

OSHTEMO CHARTER TOWNSHIP

RESOLUTION ESTABLISHING THE
SOUTH DRAKE ROAD CORRIDOR IMPROVEMENT AUTHORITY
SoDA

March 18, 2014

A Resolution to establish the South Drake Road Corridor Improvement Authority SoDA in Oshtemo Charter Township, pursuant to Act 280 of the Public Acts of Michigan 2005, as amended; having determined the necessity thereof; provided for the creation of the Authority; defined the boundaries of the Corridor Improvement Development Area; provided for the establishment of the Board of Directors for the Authority; and provided for the notice and effective date thereof.

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
HEREBY RESOLVES:

SECTION I. TITLE.

This Resolution shall be known and may be cited as the "Oshtemo Charter Township South Drake Road Corridor Improvement Authority (SoDA) Resolution."

SECTION II. DEFINITIONS.

The terms used in this Resolution shall have the same meaning as given to them in Act 280 or hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this Resolution:

"Act 280" means Act No. 280 of the Public Acts of Michigan of 2005, as now in effect or hereinafter amended.

"Authority" means the Oshtemo Charter Township South Drake Road Corridor Improvement Authority created by this Resolution.

“Board” or “Board of Directors” means the Board of Directors of the Authority, the governing body of the Authority.

“Chief Executive Officer” means the Supervisor of the Township.

“Development Area” means the Development Area designated by this Resolution as now existing or hereafter amended.

“Township” means the Oshtemo Charter Township, Kalamazoo County, Michigan.

“Township Board” means the Township Board of Oshtemo Charter Township.

SECTION III. DETERMINATION OF NECESSITY.

The Township Board hereby determines that it is necessary for the best interests of the public to redevelop commercial corridors and to promote economic growth by establishing a Corridor Improvement Authority pursuant to Act 280.

SECTION IV. CREATION OF AUTHORITY.

There is hereby created, pursuant to Act 280, a Corridor Improvement Authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “Oshtemo Charter Township South Drake Road Corridor Improvement Authority.” 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 280. The enumeration of a power in this Resolution or in Act 280 shall not be construed as a limitation upon the general powers of the Authority.

SECTION V. DESCRIPTION OF CORRIDOR IMPROVEMENT AUTHORITY DEVELOPMENT AREA.

The Corridor Improvement Authority Development Area in which the Authority shall exercise its powers as provided by Act 280 shall consist of the described territory in the Township, subject to this Resolution and Act 280, as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION VI. BOARD OF DIRECTORS.

The Authority shall be under the supervision and control of the Board of Directors consisting of the Chief Executive Officer of the Township and not less than five or more than nine members as determined by the Township Board. The members shall be appointed by the Chief Executive Officer of the Township, subject to the approval by the Township Board. Not less than a majority of the members shall be persons having interest in property located in the Corridor Improvement Development Area. Not less than one of the members shall be a resident of the South Drake Road Corridor Improvement Authority Development Area. Of the members first appointed, an equal number, as near as is practical, shall be appointed for one year, two years, three years and four years. Members shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Chief Executive Officer of the Township for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

SECTION VII. POWERS OF AUTHORITY.

The Authority shall have all powers enumerated or implied by law in Act 280.

SECTION VIII. 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 the same year, or such other fiscal year as may hereafter be adopted by the Township.
- B. The Board shall annually prepare a budget and shall submit it to the Township Board on the same date that the proposed budget for the Township is required by law to be submitted to the Township Board. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township Board. 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 Ordinance authorizing the revenue bonds.
- C. The Authority shall be audited annually by the same independent auditors auditing the Township, and copies of the audit report shall be filed with the Township Board.

SECTION IX. SECTION HEADINGS; SEVERABILITY; REPEALER.

Section headings in this Resolution are furnished for convenience only and shall not be considered to be part of this Resolution. All other Ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed, and each section of this Resolution and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section of subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision.

SECTION X. RECORDING AND EFFECTIVE DATE.

This Resolution is hereby determined by the Township Board to be immediately necessary for the interests of the Township and shall be in full force and effect upon adoption.

Motion made by Lee Larson, seconded by Dusty Farmer to adopt the foregoing Resolution.

Upon roll-call vote the following voted "Aye":

Elizabeth Heiny-Cogswell, Deborah Everett, Nancy Culp, Dave Bushouse,
Lee Larson, and Dusty Farmer

The following voted "Nay": Nancy Carr

The following abstained: None

The Supervisor declared the Motion carried and the Resolution duly adopted.

Deborah L. Everett
Deborah L. Everett, Clerk
Oshtemo Charter Township

CERTIFICATE

I, Deborah Everett, the duly elected and acting Clerk of the Charter Township of Oshtemo, hereby certify that the foregoing resolution was adopted by the Township Board of said Charter Township at a special meeting of said Board held on March 18, 2014, at which meeting a quorum was present by a roll-call vote of said members as hereinbefore set forth; that said resolution was ordered to take effect March 18, 2014.

Deborah L. Everett
Deborah L. Everett, Township Clerk

EXHIBIT A

All those properties abutting the west side of Drake Road or within 500 feet thereof between West Main Street and Stadium Drive in Sections 13, 24, and 25 of Oshtemo Charter Township, and all those properties abutting KL Avenue north and south sides or within 500 feet thereof between Drake Road and 11th Street in Section 24 of Oshtemo Charter Township.

The following is a map of the Development Area: