 2 South, Range 11 West more particularly described as follows: the Northwest 1/4 of Section 31 lying Northerly of the Northeasterly right-of-way line of U.S. Highway 131. Also the East 1/2 of the Southwest 1/4 of Section 31 lying Northerly and Easterly of the Northeasterly right-of-way line of U.S. Highway 131. Also the West 1/2 of the Northeast 1/4 of Section 31. Excluding from the entire parcel described above that part lying in the right-of-way of Parkview Avenue. (Approximately 265 acres)

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 01-52

A RESOLUTION AMENDING THE  
BOUNDARIES OF THE LOCAL DEVELOPMENT  
FINANCE AUTHORITY DISTRICT

Minutes of a regular meeting of the City Commission of the City held on  
June 4, 2001, at 7:00 o'clock p.m., local time, at the City Hall.

**PRESENT**, Commissioners: Cooney, Gordon, Heilman, McCann, Teeter, Mayor Jones

**ABSENT**, Commissioners: Vice Mayor McKinney

**WHEREAS**, Public Act 281 of 1986, as amended, was enacted by the Michigan legislature in order to encourage economic development through the establishment of local development finance authorities; and

**WHEREAS**, on February 5, 2001, the Kalamazoo City Commission passed a resolution creating a Local Development Finance Authority (LDFA), designating the boundaries of the LDFA district, and creating a LDFA Board; and

**WHEREAS**, Public Act 281 of 1986, as amended, provides that a municipality such as the City of Kalamazoo may amend the boundaries of an authority district to include or exclude lands from that authority district; and

**WHEREAS**, Public Act 425 of 1984, as amended, enables units of government such as the Oshtemo Township to execute agreements to transfer real property to other units of government such as the City of Kalamazoo for economic development purposes for a term of up to 20 years, subject to the City's zoning ordinances, provided that the property remains part of the township. Such agreements may be renewable, and must require sharing of the real and personal property tax revenue generated by this property between the city and the township.

**WHEREAS**, on October, 30, 2000, pursuant to Public Act 425 of 1984, as amended, the City accepted from Oshtemo Township the transfer of a certain parcel of land adjacent to the LDFA district containing approximately 6.46 acres, as is more fully described in Attachment A. This parcel is zoned residential pursuant to township ordinances, but will be subject to the Business, Technology, and Research zoning district of the City.

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**WHEREAS**, Public Act 281 of 1986, as amended, requires municipalities such as the City of Kalamazoo to hold a public hearing as part of the process for creating or amending the boundaries of a Local Development Finance Authority; and

**WHEREAS**, on March 5, 2001, the Kalamazoo City Commission passed a resolution setting a public hearing for April 2, 2001 to receive comment and citizen input on amending the Local Development Finance Authority's boundaries to include certain adjacent lands situated in Oshtemo Township, more fully described in Attachment A to this resolution; and

**WHEREAS**, public notice of this hearing was published in the *Kalamazoo Gazette* on March 8 and March 9, 2001, said dates of publication being not less than 20 nor more than 40 days before the date of the hearing; and

**WHEREAS**, a public hearing was held on April 2, 2001 for the purpose of receiving public comment and citizen input on amending the Local Development Finance Authority's boundaries to include certain adjacent lands situated in Oshtemo Township described in Attachment A; and

**WHEREAS**, more than 60 days have passed since the public hearing was held on April 2, 2001, and all other applicable statutory requirements have been met:

**NOW THEREFORE BE IT RESOLVED** that the City of Kalamazoo does hereby amend the boundaries of the Local Development Finance Authority, pursuant to the provisions of Public Act 281 of 1986, as amended, to incorporate into the authority district the land described in Attachment A.

**BE IT FURTHER RESOLVED** that land described in Attachment A shall be subject to the Business, Technology, and Research zoning district of the City.

The above resolution was offered by Commissioner Heilman and supported by Commissioner McCann.

**AYES**, Commissioners: Gordon, Heilman, McCann, Teeter, Mayor Jones

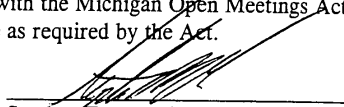
**NAYS**, Commissioners: Cooney

**ABSTAIN**, Commissioners: None

**RESOLUTION DECLARED ADOPTED.**

**CERTIFICATE**

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on June 4, 2001. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

  
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Stephen French, City Clerk

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WESTERN MICHIGAN UNIVERSITY  
BUSINESS, RESEARCH AND TECHNOLOGY PARK

Description of Property Located in Oshtemo Township, Kalamazoo County

Part of the northeast quarter of Section 36, Town 2 South, Range 12 West Oshtemo Township, Kalamazoo County, Michigan; more particularly described as follows: Commencing at the Northeast corner of said Section 36; thence South  $01^{\circ} 02' 18''$  West, 50.01 feet along the east line of said Section 36, to the point of beginning; thence continuing along said East line (said line also being the centerline of vacated 12<sup>th</sup> Street), a distance of 896.63 feet to a point of intersection of the Easterly right-of-way line of US Highway 131 and the East line of said Section 36; thence North  $34^{\circ} 42' 26''$  West, 643.45 feet along said Easterly right-of-way line of said US Highway 131 to a point of curve; thence Northwesterly 428.69 feet on a 2,761.79 foot radius curve to the right, a long chord bearing North  $30^{\circ} 15' 38''$  West, 428.26 feet to a point of intersection of the Easterly right-of-way line of said US Highway 131 and the South right-of-way line of Parkview Avenue; thence South  $89^{\circ} 46' 19''$  East 598.44 feet, along said South right-of-way line to the point of beginning. Containing 6.46 acres more or less.

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