

PROPOSED ORDINANCE # 427  
APPROVING AMENDMENT  
TO BOUNDARIES OF THE  
DOWNTOWN DISTRICT OF THE  
DOWNTOWN DEVELOPMENT AUTHORITY OF THE VILLAGE OF ELK RAPIDS

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WHEREAS, the Village of Elk Rapids (the “Village”), pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the “Act”), has previously established the Downtown Development Authority of the Village of Elk Rapids (the “Authority”) and set forth its boundaries (the “District”) pursuant to Ordinance No. 163 of the Village adopted on July 7, 1986; and

WHEREAS, to further the purposes of the Authority under the Act, the Village, in conjunction with the Authority, has determined that it is necessary to amend the boundaries of the Authority’s District to add additional parcels; and

WHEREAS, pursuant to the requirement of the Act, on June 20, 2011, the Village Council held a public hearing on the amendments to the Authority’s District and provided Taxing Jurisdictions, as defined in the Act, the opportunity to address the Village Council; and

WHEREAS, not less than 60 days has passed since the date of the public hearing.

NOW, THEREFORE, THE VILLAGE OF ELK RAPIDS ORDAINS:

1. Findings. The Village hereby determines that it is in the best interests of the residents and taxpayers of the Village of Elk Rapids to amend the boundaries of the District and jurisdiction of the Authority which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the Village, and promote economic growth, pursuant to the Act.

2. Amendment of Ordinance Establishing the Downtown Development Authority of the Village of Elk Rapids. Ordinance No. 163 of the Village of Elk Rapids, is hereby amended to provide that the boundaries of the Downtown District in which the Authority shall exercise its powers as provided in the Act shall consist of the territory of the Village described in Exhibit A attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this Ordinance and the Act.

3. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

4. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

5. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the *Elk Rapids News*, a newspaper of general circulation in the Village, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Village, which recording shall be authenticated by the signature of the Village Clerk.

6. Effective Date. The Ordinance is hereby determined by the Village Council to be immediately necessary for the interests of the Village and shall be in full force and effect from and after its passage and publication as required by law.

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance \_\_\_\_, duly adopted by the Village Council of the Village of Elk Rapids, County of Antrim, State of Michigan, at a regular meeting held on September 6, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following Members were present at said meeting \_\_\_\_\_ and that the following Members were absent \_\_\_\_\_.

I further certify that Member \_\_\_\_\_ moved adoption of said Ordinance and Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_ and that the following Members voted against adoption of said Ordinance \_\_\_\_\_.

\_\_\_\_\_  
Village Clerk

I hereby certify that the foregoing ordinance received legal publication in \_\_\_\_\_, on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Village Clerk

## EXHIBIT A

### EAST SIDE EXISTING TIF BOUNDARY

Starting at the intersection of US 31 and Ames Street; North along the US 31 centerline to the Village Limits; East to Bass Lake waterline; South along the Bass Lake waterline to the East tip of 05-43-021-009-10; South along the West boundary of 05-43-021-061-00; West approximately 75 feet to the Northwest point of 05-43-021-011-00; South to the centerline of Lake Street; East along the centerline of Lake Street to the centerline of Olds Street; South along the centerline of Olds Street to the centerline of the platted alley between Lake and Ames Streets; East along the centerline of the platted alley to the centerline of Rivershore Drive; South along the centerline of Rivershore Drive to the centerline of Ames Street; East along the centerline of Ames Street to the centerline of Brand Street; South along the centerline of Brand Street to the Southeast corner of 05-43-200-001-10; West along the South boundary of 05-43-200-001-10 to the East boundary of 05-43-200-003-00; South along the East boundary of 05-43-200-003-00 and West along the South boundary of 05-43-200-003-00 extended to the West line of Center Street; North along said West line to the Southeast corner of 05-43-200-048-00; West along the South boundary of 05-43-200-048-00 and 05-43-200-047-00 to the centerline of Rivershore Drive; North along the centerline of Rivershore Drive to the centerline of Todd Street; West along the centerline of Todd Street to the centerline of Lathe Street; North along the centerline of Lathe Street to the platted alley between Ames and Todd Streets; West along the centerline of the platted alley to the East boundary of 05-43-021-037-10; South along said East boundary of 05-43-021-037-10; West along the boundary of 05-43-021-037-10, 05-43-021-037-00 and 05-43-021-035-00 to the shore of Elk Lake; North along the shore of Elk Lake to the West boundary of 05-43-021-035-10; Northwest along the boundary of 05-43-021-034-00; and West to the Point of Beginning.

### EAST SIDE FINAL BOUNDARY

Beginning at the intersection of Ames Street and Rivershore Drive; thence North along the centerline of Rivershore Drive to the North line of Fairbanks Street; thence East along the North line of Fairbanks Street to the East line extended North of the Alley between Tax Parcel 05-43-225-013-00 and Tax Parcel 05-43-225-014-00; thence South along the East line of said Alley to the Southwest Corner of said tax parcel 014-00; thence East along the North line of the Alley between Ames Street and Fairbanks Streets to the East line of Brand Street; thence South along said East line of Brand Street to the Northwest Corner of Tax Parcel 05-43-125-006-00; thence East along the North line of said tax parcel 006-00 to the East line of the Alley between Brand Street and Iroquois Street; thence South along the East line of said Alley to the Northwest Corner of Tax Parcel 05-43-125-003-15; thence East along the North line of said tax parcel 003-15 to the West line of Iroquois Street; thence North along the West line of Iroquois Street to the North line extended West of Tax Parcel 05-43-125-002-00 (Lots 2 & 6); thence East along the North line of said tax parcel 002-00 to the West line of the Alley between Iroquois and Washington Streets; thence North along the West line of said Alley to the South line extended West of the North 59 feet of Lot 10, "Craw's Addition to the Village of Elk Rapids"; thence East along said South line of the North 59 feet of said Lot 10 to the East line of Washington Street; thence North along the East line of Washington Street to the Northwest Corner of Tax Parcel 05-43-125-008-00; thence East along the North line of said tax parcel 008-00 to the West line of the Alley between Washington and Bass Streets; thence North along the West line of said Alley to the North line extended West of Tax Parcel 05-43-125-014-00 (part of Lots 20 & 31); thence East along the North line of said tax parcel 014-00 to the West line of Bass Street; thence North along the West line of Bass Street to the North line of Lake Street; thence East along the North line of Lake Street extended to the Southeasterly right-of-way line of Ames Street; thence Southwesterly along said right-of-way line of Ames Street to the Easterly right-of-way line of School Street; thence South along said Easterly right-of-way line of School Street to the Southwest Corner of Lot 29, "Craw's Second Addition to the Village of Elk Rapids"; thence Southeasterly to the Northwest corner of Tax Parcel 05-43-100-024-00 (Lot 51); thence West along the South line of Buckley Street to the West line of Henry Street; thence North along said West line of Henry Street to the North line of Tax Parcel 05-43-100-029-00; thence West along the North lines of said tax parcel 029-00, tax parcel 030-00, tax parcel 028-00 and tax parcel 027-00 to the centerline of Brand Street; thence North along the centerline of Brand Street to the centerline of Ames Street; thence Northwesterly along the centerline of Ames Street to the centerline of Rivershore Drive and the Point of Beginning.

**WEST SIDE FINAL BOUNDARY**

Beginning at the intersection of U.S. Highway 31 and Ames Street; thence East to the Northwest corner of Tax Parcel 05-43-021-034-00; thence Southeasterly along the Southwest line of said tax parcel 034-00 to the North shore of Elk Lake; thence Westerly and Southerly 420 feet, more or less, along the Northerly shore of Elk Lake to the centerline of U.S. Highway 31; thence Southerly 73 feet, more or less, along the centerline of U.S. 31 to the South shore of Elk Lake; thence Southerly 2600 feet, more or less, along the Westerly shore of Elk Lake to the North line of Tax Parcel 05-43-021-085-00; thence Westerly along the North line of said tax parcel 085-00 to the West line of said tax parcel 085-00; thence Southerly along said West line extended 1400 feet, more or less, to the South line of Fourth Street; thence Westerly along said South line to the East line of Tax Parcel 05-43-028-019-00; thence Southerly and Westerly along the East and South lines of said tax parcel 019-00 to the Southeast Corner of Tax Parcel 05-43-028-016-10; thence Westerly along said South line extended to the Westerly right-of-way line of U.S. 31; thence Northeasterly along said right-of-way line to the Southerly Corner of Tax Parcel 05-43-028-015-00; thence along the Southwest, West and North lines of said tax parcel 015-00 to the West right-of-way line of U.S. 31; thence North along said West right-of-way line of U.S. 31 to the South line of Fourth Street; thence West along the South line of Fourth Street to the West line extended of the Alley between Cedar and Bridge Streets; thence North along the West line of said Alley to the South line of First Street; thence West along the South line of First Street to the West line of Cedar Street; thence North along the West line of Cedar Street to the North line extended West of Tax Parcel 05-43-010-224-00 (Lot 251); thence East along the North line of said tax parcel 224-00 to the West line of said Alley between Cedar and Bridge Streets; thence North along the West line of said Alley to the North line of Chippewa Street; thence Northeasterly along the North line of Chippewa Street to the Southeast Corner of Tax Parcel 05-43-010-186-00 (Lot 204); thence Northwesterly along the East lines of Tax Parcels 05-43-010-186-00 (Lot 204), 138-00 (Lot 147) and 132-00 (Lot 140) to the North line of the Alley between Ottawa and Traverse Streets; thence Northeasterly along said Alley to the Southeast Corner of Tax Parcel 05-43-010-073-00 (Lot 72); thence Northwesterly along the East line of said tax parcel 073-00 to the North line of Traverse Street; thence Northeasterly along the North line of Traverse Street to the Southeast Corner of Tax Parcel 05-43-010-069-00 (Lot 66); thence Northwesterly along the East line of said tax parcel 069-00 to the South line of the Alley between Traverse and River Streets; thence Southwesterly along the South line of said Alley to the Northwest Corner of Tax Parcel 05-43-010-064-00 (Lot 61); thence Southeasterly along the West line of said tax parcel 064-00 to the South line of Traverse Street; thence Southwesterly along the South line of Traverse Street to the East line extended Tax Parcel 05-43-010-060-00 (Lot 57); thence Northwesterly along said East line to the South line of said Alley between Traverse and River Streets; thence Southwesterly along the South line of said Alley to the West line of Pine Street; thence along the West line of Pine Street to the South line of River Street; thence along the South line of River Street to the East line of Spruce Street; thence along the East line of Spruce Street to the Northwest Corner of Tax Parcel 05-43-010-054-00 (Lot 50); thence Southwesterly along the South line of said Alley to the West line extended South of Tax Parcel 05-43-010-029-00 (part of Lot 20); thence Northwesterly along said West line of tax parcel 029-00 to the South line of River Street; thence Southwesterly along said South line of River Street to the West line of Oak Street; thence Northwesterly along the West line of Oak Street to the North line of River Street; thence Northeasterly along the North line of River Street to the shore of Grand Traverse Bay at the Southwest Corner of Tax Parcel 05-43-020-003-00; thence Northeasterly, Northerly and Easterly 3800 feet, more or less, along said shoreline of Grand Traverse Bay to the Southwest boundary of "Sands of Elk Rapids" Condominium; thence Southeasterly along said condominium boundary to the Westerly corner of "Bay Breeze" Condominium; thence Southeasterly, Northeasterly and Southeasterly along the boundary of said "Bay Breeze" Condominium to the West line of Tax Parcel 05-43-021-007-00; thence Southeasterly and Northeasterly along said tax parcel 007-00 to the Westerly right-of-way line of U.S. 31; thence North along said right-of-way and along the West line of Tax Parcels 05-43-021-089-10 and 05-43-021-089-20 to the Northwest Corner of said tax parcel 089-20; thence East along the North line of said tax parcel 089-20 extended to the centerline of U.S. 31; thence Southerly 820 feet, more or less, along the centerline of U.S. 31 to the Point of Beginning.

**EXCEPTING THEREFROM THE FOLLOWING PARCEL**

“Elk River Cove” Condominium (Tax Parcels 05-43-500-001-00 thru 008-00) and “Harbor Vista” Condominium (Tax Parcels 05-43-475-001-00 thru 008-00).