

**FIFTH AMENDED DEVELOPMENT PLAN**  
**AND**  
**FIFTH AMENDED TAX INCREMENT FINANCING PLAN**  
**FOR**  
**DEVELOPMENT AREA NO. 1**

August 2, 2006

**COMMERCE TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY  
TOWNSHIP OF COMMERCE, OAKLAND COUNTY, MICHIGAN**

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**James Gotts, Vice-Chairperson**  
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**Susan Gross, Commerce Township and DDA Treasurer**  
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**Frank Marotta, Member**  
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## INTRODUCTION AND HISTORY

On October 9, 1984, the Board of Trustees of the Charter Township of Commerce ("Township Board") adopted the **DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1** ("Development Plan") prepared by the Commerce Township Downtown Development Authority ("DDA") pursuant to Act 197, Public Acts of Michigan 1975, as amended ("DDA Act"). The boundaries of the original Downtown District and Development Area No. 1 ("Development Area") are illustrated on Exhibit A.

The **FIRST AMENDED DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1** ("First Amended Plan") was adopted by the Township Board on March 22, 1989. The boundary of the Development Area as modified by adoption of the First Amended Plan is illustrated on Exhibit B.

The **SECOND AMENDED DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1** ("Second Amended Plan"), which made no modification to the boundary of the Development Area, was adopted by the Township Board on July 8, 1998. See Exhibit C.

On May 13, 2003, the Township adopted Ordinance 81-03-1 which expanded the boundary of the Downtown District. The **THIRD AMENDED DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1** ("Third Amended Plan"), which expanded the Development Area, was adopted by the Township Board on June 11, 2003. The boundary of the expanded Downtown District and the Development Area as modified by adoption of the Third Amended Plan are illustrated on Exhibit D.

The **FOURTH AMENDED DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1** ("Fourth Amended Plan") was adopted by

the Township Board on November 17, 2004. The Township made no modifications to the boundary of either the Downtown District or the Development Area in 2004. See Exhibit E.

### FIFTH AMENDED DEVELOPMENT PLAN

Pursuant to Section 17(2) of the DDA Act, the Charter Township of Commerce adopts the Fifth Amended Development Plan for Development Area No. 1 ("Fifth Amended Plan"). Along with the adoption of the Fifth Amended Plan, the geographic area of the Downtown District is being enlarged in 2006. Development Area No. 1 ("Development Area") is also being expanded to incorporate this new area of the Downtown District. Both the expanded Downtown District and the expanded Development Area are illustrated on Exhibit F. The proposed projects within the Development Area are discussed in detail in Section (b)(2) of the Fifth Amended Plan.

(a) **The designation of boundaries of the development area in relation to highways, streams or otherwise.**

The Development Area as expanded by adoption of the Fifth Amended Plan is bounded generally on the north by Richardson Road, on the east by Haggerty Road, on the south by 14 Mile Road, and on the west at various points by the City of Walled Lake, Glengary Creek, and Welch Road. The Development Area includes the entire area of Sections 24 and 36 as well as portions of Sections 23, 25, 26 and 35. The legal description for the Development Area as expanded by adoption of the Fifth Amended Plan and as illustrated on Exhibit F is as follows:

LAND LOCATED IN T-2-N., R-8-E., COMMERCE TOWNSHIP, OAKLAND COUNTY MICHIGAN DESCRIBED AS:

THE E ½ OF THE SW ¼ AND THE SE ¼ OF SECTION 13, EXCEPTING THEREFROM LAND LYING NORTH OF THE CENTERLINE OF RICHARDSON ROAD.

AND THE APPROXIMATE WEST 218 FEET OF THE SOUTH 999 FEET, AND THE EAST 253 FEET OF THE SOUTH 205 FEET OF THE WEST ½ OF THE SW ¼ OF SECTION 13.

THE NE ¼ OF SECTION 23 EXCEPT THE LOTS IN "COMMERCE PINES SUBDIVISION NO.3" AS RECORDED IN LIBER 222, PAGES 7 THROUGH 14 OF PLATS, OAKLAND

COUNTY RECORDS AND ALSO EXCEPTING THEREFROM THAT PORTION OF "COMMERCE PINES SUBDIVISION NO.4, LOCATED IN THE NE ¼ OF SAID SECTION 23, AS RECORDED IN LIBER 258, PAGES 10 THROUGH 15 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO INCLUDING CIRCLE PARK OF SAID COMMERCE PINES SUBDIVISION NO. 3.

AND THE SE ¼ OF SECTION 23 EXCEPTING THEREFROM AN AREA LYING NORTH OF THE LINE DESCRIBED AS BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 191; THENCE NORTHEASTERLY TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SPRUCE DRIVE SAID LINE BEING THE EXTENTION OF THE SOUTH LINE OF SAID LOT 191; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE TO THE SOUTHWESTERLY CORNER OF LOT 174; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF LOT 174 TO THE NORTHEAST CORNER OF SAID LOT 174 ALL BEING A PART OF "COMMERCE PINES SUBDIVISION NO.4", ALSO EXCEPTING THEREFROM ALL OF "HILL'N DALE VILLAGE SUBDIVISION AS RECORDED IN LIBER 82, PAGE 33 THROUGH 35 OF PLATS, OAKLAND COUNTY RECORDS.

AND PART OF THE EAST ½ OF THE WEST ½ OF SECTION 23 LYING BETWEEN THE SOUTHERLY LINE OF COMMERCE PINES SUBDIVISION AS RECORDED IN LIBER 167, PAGES 24 AND 25 OF PLATS, OAKLAND COUNTY RECORDS AND NORTH OF A LINE DESCRIBED AS; BEGINNING AT THE NORTHWEST CORNER OF SAID HILL'N DALE VILLAGE SUBDIVISION; THENCE N.61°56'30"W., 181.21 FEET ALONG THE WESTERLY EXTENTION OF SAID SUBDIVISION; THENCE N.61°55'30"W., 393.54 FEET; THENCE N.60°16'30"W., 343.82 FEET; THENCE N.47°26'20"W., 650 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF COMMERCE ROAD.

ALL OF SECTION 24.

ALL OF SECTION 25.

THE EAST ½ OF THE NE ¼ AND THE EAST ½ OF THE SE ¼ OF SECTION 26.

EAST ½ OF THE NE ¼ OF SECTION 35.

ALL OF SECTION 36.

- (b) **The location and extent of existing streets and other public facilities within the development area; the location, character, and extent of categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational and other uses; the legal description of the development area.**

**1. Location of existing streets/other public facilities within Development Area.**

The current location of existing streets and other public facilities within the Development Area is shown on the maps attached as Exhibit F (2006 Downtown District and Development Area) and Exhibit G (Street Map).

**2. Location, character, and extent of categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational and other uses.**

Categories of current and proposed land uses within the Development Area are shown on the maps as Exhibit H (Commerce Zoning Map) and Exhibit I (Future Land Use).

**Development Area No. 1 Zoning Classifications as of January 1, 2005.**

<u>Category of Land Use</u>	<u>Acres</u>	<u>% of Total</u>
Public Use Street only (as shown on Exhibit D)	181.48	8.93
Municipal (Library)	1.0	.02
Residential	396.56	19.52
Commercial	124.00	6.10
Industrial	527.99	25.99
Educational	0	0
Recreational	311.02	15.33
Vacant	489.71	24.10
<b>TOTAL</b>	<b>2031.76</b>	<b>100.00</b>

Since the Fourth Amended Plan was adopted, the DDA purchased the El Dorado Golf Course, the Links of Pinewood Golf Course, portions of parcels of property formerly owned by the Huron Clinton Metropolitan Park Authority, Commerce Township, and the Michigan Department of Transportation, as well as various smaller parcels previously owned by private

parties, bringing its current holdings of real property with ancillary buildings in the Downtown District to 340+ acres.

The El Dorado and Links of Pinewood golf courses are currently being operated under the terms of a Concession Agreement between the DDA and the prior owner of the Links of Pinewood Golf Course. The DDA intends to eventually sell most of the golf course land for private development of residential and commercial projects. The DDA also plans to convey certain portions of such land to Commerce Township for use as a Town Hall and a separate Library facility. Both municipal projects are described later in the Fifth Amended Plan.

The DDA is providing funding for the development of an overall Master Land Use Development Plan for a portion of the Development Area by Johnson, Johnson & Roy. The DDA is also participating with the Township Planning Department and Planning Commission in the development of a form based zoning ordinance, which will include a regulating plan with form-based districts, building envelope standards, and street and architectural standards. The Township has also adopted a planned unit development section in its Zoning Ordinance to assist in managing the commercial and residential developments which will occur in this area.

The comprehensive plan for development within this area includes environmental, infrastructure, public facility improvements, and private development components as described below.

#### ENVIRONMENTAL

In 2005, the DDA contracted with ASTI Environmental to conduct a comprehensive environmental assessment ("EA") of the Development Area. The EA included a water quality study of Glengary Creek, which is a tributary of the Huron River flowing through the Downtown District. The water quality study included water quality sampling and biological assessment of the

stream and adjacent Stuart Lake, investigations of illicit discharges along the stream, sediment sampling, measurement of stream flows, and a storm water pollutant load analysis. The EA also included a flora survey of the undeveloped areas within the Development Area to provide a baseline for a plan to protect and enhance existing species.

Based in part upon the results of the EA, the DDA intends to restore sections of Glengary Creek to its natural flow with daylight exposure by removing the underground drain system through which the Creek currently flows under the El Dorado and Links of Pinewood golf courses. The DDA also intends to incorporate features in the Development Area to protect and enhance existing wetlands, floodplains and other environmentally sensitive areas, and to significantly increase the areas available for passive recreation such as walking trails and bike paths.

The DDA is also completing a storm water management plan for the Development Area and adjacent areas in order to manage changes in run off patterns, protect sensitive wetland areas, decrease flood damage, and provide a filtering system for water storage in Glengary Creek. The DDA anticipates that certain land which it has acquired adjacent to Haggerty Road may be used for necessary storm water detention as a component of the Haggerty Road improvement project.

### INFRASTRUCTURE

In addition to the stormwater management measures discussed above, the Fifth Amended Plan includes improvements to major roads within the Development Area in order to alleviate the massive traffic congestion at the M-5/Pontiac Trail intersection. The DDA also plans to improve and enhance existing roads and to construct new roads as necessary to accommodate the increased traffic within the Downtown District as well as along the local roads leading to and from this area. The specific road improvement projects included in this Plan include:

1. Improvements to Pontiac Trail near M-5 and at the intersection with Welch Road.

2. Widening Haggerty Road to five lanes from Richardson Road to 14 Mile Road.
3. Extending Martin Road south from Oakley Park Road to either Pontiac Trail or Walnut Lake Road.
4. Widening Pontiac Trail from Welch Road to the western Township boundary.
5. Construction of roundabouts at appropriate intersections.
6. Improvements to portions of Oakley Park and Richardson Roads.
7. Construct a new road connecting Martin Road to Haggerty Road.

These road improvements will include reconstruction of certain intersections, the relocation and construction of aesthetic improvements, including the construction of pedestrian and bike pathways, necessary drain improvements, and required utility relocation and upgrading. The DDA may improve other roadways within areas surrounding the Downtown District as necessary.

#### PUBLIC AND SERVICE FACILITIES

1. Library. The DDA has agreed to permit the Township to utilize a portion of the El Dorado clubhouse for a Township Library. The Township and the DDA are developing plans to convert and expand the temporary Library facility into a larger, permanent Library. The DDA may also consider the possible development of a performing arts center in the Development Area.
2. Town Hall. The DDA also intends to provide the Links of Pinewood clubhouse to the Township for renovation by the Township into a new Town Hall. Plans, specifications, projected costs, and additional funding for both a new Town Hall and a permanent library will be developed by the Township with possible assistance by the DDA.
3. Emergency Care Center. The DDA intends to sell property that it currently owns on Welch and Maple Roads west of M5 to a private nonprofit hospital corporation for development of a medical center. The hospital intends to develop a free-standing emergency care



center on this site which would include a 100-person conference room for joint hospital/municipal use.

In connection with the development of the medical center, the DDA intends to provide the Township with a new fire station on a portion of this site. Once the new fire station is built, the Township will relocate the existing fire station which is currently located on Welch Road adjacent to El Dorado Golf Course to this site, and then will convey the old fire station property to the DDA.

#### RESIDENTIAL AND COMMERCIAL DEVELOPMENT

Except for the municipal facilities described above, it is the current intention of the DDA that a significant portion of the former HCMA, Links of Pinewood, and El Dorado land will be sold to third parties for redevelopment. The DDA further anticipates that a portion of the land that it owns which is located at the northwest intersection of Pontiac Trail and Haggerty Road may be sold for commercial development.

The DDA plans to preserve large portions of the existing and restored wetland areas and the areas within the floodplain as open space, with passive recreation facilities such as walking trails interconnecting the various developments.

#### COVENANTS, CONDITIONS AND RESTRICTIONS

To assure protection of the open space, wetlands and related areas, as well as to achieve consistent and compatible development of all of the land within the Development Area, the DDA intends to promulgate comprehensive architectural, land use, occupancy and maintenance restrictions and conditions. These restrictions and conditions would be administered by a series of master and subordinate subdivision and landowner associations. The landowner associations would initially be controlled by the DDA and implemented through interlocking land use and

occupancy covenants, conditions and restrictions (CC&Rs). The CC&Rs would be subject to continued enforcement by the Township after the properties are sold through real property, contract, ordinance, special assessment district, and/or other enforcement vehicles.

**3. Legal description of the Development Area:**

LAND LOCATED IN T-2-N., R-8-E., COMMERCE TOWNSHIP, OAKLAND COUNTY MICHIGAN DESCRIBED AS:

THE E ½ OF THE SW ¼ AND THE SE ¼ OF SECTION 13, EXCEPTING THEREFROM LAND LYING NORTH OF THE CENTERLINE OF RICHARDSON ROAD.

AND THE APPROXIMATE WEST 218 FEET OF THE SOUTH 999 FEET, AND THE EAST 253 FEET OF THE SOUTH 205 FEET OF THE WEST ½ OF THE SW ¼ OF SECTION 13.

THE NE ¼ OF SECTION 23 EXCEPT THE LOTS IN "COMMERCE PINES SUBDIVISION NO.3" AS RECORDED IN LIBER 222, PAGES 7 THROUGH 14 OF PLATS, OAKLAND COUNTY RECORDS AND ALSO EXCEPTING THEREFROM THAT PORTION OF "COMMERCE PINES SUBDIVISION NO.4, LOCATED IN THE NE ¼ OF SAID SECTION 23, AS RECORDED IN LIBER 258, PAGES 10 THROUGH 15 OF PLATS, OAKLAND COUNTY RECORDS.

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ALL OF SECTION 24.

ALL OF SECTION 25.

THE EAST ½ OF THE NE ¼ AND THE EAST ½ OF THE SE ¼ OF SECTION 26.

EAST ½ OF THE NE ¼ OF SECTION 35.

ALL OF SECTION 36.

- (c) **A description of existing improvements in the development area to be demolished, repaired or altered; a description of any repairs and alterations; an estimate of the time required for completion.**

The DDA intends to improve existing roads in the expanded Development Area and undertake additional infrastructure projects as described above in (b) above. The existing underground drainage system for Glengary Creek which runs through the El Dorado and Links of Pinewood Golf Courses will be removed and the stream will be restored to its natural flow with daylight exposure. The El Dorado clubhouse will be converted from a temporary Library into permanent Township Library. The Links of Pinewood clubhouse will be renovated into a new Town Hall. Construction schedules for the Library and Town Hall projects will be developed by the Township. Two existing vacant residential buildings on separate DDA parcels have been demolished. The estimated time frame for completion of all of these projects is five to ten years.

- (d) **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.**

The location, extent, and character of the improvements contemplated for the Development Area is more fully described in (b) above. The estimated cost of all of the improvements within the 340+ acres in Section 24 by both public entities and private developers, including the residential and commercial developments, roads, storm water management, passive recreation and other

infrastructure projects, is estimated to approach \$775 million. The DDA portion of this total is expected to be approximately \$30 to \$70 million. Final cost estimates for the Library, Town Hall and fire station projects will be developed by the Township, but the total investment in these three facilities is expected to total approximately \$25 million. Final cost estimates for the free-standing emergency care center are being developed by the private nonprofit hospital corporation, but the current projected cost of this facility is \$47 million. The estimated time for completion of all of these improvements, both public and private, is fifteen years.

(e) **A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.**

Improvements to the roads and other infrastructure within the Development Area will proceed concurrently as the engineering and planning for such improvements are coordinated with the Township and the Oakland County Road Commission. Private developments within the Development Area will commence as the DDA sells portions of the land it has acquired to private parties. The DDA anticipates that most of the anticipated redevelopment activity within the Development Area will be completed in five to fifteen years.

(f) **A description of any part of the development area to be left as open space and the use contemplated for the space.**

Most of the land acquired by the DDA that has been designated as wetland or that lies within a floodplain, and which is not necessary for road rights of way, will remain as open space. Portions of other land which had been previously developed as a golf course will be restored to their natural condition with daylight exposure, including streams, wetlands and floodplain areas. Such land will remain open space. The DDA intends to develop passive recreation areas such as walkways and bike paths within much of the open space area.

(g) **A description of any portions of the development area which the authority desires to sell, donate, exchange or lease to or from the municipality and the proposed terms.**

The DDA has provided the El Dorado clubhouse to the Township for use as a temporary Library. The Township intends to convert the temporary facility into a permanent library, using revenues from the special library millage for the improvements. The DDA also intends to provide the clubhouse at the Links of Pinewood Golf Course to the Township for a new Town Hall. Plans, specifications, cost estimates, and revenue sources for this project should be developed by the Township. A portion of the land currently owned by the DDA within the Downtown District may be developed as a performing arts center. A portion of the land owned by the DDA near the intersection of Maple and Welch Roads is intended to be developed as a free-standing emergency care center. This site will include a new fire station and joint conference area. Once the new fire station has been constructed, the Township will convey the existing fire station facility located on Welch Road to the DDA.

**(h) A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.**

The DDA anticipates that significant portions of the land that it has acquired will be sold for private development. The DDA anticipates that land at the northwest intersection of Pontiac Trail and Haggerty Roads will be sold for commercial development. Except for the municipal facilities described above, it is the current intention of the DDA that the balance of the land that the DDA owns in the Development Area will be sold for commercial and residential projects. The DDA anticipates that the zoning for this land will remain primarily residential and commercial with significant wetland and floodplain areas preserved as open space. Land that the DDA has acquired near the Maple Road/Welch Road intersection will be sold for public health and safety related facilities. The DDA will request changes to existing zoning classifications affecting the Development Area to accommodate new development and redevelopment in the Development Area.

The DDA is providing funding for the development of an overall Master Land Use Development Plan for the Development Area and a form-based zoning ordinance for the Township. The Township has adopted a planned unit development section in its Zoning Ordinance for purposes of managing the commercial and residential developments which will occur.

The DDA considers improvements to roads serving the Development Area and the arterial roads leading to and from the Development Area as essential to protect and enhance the economic viability of the Downtown District and the Township as a whole. The Fifth Amended Plan includes improvements to major roads within and around the Development Area in order to alleviate the massive traffic congestion at the M-5/Pontiac Trail intersection. Specifically, the DDA intends to:

- 1) Improve Pontiac Trail near the intersections with M-5 and Welch Roads,
- 2) Widen Haggerty Road to five lanes from Union Lake Road to 14 Mile Road,
- 3) Extend Martin Road south from Richardson Road to either Pontiac Trail or Walnut Lake Road,
- 4) Widen Pontiac Trail from Welch Road west to the Township boundary,
- 5) Construct roundabouts at various intersections,
- 6) Improve portions of Oakley Park and Richardson Roads,
- 7) Construct a new road connecting Martin Road and Haggerty Road.

In addition to the road widening, extension, and new construction projects, the road improvements will include reconstruction of certain intersections, the relocation and construction of aesthetic improvements, including the construction of pedestrian and bike pathways, necessary drainage improvements, and required utility relocations and upgrades. The DDA may undertake other improvements to other roadways necessary to improve traffic flow in the Development Area.

The DDA anticipates that these improvements will assist in managing the overall traffic congestion in areas both inside and outside of the Downtown District.

**(i) An estimate of the cost of the development, a statement of the proposed method of financing the development and the ability of the authority to arrange the financing.**

The cost of the proposed improvements in the Development Area to be undertaken by the DDA is estimated to total \$30 to \$70 million. This cost figure does not include the cost of private developments which will occur when the DDA sells portions of the land which it has accumulated to private residential and commercial developers and to the private nonprofit hospital corporation. The total cost of the development by both private and public sources is estimated to be \$775 million.

The costs of the improvements which will be undertaken by the DDA will be paid by tax increment revenues captured by the DDA, by proceeds of the sale of land acquired by the DDA, and proceeds from the sale of DDA bonds. However, the DDA does not intend to capture tax increment revenues from the properties added to the Downtown District in 2006.

In addition to the tax increment financing, the Township may create one or more special assessment districts to fund certain road and other improvements, including the implementation of the CC&Rs.

The DDA may enter into one or more revenue sharing agreements with the Township pursuant to Section 14 of the DDA Act (MCL 125.1664(4)) to share a portion of the tax increment revenue for the funding of certain improvements.

**(j) 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 that information is available to the authority.**

The DDA plans to sell to private and public parties those portions of any land it acquires not to be retained by the DDA to implement the Fifth Amended Plan.

- (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 not 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.**

The DDA will lawfully convey any acquired land in whatever manner best implements the DDA objectives.

- (l) **Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and 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 in existence or under construction, the condition of those 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, and 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.**

The number of private residential homes in the Development Area is approximately 370. The estimated number of persons residing in Development Area is approximately 990. At this time, the DDA does not anticipate the need to acquire private residences as a part of the Fifth Amended Plan. If the residences are acquired by eminent domain, the DDA will comply with all necessary state and federal requirements for relocation and reimbursement of expenses.

- (m) **A plan for establishing priority or the relocation of persons displaced by the development or any new housing in the development area.**

See (k) above.

- (n) **Provision 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. Section 4601, et seq.**

See (k) above.



- (o) **A plan for compliance with Act No. 227 of the Public Acts of 1972, being Sections 213.321 of the Michigan Compiled Laws.**

See (k) above.

- (p) **Other material which the authority, local public agency or governing body deem pertinent.**

The Fifth Amended Plan may be further amended from time to time as further plans for redevelopment in the Development Area are formulated.

## FIFTH AMENDED TAX INCREMENT FINANCING (TIF) PLAN

In order to carry out the provisions of the Fifth Amended Plan and pursuant to MCR 125.1665, the DDA submits the following Fifth Amended Tax Increment Financing Plan ("Fifth Amended TIF Plan").

**(a) Detailed explanation of tax increment financing procedure.**

The DDA may capture certain property tax revenues due to increases in the value of real and personal property within the Development Area which occur between the initial year of the Development Plan and the current year. The increases in value may be attributable to new construction, renovations, additions to existing facilities, or inflation.

At the time that the Development Plan was first adopted in 1984, the value of all taxable properties assessed (homestead, non-homestead, personal property) within the original boundaries of the Development Area were reported on the 1984 tax roll. When the Township expanded the boundaries of the Development Area in 1989 by adoption of the Second Amended Plan, the initial value of the added land area was the value as it was reported on the 1988 tax roll as modified by the provisions of Proposal A. Under the Fifth Amended Plan, the boundaries of the Development Area are again expanded to include additional land. The initial value of the added land area is the value as it is reported on the 2005 tax roll. The current value of all of the property within the Development Area is reported on the 2005 tax roll.

The DDA may capture revenues generated by property taxes levied by the Township, Oakland Community College, the Huron Clinton Metropolitan Parks Authority (HCMA), and Oakland County, as applied to increases in property taxable values which have occurred between the initial year and the current year. The DDA has not captured any revenues generated by property taxes levied by any taxing jurisdiction as applied to any properties added to the

Downtown District in 2003, and the DDA will not capture tax increment revenues generated by those properties added to the Downtown District in 2006.

The DDA may only capture revenue generated by property taxes levied by local school districts, intermediate school districts, and the State Education Tax (SET), to the extent that such revenue is necessary to make required payments on eligible obligations, eligible advances, or other protected obligations as defined in the DDA Act. The eligible obligations of the DDA as set forth in the First and Second Amended Plans expired in 2004. Under the provisions of Proposal A, the Fifth Amended TIF Plan may not capture a greater proportion of school operating taxes than the proportion of municipal operating or county operating taxes captured.

The DDA may use captured revenues to finance both old and new projects in the Development Area as described in the Fifth Amended Plan.

**(b) Maximum amount of bonded indebtedness to be incurred.**

The maximum bonded indebtedness by the DDA pursuant to the Fifth Amended Plan will not exceed \$100 million in the aggregate, subject to approval by the Township Board of Trustees.

**(c) The duration of the program.**

The Fifth Amended TIF Plan will remain in effect until the DDA expenditures as set forth in the Fifth Amended Plan are complete and any bonds issued have been fully paid, or approximately 30 years.

**(d) Compliance with Section 15 of Act No. 197, Public Acts of Michigan, 1975, as amended.**

Tax increment revenues captured by the Township Treasurer and transmitted to the DDA shall be that portion of the tax levy of all taxing bodies paid annually on the taxable value of real and personal property in the Development Area in excess of the initial taxable value except that portion of the Development Area which was added by amendments in 2003 and 2006. These

portions of the Development Area will be given a separate school code identification numbers for tax collection purposes. The tax increment revenues captured from the State Education Tax, the Walled Lake Consolidated School District and the Oakland Intermediate Schools levies will be used only to retire bonds issued under the First Amended Plan. Tax increment revenues captured from the Township, Oakland County, HCMA, and Oakland Community College levies will be used to pay the expenses of the Fifth Amended Plan. Under the Fifth Amended TIF Plan, the DDA will not capture revenues levied to pay voted bonded debt. Any surplus tax increment revenues which are unspent at the end of the Fifth Amended Plan shall revert proportionately to the respective local taxing jurisdictions.

Tax increment revenues shall be expended only in accordance with the provisions of the Fifth Amended TIF Plan. Tax increment financing shall not be used to circumvent existing levy limits laws. The Township Board may abolish the Fifth Amended TIF Plan when it finds that the purposes for which the Fifth Amended Plan was created are accomplished.

Pursuant to Section 15(3) of the DDA Act, the DDA shall submit an annual report to the Township Board and the State Tax Commission on the status of the TIF account as reported by the Township Treasurer. The report shall be published in a newspaper of general circulation within the Township and shall include the following:

1. The amount and source of revenue in the account.
2. The amount in any bond reserve account.
3. The amount and purpose of expenditures from the account.
4. The amount of principal and interest on any outstanding bonded indebtedness.
5. The initial assessed value on the project area.
6. The captured assessed value retained by the authority.

7. The tax increment revenues received.
8. The number of jobs created as a result of the implementation of the tax increment financing plan.
9. Any additional information the Township Board or the State Tax Commission considers necessary.

(e) **Statement of the estimated impact of tax increment financing on the assessed value of all taxing jurisdictions in which the development area is located.**

The Fifth Amended TIF Plan will not diminish the initial assessed or taxable values of property within the Development Area.

Pursuant to Section 14(4) of the DDA Act, the authority shall fully inform the members of the various taxing jurisdictions within the Development Area of the fiscal and economic implications of the Fifth Amended TIF Plan.

(f) **Statement of the portion of the Captured Assessed Value intended to be used by the authority.**

Under the terms of the original Development Plan approved in 1984, the DDA used all of the Captured Assessed Value to finance projects in the Development Plan. Under the First Amended Plan, the DDA used 75% of the Captured Assessed Value except for bonded debt to finance projects in the Development Plan. Under the Second Amended Plan, the DDA obligated 100% of the eligible tax increment revenue except for voted bonded indebtedness to pay for voted bonded debt. Under the Third and Fourth Amended Plans, the DDA used as much of the Captured Assessed Value as necessary to fund the projects set forth in the Third and Fourth Amended Plans. Under the Fifth Amended Plan, the DDA will use as much of the Captured Assessed Value as necessary to fund the projects set forth in the Fifth Amended Plan. The DDA will not capture

revenues generated by millages for voted bonded indebtedness. Tax increment revenues will not be captured from those properties added to the Downtown District in 2003 and 2006.

**(g) A statement setting forth the method for excluding growth in property value resulting solely from inflation.**

The DDA may exclude from value that growth resulting solely from inflation based upon the Consumer Price Index (CPI) as promulgated by the Michigan State Tax Commission, unless appraisals of property in the Development Area indicate that another economic indicator is more appropriate. The DDA does not currently intend to exclude growth in property value attributable to inflation from capture.

#467606 4/5/06

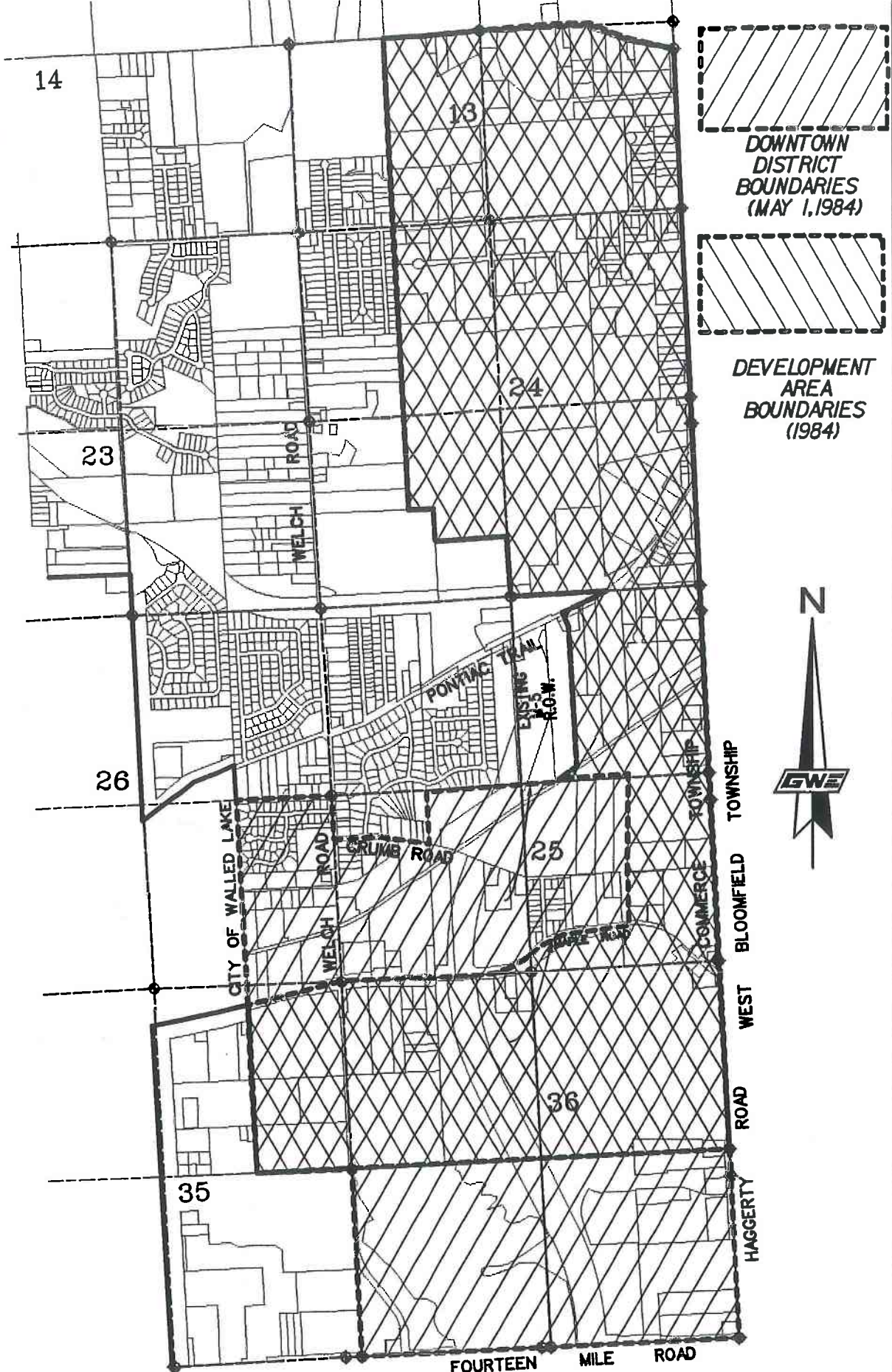
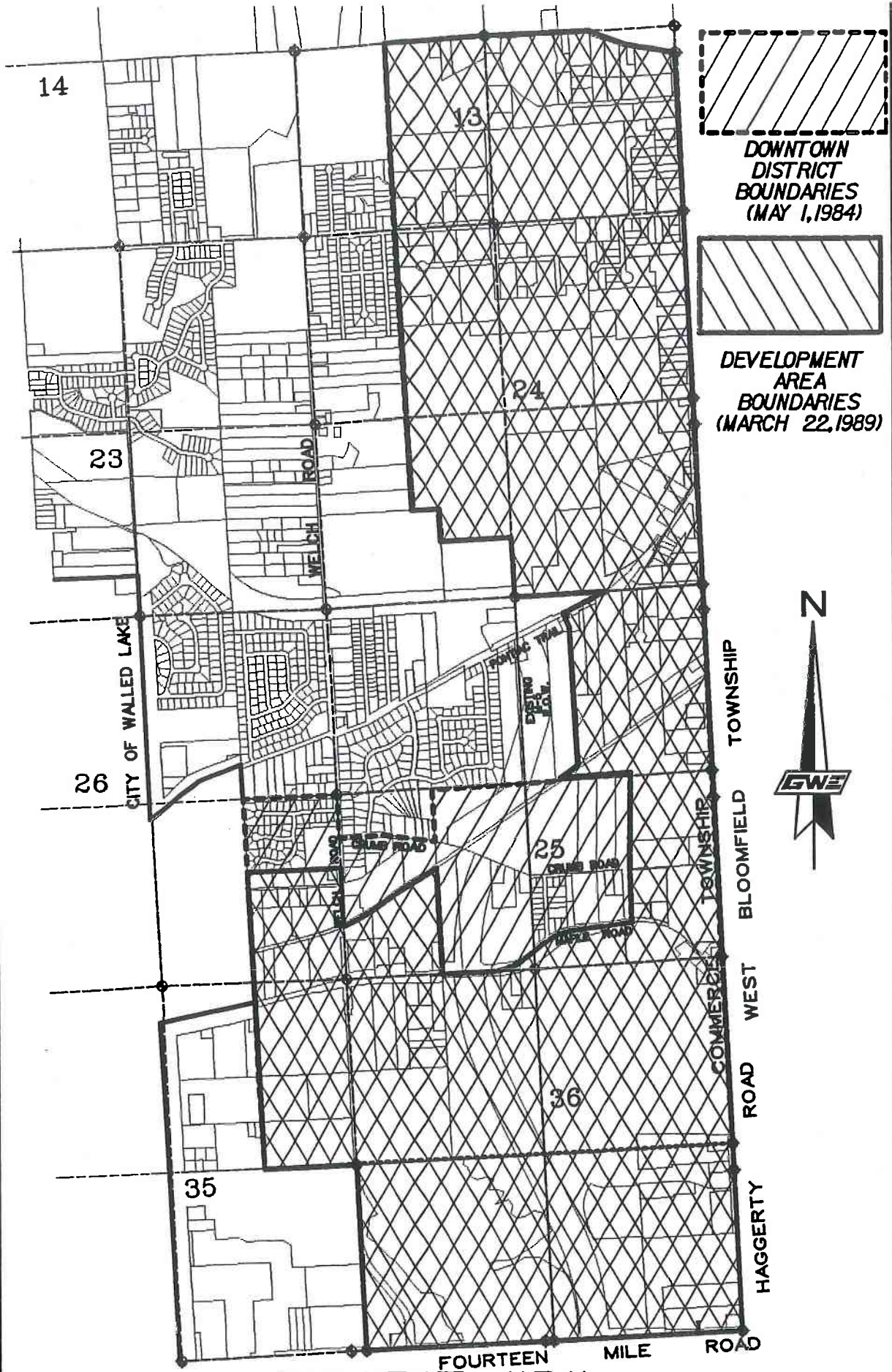


EXHIBIT "A"  
DEVELOPMENT PLAN (1984)

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**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS

DATE: 4-5-06	CHECKED BY: RDK	DATE: 4-06	SCALE: NO SCALE
DRAWN: LDA	DESIGN:		SHEET: 1 OF 1



# EXHIBIT "B"

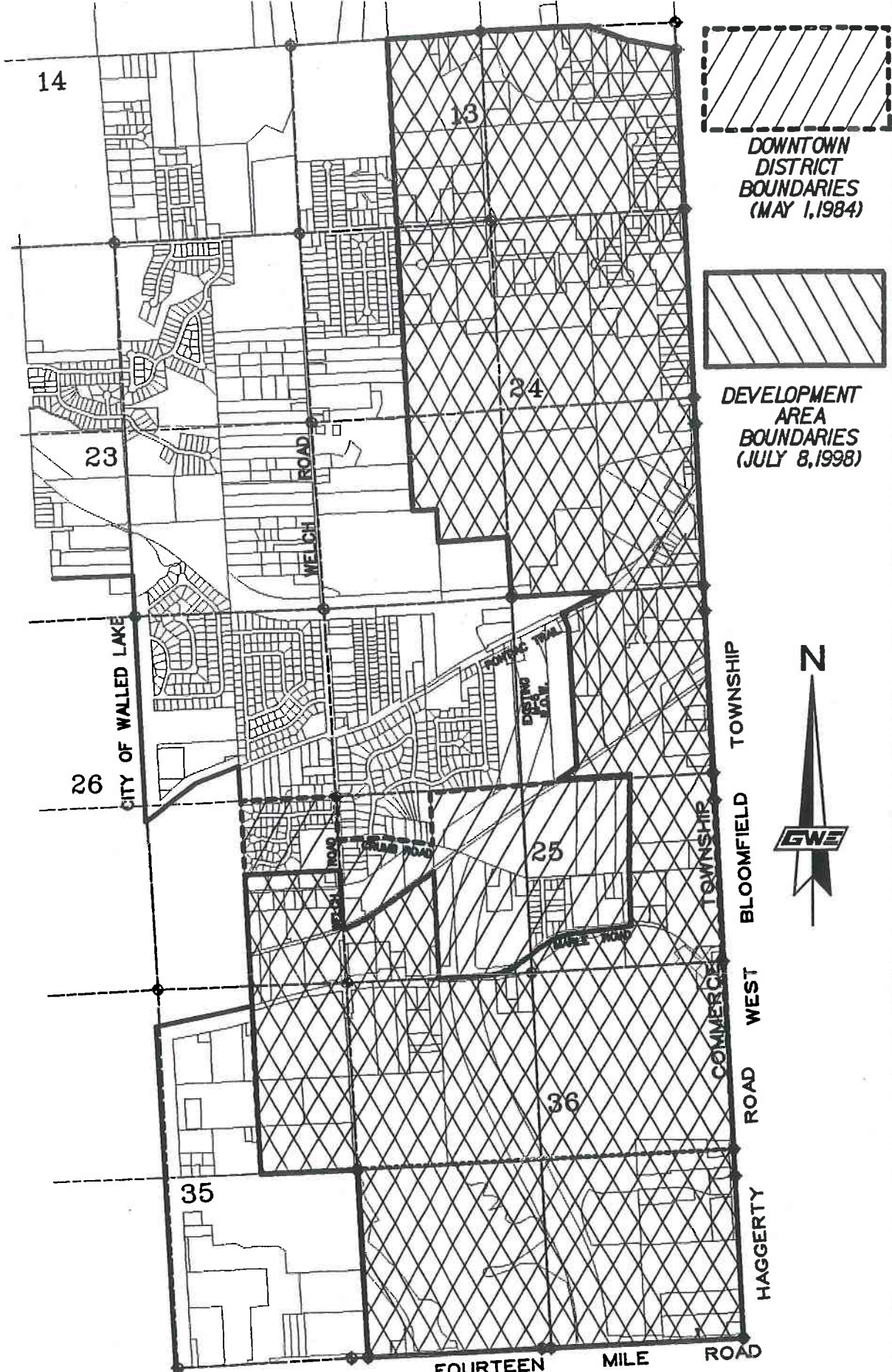
DEVELOPMENT AREA (1989)

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DATE: 4-5-06	CHECKED BY: RDK	DATE: 4-06	SCALE: NO SCALE
DRAWN: LDA			SHEET: 1 OF 1
DESIGN:			





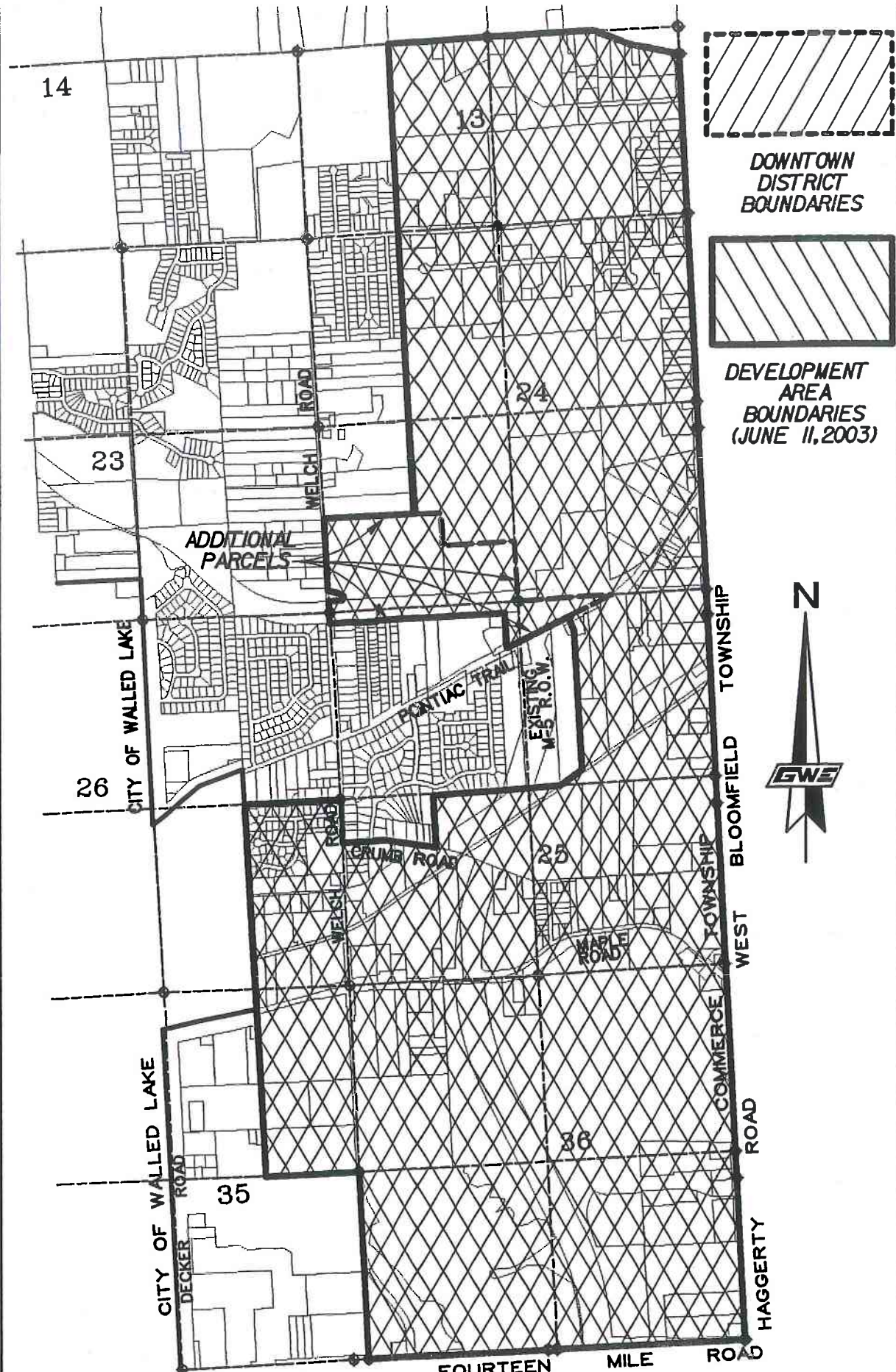
# EXHIBIT "C"

DEVELOPMENT AREA (1998)

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DATE: 4-5-06	CHECKED BY: RDK	DATE: 4-06	SCALE: NO SCALE
DRAWN: LDA			SHEET: 1 OF 1
DESIGN:			



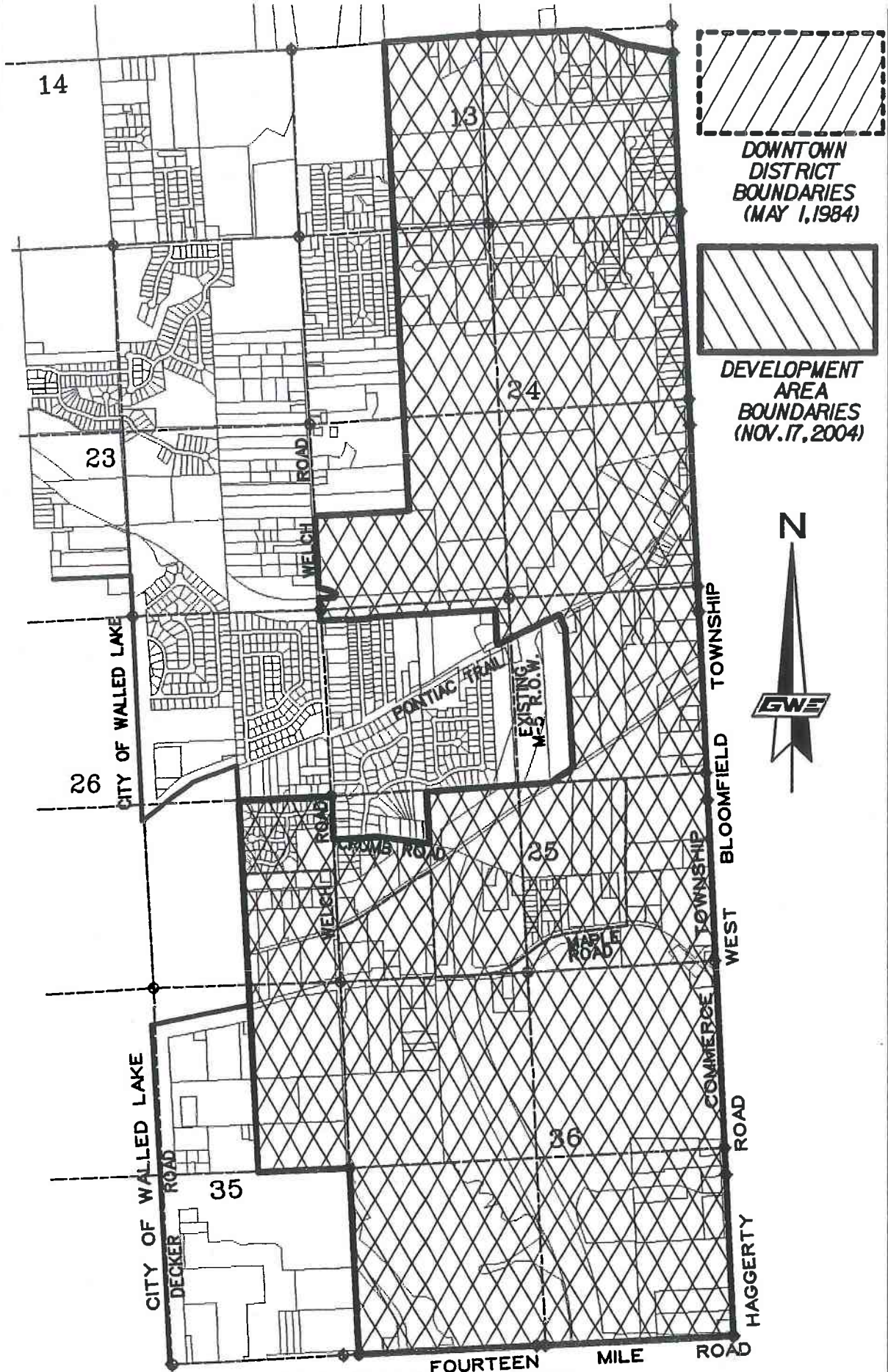
# EXHIBIT "D"

DEVELOPMENT AREA (2003)

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 10000 W. Walled Lake Blvd.  
 Walled Lake, MI 48090-1500  
 Giffels-Webster Engineers, Inc.

  
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DATE: 4-5-06	CHECKED BY: RDK	DATE: 4-06	SCALE: NO SCALE
DRAWN: LDA			SHEET: 1 OF 1
DESIGN:			



DOWNTOWN  
DISTRICT  
BOUNDARIES  
(MAY 1, 1984)



DEVELOPMENT  
AREA  
BOUNDARIES  
(NOV. 17, 2004)



# EXHIBIT "E"

DEVELOPMENT AREA (2004)

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ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS

DATE: 4-5-06

DRAWN: LDA

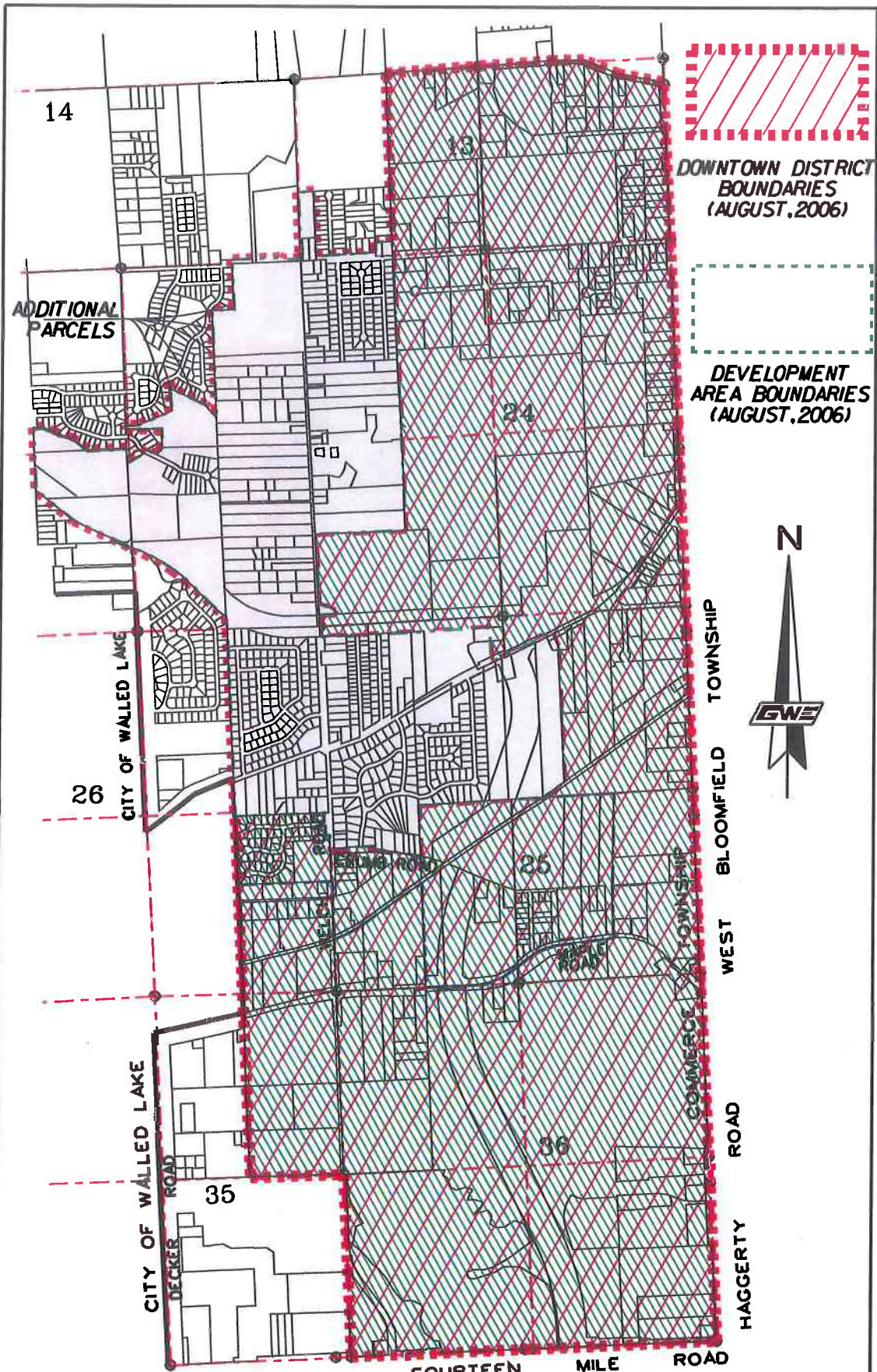
DESIGN:

CHECKED BY DATE

RDK 4-06

SCALE: NO SCALE

SHEET: 1 OF 1



**EXHIBIT "F"**  
DEVELOPMENT AREA (2006)

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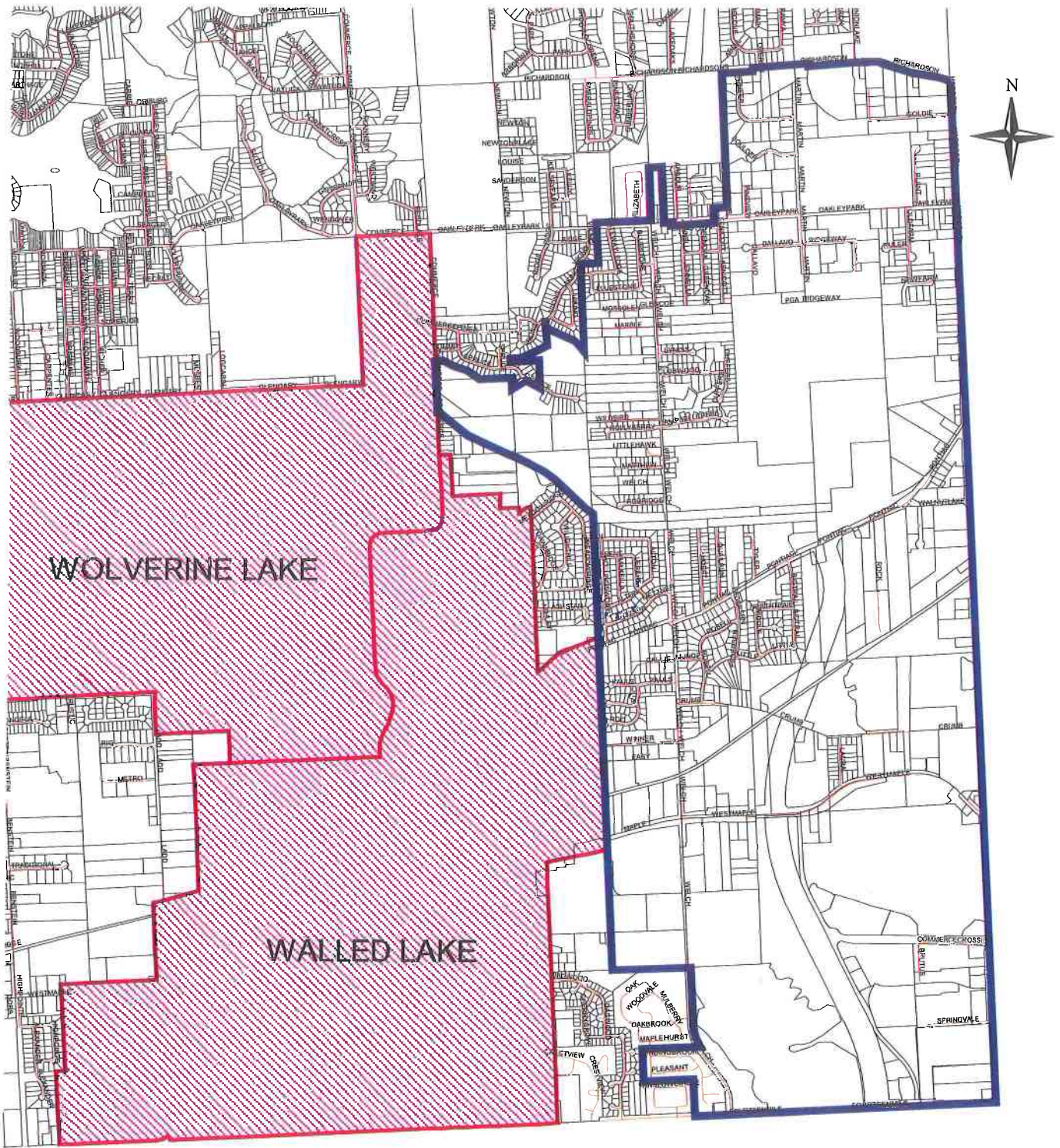
**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-5-06	CHECKED BY: RDK	DATE: 4-06	SCALE: NO SCALE
DRAWN: LDA			SHEET: 1 OF 1
DESIGN:			JOB No: 17117.00
SECTION: 13-24-25 26-35-36	T-2-N., R-8-E.		

# Charter Township of Commerce

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## Downtown Development Authority Area



**EXHIBIT G**  
Street Map

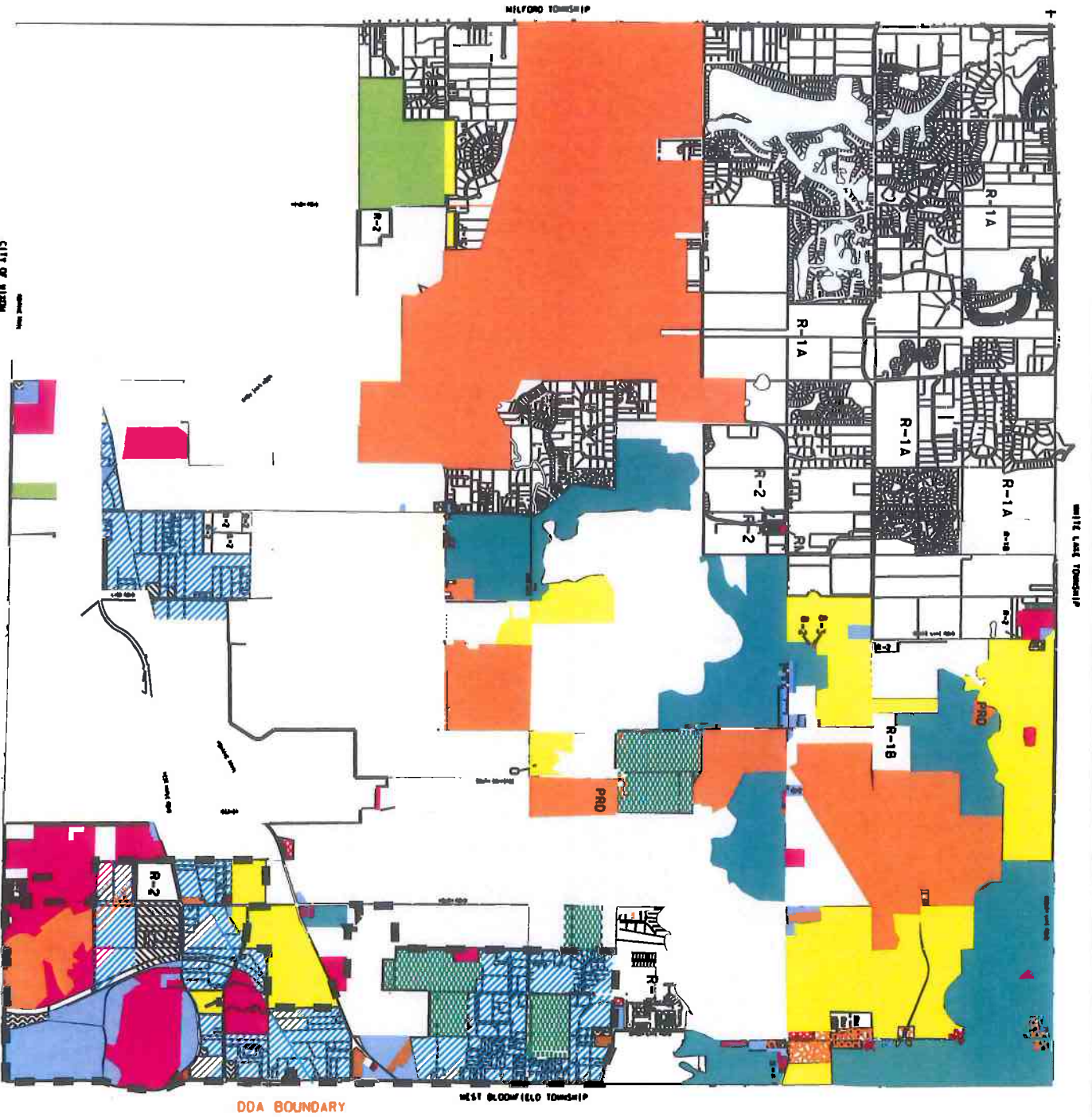
# COMMERCE ZONING MAP EXHIBIT H

R-1A	ONE FAMILY RESIDENTIAL
R-1B	ONE FAMILY RESIDENTIAL
R-1C	ONE FAMILY RESIDENTIAL
R-1D	ONE FAMILY RESIDENTIAL
R-2	TWO FAMILY RESIDENTIAL
RCD	RESIDENTIAL CLUSTER
RM	MULTIPLE FAMILY RESIDENTIAL
MHP	MOBILE HOME PARK
B-1	LOCAL BUSINESS
B-2	COMMUNITY BUSINESS
B-3	GENERAL BUSINESS
B-4	RESTRICTED GENERAL BUSINESS
B-5	HIGHWAY SERVICE BUSINESS
P	PARKING
O	OFFICE
I-1	LIGHT INDUSTRIAL
I-2	HEAVY INDUSTRIAL
SP	SPECIAL PURPOSE
PRD	PUBLIC RECREATION DISTRICT

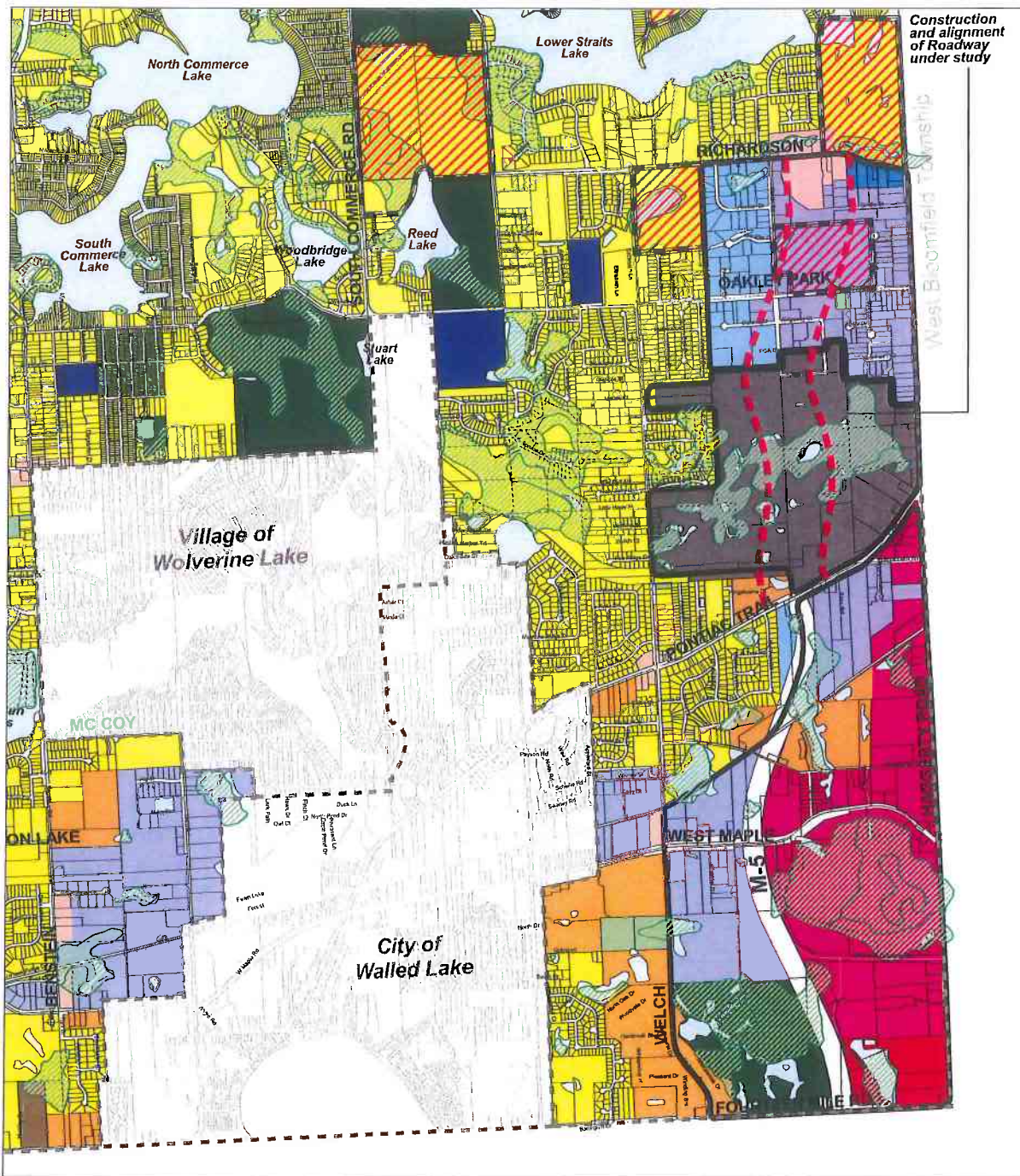
PUBLIC HEARING:  
EFFECTIVE DATE:  
UPDATED:  
2/21/06

## OFFICIAL ZONING MAP

PREPARED BY GIFFELS-WESTER ENGINEERS, INC.  
COMMERCE TOWNSHIP  
OAKLAND COUNTY, MICHIGAN  
COMMERCE TOWNSHIP PLANNING COMMISSION



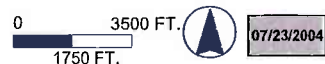
# Commerce Charter Township, Oakland County, Michigan



Future Land Use			Public Facilities		
	Single Family Residential		Hospital		School
	Multiple Family Residential		Industrial		Township Park
	Manufactured Home Community		Office Service		State Land
	Neighborhood Commercial		Office Research		Community Facilities
	Community Commercial		Four Corners Village		
	General Commercial		Commerce Town Center		
			Private Recreation Area		
			Special Area Plans		
			Regulated Wetlands		

## Future Land Use - Exhibit I

Base Map Source: Oakland County, Michigan  
Data Source: McKenna Associates, Inc. 1/03



07/23/2004





**COMMERCE TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY  
CHARTER TOWNSHIP OF COMMERCE  
OAKLAND COUNTY, MICHIGAN**

- Ordinance No. 99-06-0, amending the boundaries of the Downtown District, adopted July 25, 2006, effective August 2, 2006.
- Ordinance No. 100-06-0, approving the Fifth Amended Development Plan and the Fifth Amended Tax Increment Financing Plan for Development Area No. 1, adopted July 25, 2006, effective August 2, 2006.
- First Amended Agreement between the County of Oakland, the Charter Township of Commerce and the Commerce Township Downtown Development Authority relating to the expansion of the Downtown District, approved by the Oakland County Board of Commissioners on July 20, 2006 and approved by the Township on August 15, 2006.

CHARTER TOWNSHIP OF COMMERCE

ORDINANCE NO. 99-06-0

AN ORDINANCE TO AMEND THE DOWNTOWN DISTRICT BOUNDARIES  
PURSUANT TO ACT NO. 197, PUBLIC ACTS OF MICHIGAN, 1975,  
AS AMENDED, FOR THE CHARTER TOWNSHIP OF COMMERCE

THE CHARTER TOWNSHIP OF COMMERCE ORDAINS:

Section 1. Authority Established. Pursuant to the provisions of Act No. 197, Public Acts of Michigan, 1975, the Commerce Township Downtown Development Authority (the "Authority") was established by Ordinance No. 84-2-50-0, effective May 9, 1984.

Section 2. Downtown District Boundaries. The Authority exercises its powers within the boundaries of the downtown district as set forth in Ordinance No. 84-2-50-0, Section 4. Such downtown district boundaries are hereby amended as follows:

LAND LOCATED IN T-2-N., R-8-E., COMMERCE TOWNSHIP, OAKLAND COUNTY MICHIGAN DESCRIBED AS:

THE E ½ OF THE SW ¼ AND THE SE ¼ OF SECTION 13, EXCEPTING THEREFROM LAND LYING NORTH OF THE CENTERLINE OF RICHARDSON ROAD.

AND THE APPROXIMATE WEST 218 FEET OF THE SOUTH 999 FEET, AND THE EAST 253 FEET OF THE SOUTH 205 FEET OF THE WEST ½ OF THE SW ¼ OF SECTION 13.

THE NE ¼ OF SECTION 23 EXCEPT THE LOTS IN "COMMERCE PINES SUBDIVISION NO.3" AS RECORDED IN LIBER 222, PAGES 7 THROUGH 14 OF PLATS, OAKLAND COUNTY RECORDS AND ALSO EXCEPTING THEREFROM THAT PORTION OF "COMMERCE PINES SUBDIVISION NO.4, LOCATED IN THE NE ¼ OF SAID SECTION 23, AS RECORDED IN LIBER 258, PAGES 10 THROUGH 15 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO INCLUDING CIRCLE PARK OF SAID COMMERCE PINES SUBDIVISION NO. 3.

AND THE SE ¼ OF SECTION 23 EXCEPTING THEREFROM AN AREA LYING NORTH OF THE LINE DESCRIBED AS BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 191; THENCE NORTHEASTERLY TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SPRUCE DRIVE SAID LINE BEING THE EXTENTION OF THE SOUTH LINE OF SAID LOT 191; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE TO THE SOUTHWESTERLY CORNER OF LOT 174; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF LOT 174 TO THE NORTHEAST CORNER OF SAID LOT 174 ALL BEING A PART OF "COMMERCE PINES SUBDIVISION NO.4", ALSO EXCEPTING THEREFROM ALL OF "HILL'N DALE VILLAGE SUBDIVISION AS RECORDED IN LIBER 82, PAGE 33 THROUGH 35 OF PLATS, OAKLAND COUNTY RECORDS.

AND PART OF THE EAST ½ OF THE WEST ½ OF SECTION 23 LYING BETWEEN THE SOUTHERLY LINE OF COMMERCE PINES SUBDIVISION AS RECORDED IN LIBER 167, PAGES 24 AND 25 OF PLATS, OAKLAND COUNTY RECORDS AND NORTH OF A LINE DESCRIBED AS; BEGINNING AT THE NORTHWEST CORNER OF SAID HILL'N DALE VILLAGE SUBDIVISION; THENCE N.61°56'30"W., 181.21 FEET ALONG THE WESTERLY EXTENTION OF SAID SUBDIVISION; THENCE N.61°55'30"W., 393.54 FEET; THENCE

N.60°16'30"W., 343.82 FEET; THENCE N.47°26'20"W., 650 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF COMMERCE ROAD.

ALL OF SECTION 24.

ALL OF SECTION 25.

THE EAST ½ OF THE NE ¼ AND THE EAST ½ OF THE SE ¼ OF SECTION 26.

EAST ½ OF THE NE ¼ OF SECTION 35.

ALL OF SECTION 36.

Section 3. Severability. Should any section, clause, or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole nor any part other than the part declared to be invalid.

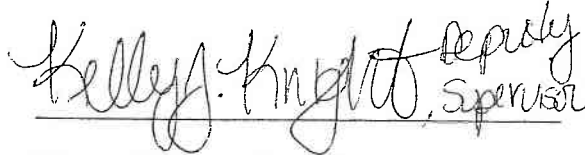
Section 4. Repeals. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are repealed.

Section 5. Effective Date. This Ordinance shall take effect on the date of publication of the same in a newspaper of general circulation in the Charter Township of Commerce. This Ordinance shall be published within ten (10) days of the date of enactment.

STATE OF MICHIGAN )

COUNTY OF OAKLAND )

The foregoing ordinance was introduced on the 25<sup>th</sup> day of April, 2006 and was enacted as Ordinance No. 99-06-0 of the Charter Township of Commerce on the 25th day of July 2006.



Thomas K. Zoner, Supervisor



Sandra S. Abrams, Clerk

Introduced: April 25, 2006

Published: May 3, 2006

Adopted: July 25, 2006

Published: August 2, 2006

Effective: August 2, 2006

## CHARTER TOWNSHIP OF COMMERCE

### ORDINANCE NO. 100-06-0

An ordinance approving the Fifth Amended Development Plan and Fifth Amended Tax Increment Financing Plan for Development Area No. 1 for the Commerce Township Downtown Development Authority.

#### **THE CHARTER TOWNSHIP OF COMMERCE ORDAINS:**

##### **SECTION 1 - DDA RECONFIRMED**

The Charter Township of Commerce hereby reconfirms establishment of its Downtown Development Authority as set forth in Township Ordinance 84-2-50-0. The provisions hereof shall be deemed an addition to and a supplement to the provisions of Ordinance 84-2-50-0.

##### **SECTION 2 - APPROVAL OF FIFTH AMENDED DEVELOPMENT PLAN AND FIFTH AMENDED TAX INCREMENT FINANCING PLAN FOR DEVELOPMENT AREA NO. 1**

The Township Board of the Charter Township of Commerce hereby determines that the Fifth Amended Development Plan and Fifth Amended Tax Increment Financing Plan for Development Area No. 1 constitute a public purpose, meet the requirements of Michigan Public Act 197 of 1975, as amended, and incorporate the findings and recommendations of the development area citizens council; the proposed method of financing the proposed development is feasible and the Authority has the ability to arrange financing; the development is reasonable and necessary to carry out the purposes of Michigan Public Act 197 of 1975, as amended; the land included within the development area proposed to be acquired is reasonably necessary to carry out the purposes of the Fifth Amended Development Plan and the purposes of Michigan Public Act 197 of 1975, as amended, in an efficient and economically satisfactory manner; the Development Plan is in reasonable accord with the Master Plan of the Charter Township of Commerce; and public services, including fire, police, and utilities are, or will be, adequate to service the project area; and changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the Charter Township of Commerce.

Based on the forgoing determinations, the Charter Township of Commerce hereby approves the Fifth Amended Plan and Fifth Amended Tax Increment Financing Plan for Development Area No. 1 as set forth in Exhibit A attached hereto.

**SECTION 3 – REPEALS**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE**

This Ordinance will take effect upon publication.



SANDRA S. ABRAMS, CLERK  
CHARTER TOWNSHIP OF COMMERCE

  
THOMAS K. ZONER, SUPERVISOR  
CHARTER TOWNSHIP OF COMMERCE

Introduced: May 16, 2006  
Published: May 24, 2006  
Adopted: July 25, 2006  
Published: August 2, 2006  
Effective: August 2, 2006

**FIRST AMENDED AGREEMENT  
BETWEEN THE COUNTY OF OAKLAND,  
THE CHARTER TOWNSHIP OF COMMERCE AND  
THE COMMERCE TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY**

THIS FIRST AMENDED AGREEMENT is entered into this 25<sup>th</sup> day of August, 2006, between the County of Oakland ("County"), 1200 N. Telegraph Road, Pontiac, Michigan 48341, the Charter Township of Commerce, 2840 Fisher Avenue, Commerce Township, Michigan 48390 ("Commerce"), and the Commerce Township Downtown Development Authority, 2840 Fisher Avenue, Commerce Township, Michigan 48390 ("DDA"). In this Agreement, the County, Commerce and the DDA may also be referred to as "Parties."

**RECITALS**

A. Commerce established its DDA in 1984 pursuant to Act 197, Public Acts of 1975. In May, 2003, the boundaries of the Downtown District were amended and enlarged to include parcels set forth in the attached agreement between the Parties, Exhibit A, and also referenced in Oakland County Board of Commissioners Miscellaneous Resolution #03107, attached as Exhibit B.

B. Commerce and the DDA submitted a proposal for another expansion of its DDA to the Oakland County Board of Commissioners. Commerce held a public hearing on the expansion on May 16, 2006, and appeared before the County's Tax Increment Financing District Review Policy Ad Hoc Committee on June 14, 2006. Commerce and the DDA represent that all properties proposed for exclusion in the DDA expansion, as set forth in Exhibit C attached, will not capture any County property taxes; therefore the expansion will have no effect on potential tax revenues and no financial impact regarding loss of tax revenues to Oakland County.

**THE PARTIES AGREE AS FOLLOWS:**

1. The County agrees to support the expansion of the Commerce Township DDA district boundaries as set forth in the parcels identified in Exhibit C and pursuant to the County's Miscellaneous Resolution #06 135, attached and incorporated with this Agreement.

2. Commerce and the DDA agree to not include the properties listed above in the capture of any tax increment revenues under the terms of any tax increment financing plan established, amended, or restated by Commerce or the DDA.

3. Commerce and the DDA further agree that if any of the above parcels identified in Exhibit C become subject to capture to any tax increment revenue under the terms of any current or future tax increment financing plan, Commerce and the DDA shall appear before the County's appropriate review committee(s) to allow the County to "opt out" of any tax capture as provided by law.

COMMERCE TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY

By:  Chairman

Date: August 15, 2006

CHARTER TOWNSHIP OF COMMERCE,  
A Michigan Public Corporation

By: Thomas K. Zoner Supervisor      Sandra S. Abrams Clerk

Date: August 15, 2006

COUNTY OF OAKLAND,  
A Michigan Public Corporation

By: Bill Bullard, Jr. Chairperson      Ruth Johnson County Clerk

Date: August 25, 2006

AGREEMENT

This AGREEMENT is between the Charter Township of Commerce, Oakland County, Michigan, a Michigan municipal corporation (Township) and the County of Oakland, Michigan, a Michigan municipal corporation (County), as it relates to the expansion and amendment of the Downtown District of the Commerce Township Downtown Development Authority (DDA).

RECITALS

A. The Township established the DDA in 1984 pursuant to Act 197, Public Acts of 1975. To date, the original boundaries of the Downtown District as established in 1984 have not been amended.

B. The Township has determined that the original boundary of the Downtown District should be enlarged to include the following parcel identification numbers:

17-24-300-006	17-24-300-009	17-24-300-044	17-24-300-059
17-24-300-060	17-24-300-061	17-24-300-062	17-24-300-063
17-24-300-064	17-24-300-065	17-24-401-022	17-25-101-034
17-25-126-001	17-25-126-010	17-25-126-115	

THE PARTIES AGREE AS FOLLOWS:

1. The County agrees to support the expansion of the Commerce Township DDA Downtown District boundaries as set forth above and in the County's Misc. Resolution #03 107, attached, and incorporated with this agreement.

2. The Township agrees not to include the properties listed above in the capture of any tax increment revenues under the terms of any tax increment financing plan established, amended, or restated by the DDA.

3. The Township further agrees that if any of the above-referenced parcels become subject to capture of any tax increment revenue under the terms of any current or future tax increment financing plan, the Township shall appear before the County's appropriate review committee(s) to allow the County to "opt out" of any tax capture as provided by law.

CHARTER TOWNSHIP OF COMMERCE,  
a Michigan public corporation

By: Thomas K. Zoner  
Thomas K. Zoner, Supervisor

By: Sandra S. Abrams  
Sandra S. Abrams, Clerk

COUNTY OF OAKLAND,  
a Michigan public corporation

By: Thomas A. Law  
Thomas A. Law, Chairperson  
Board of Commissioners



MISCELLANEOUS RESOLUTION #03 107  
BY: FINANCE COMMITTEE, CHUCK MOSS, CHAIRPERSON  
IN RE: BOARD OF COMMISSIONERS – PROPOSED CHARTER TOWNSHIP OF  
COMMERCE DOWNTOWN DEVELOPMENT AUTHORITY EXPANSION  
TO THE OAKLAND COUNTY BOARD OF COMMISSIONERS  
Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners strongly supports the economic growth of Oakland County; and

WHEREAS some of the tools used to promote this economic growth are Downtown Development Authorities (DDAs), Tax Increment Finance Authorities (TIFAs) and Local Development Finance Authorities (LDFAs); and

WHEREAS in order to review requests from the County's cities, villages and townships to establish and amend DDAs, TIFAs and LDFAs, the Board of Commissioners, pursuant to Miscellaneous Resolution #01002, established the Tax Increment Financing (TIF) District Review Policy Ad Hoc Committee; this Committee evaluates and makes recommendations to the Finance Committee regarding the County's participation in proposed authorities and amendments; and

WHEREAS the Charter Township of Commerce (Township) submitted a proposal to expand an existing DDA; and

WHEREAS the Township represents that all properties proposed for inclusion in the DDA expansion will not capture any County property taxes; therefore, the expansion will have no effect on potential tax revenues and no financial impact regarding loss of tax revenues to Oakland County; and

WHEREAS the Township's plan was reviewed by the TIF District Review Policy Ad Hoc Committee on February 21, 2003; and

WHEREAS the Ad Hoc Committee recommends support of the Township's DDA expansion, provided that the subject properties will not capture any County taxes.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners supports the Charter Township of Commerce in its DDA expansion as set forth above and in the attached agreement.

BE IT FURTHER RESOLVED that if the tax exempt status of the affected parcels should change in the future, the Township must appear before the TIF District Review Policy Ad Hoc Committee (or its successor) to allow the County the opportunity to "opt out" of any tax capture as provided by law. If the Charter Township's Board of Trustees fails to countersign the attached resolution by its June meeting, this resolution shall be considered as the County of Oakland's determination to exercise its right to opt out of the proposed expansion pursuant to MCL 125.1653(3).

Chairperson, on behalf of the Finance Committee, I move adoption of the foregoing resolution.

FINANCE COMMITTEE

---

EXHIBIT C  
Commerce Twp.  
2006 DDA Expansion

Parcel No.

17-13-300-019  
17-13-300-020  
17-13-351-001  
17-13-351-002  
17-13-351-003  
17-23-178-017  
17-23-178-018  
17-23-200-007  
17-23-200-008  
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17-23-226-019

Parcel No.

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17-23-226-068  
17-23-226-069  
17-23-226-070

EXHIBIT C  
Commerce Twp.  
2006 DDA Expansion

<u>Parcel No.</u>	<u>Parcel No.</u>
17-23-226-071	17-23-426-011
17-23-226-072	17-23-426-012
17-23-226-073	17-23-426-013
17-23-226-074	17-23-451-001
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17-23-226-082	17-23-476-030
17-23-226-083	17-23-476-031
17-23-226-084	17-23-476-032
17-23-226-085	17-23-476-033
17-23-226-086	17-23-476-034
17-23-226-087	17-23-476-035
17-23-226-088	17-23-476-037
17-23-253-032	17-23-476-038
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17-23-326-006	17-23-476-042
17-23-401-002	17-23-476-044
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17-23-426-003	17-23-476-066
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17-23-426-008	17-23-476-069
17-23-426-009	17-23-476-070
17-23-426-010	17-23-476-071

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Parcel No.

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Parcel No.

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Parcel No.

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Parcel No.

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Parcel No.

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Parcel No.

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 17-25-105-004

Pending FR: 126-113  
 Pending FR: 126-113  
 Pending FR: 126-113  
 Pending FR: 126-113

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<u>Parcel No.</u>		<u>Parcel No.</u>	
17-25-105-005	Pending FR: 126-113	17-25-126-049	
17-25-105-006	Pending FR: 126-113	17-25-126-050	
17-25-105-007	Pending FR: 126-113	17-25-126-051	
17-25-105-008	Pending FR: 126-113	17-25-126-052	
17-25-105-009	Pending FR: 126-113	17-25-126-053	
17-25-105-010	Pending FR: 126-113	17-25-126-054	
17-25-105-011	Pending FR: 126-113	17-25-126-055	
17-25-105-012	Pending FR: 126-113	17-25-126-056	
17-25-105-013	Pending FR: 126-113	17-25-126-057	
17-25-105-014	Pending FR: 126-004/-113	17-25-126-058	
17-25-105-015	Pending FR: 126-113	17-25-126-059	
17-25-126-004	Parent Parcel to Pending S/C	17-25-126-060	
17-25-126-010		17-25-126-061	
17-25-126-012		17-25-126-062	
17-25-126-013		17-25-126-063	
17-25-126-014		17-25-126-064	
17-25-126-015		17-25-126-065	
17-25-126-016		17-25-126-066	
17-25-126-017		17-25-126-067	
17-25-126-018		17-25-126-068	
17-25-126-019		17-25-126-069	
17-25-126-020		17-25-126-070	
17-25-126-021		17-25-126-071	
17-25-126-022		17-25-126-072	
17-25-126-023		17-25-126-073	
17-25-126-024		17-25-126-074	
17-25-126-025		17-25-126-075	
17-25-126-026		17-25-126-076	
17-25-126-027		17-25-126-113	Parent Parcel to Pending S/C
17-25-126-028		17-25-126-115	
17-25-126-029		17-25-126-116	
17-25-126-030		17-25-126-121	
17-25-126-031		17-25-126-122	
17-25-126-032		17-25-126-123	Pending FR: -004/-113
17-25-126-033		17-25-127-001	
17-25-126-034		17-25-127-002	
17-25-126-035		17-25-127-003	
17-25-126-036		17-25-127-004	
17-25-126-037		17-25-127-005	
17-25-126-038		17-25-127-006	
17-25-126-039		17-25-127-007	
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17-25-126-041		17-25-151-001	
17-25-126-042		17-25-151-002	
17-25-126-043		17-25-151-003	
17-25-126-044		17-25-151-004	
17-25-126-045		17-25-151-005	
17-25-126-046		17-25-151-006	
17-25-126-047		17-25-151-007	
17-25-126-048		17-25-151-008	

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<u>Parcel No.</u>	<u>Parcel No.</u>
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17-25-151-012	17-25-176-016
17-25-151-013	17-25-176-017
17-25-151-014	17-25-176-018
17-25-151-015	17-25-176-019
17-25-151-016	17-25-176-020
17-25-151-017	17-25-176-021
17-25-151-018	17-25-176-024
17-25-151-019	17-25-176-025
17-25-151-020	17-25-176-026
17-25-151-021	17-25-176-027
17-25-151-022	17-25-176-028
17-25-151-023	17-25-176-029
17-25-151-024	17-25-176-030
17-25-152-001	17-25-177-001
17-25-152-002	17-25-177-002
17-25-152-003	17-25-177-003
17-25-152-004	17-25-177-004
17-25-152-005	17-25-177-005
17-25-152-006	17-25-177-006
17-25-152-007	17-25-177-007
17-25-152-008	17-25-177-008
17-25-152-009	17-25-177-009
17-25-152-010	17-25-177-010
17-25-152-011	17-25-177-011
17-25-152-012	17-25-177-012
17-25-152-013	17-25-177-013
17-25-152-014	17-25-177-014
17-25-153-001	17-25-177-015
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17-25-153-004	17-25-177-019
17-25-153-005	17-25-177-020
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17-25-153-007	17-25-177-022
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17-25-153-010	17-25-177-025
17-25-176-003	17-25-177-026
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17-25-176-007	17-25-178-003
17-25-176-008	17-25-178-004
17-25-176-009	17-25-178-005
17-25-176-010	17-25-178-006
17-25-176-011	17-25-178-007
17-25-176-012	17-25-178-008



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Commerce Twp.  
2006 DDA Expansion

Parcel No.

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Parcel No.

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EXHIBIT C  
Commerce Twp.  
2006 DDA Expansion

Parcel No.

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Parcel No.

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EXHIBIT C  
Commerce Twp.  
2006 DDA Expansion

Parcel No.

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17-26-278-037  
17-26-278-038  
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**MISCELLANEOUS RESOLUTION # 06 135**

July 20, 2006

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: BOARD OF COMMISSIONERS – PROPOSED CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY EXPANSION**

To the Oakland County Board of Commissioners  
Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners strongly supports the economic growth of Oakland County; and

WHEREAS some of the tools used to support this economic growth are Downtown Development Authorities (DDA's), Tax Increment Finance Authorities (TIFA's) and Local Development Finance Authorities (LDFA's); and

WHEREAS in order to review requests from the cities, villages and townships within the County to establish and amend DDA's, TIFA's, and LDFA's, the Board of Commissioners, pursuant to Miscellaneous Resolution #01002, established the Tax Increment Financing (TIF) District Review Policy Ad Hoc Committee; this Committee evaluates and makes recommendations to the Finance Committee regarding the County's participation in proposed authorities and amendments thereto; and

WHEREAS the Charter Township of Commerce (Township) submitted a proposal to expand an existing DDA (5<sup>th</sup> Amended Development/TIF Plan) and held a public hearing on the expansion on May 16, 2006; and

WHEREAS the Township represents that all properties proposed for inclusion in the DDA expansion will not capture any County property taxes; therefore, the expansion will have no effect on potential tax revenues and no financial impact regarding loss of tax revenues to Oakland County; and

WHEREAS the Township's plan was reviewed by the TIF District Review Policy Ad Hoc Committee on June 14, 2006; and

WHEREAS the Ad Hoc Committee recommends support of the Township's DDA expansion, provided that the subject properties will not capture any County taxes.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners supports the Charter Township of Commerce in its DDA expansion as set forth here and in the attached agreement.

BE IT FURTHER RESOLVED that if the tax exempt status of the affected parcels should change in the future, the Township must appear before the TIF District Review Policy Ad Hoc Committee (or its successor) to allow the County the opportunity to "opt out" of any tax capture as provided by law. If the Charter Township's Board of Trustees fails to countersign the attached resolution by its August Board meeting, this Resolution shall be considered as the County of Oakland's determination to exercise its right to opt out of the proposed expansion pursuant to MCL 125.1653(3).

Chairperson, on behalf of the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE



FINANCE COMMITTEE

Motion carried unanimously on a roll call vote with Palmer and Woodward absent.

Moved by Moss supported by Jamian the resolutions (with fiscal notes attached) on the Consent Agenda, be adopted (with accompanying reports being accepted).

AYES: Coleman, Coulter, Crawford, Douglas, Gershenson, Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss, Nash, Palmer, Potter, Rogers, Scott, Suarez, Wilson, Woodward, Zack, Bullard. (24)

NAYS: None. (0)

A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the Consent Agenda, were adopted (with accompanying reports being accepted).

I HEREBY APPROVE THE FOREGOING RESOLUTION

*[Handwritten signature]*  
7/21/06

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on July 20, 2006, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 20th day of July, 2006.

*[Handwritten signature: Ruth Johnson]*

Ruth Johnson, County Clerk