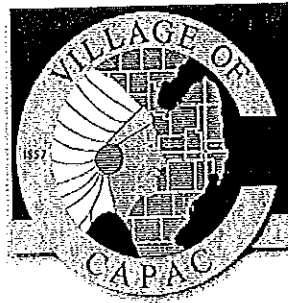


Village of Capac
Downtown Development Authority
Development Plan and TIF Plan Update
MAY 2012 DRAFT

2012 – 2030



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Capac Downtown Development Authority

Adopted on _____,

Capac Village Council

Adopted on _____, 2012 – Ordinance # _____

with assistance from:
Spicer Group, Saginaw
Robert R. Eggers, AICP

Spicer
group

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1. INTRODUCTION

A. Purpose

The statute governing a DDA Development/TIF Plan is Michigan Public Act 197 of 1975, as amended, MCL § 125.165 *et. seq.* (the “Act”).

The Act was enacted to provide a means for local units of government to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interest in real and personal property; to authorize the creation and implementation of a development plan in the district; to promote the economic growth of the district; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of Tax Increment Financing.

Tax Increment Financing is a government financing program which contributes to economic growth and development by dedicating a portion of the increase in the tax base resulting from the economic growth and development to facilities, structures of improvements within a development area thereby facilitating economic growth and development. Tax Increment Financing mandates the transfer of tax increment revenues by Township and County treasurers to authorities created under the Act in order to effectuate the legislative government programs to eliminate property value deterioration and to promote economic growth.

The Act seeks to accomplish its goals by providing local units of government with the necessary legal, monetary, and organizational tools to eliminate property value deterioration and to promote economic growth through publicity initiated projects undertaken cooperatively with privately initiated projects.

The way in which a Downtown Development Authority makes use of the tools available under the Act depends on the problems and priorities of each community. The Tax Increment Financing Plan, as amended, has been developed in accordance with the purposes of the Act based on the goals, projects, and priorities as perceived by the Downtown Development Authority of the Village of Capac (hereinafter sometimes referred to as the “DDA” or the “Authority”).

The Development Plan and Tax Increment Financing Plan is intended to describe the goals and objectives of the Capac Downtown Development Authority for redevelopment of the downtown development district and to outline the steps necessary for achieving these goals.

It is intended that the Plan becomes the basis for all future development/redevelopment projects in the downtown district. After it has been adopted, the DDA Plan should be all of the following: (1) a long range guide for evaluating proposals for physical changes and for scheduling improvements in the downtown district; (2) a guide for making recommendations and establishing properties in the development area capital

improvement program; (3) a foundation for conducting more specific and detailed studies for the general development district and for assessing possible improvements and developments; and (4) a source of information and a statement of policy which is useful to citizens and business owners in making private investment decisions.

The DDA must prepare and submit a tax increment financing plan and a development plan if it determines that creation of such plans is necessary for the achievement of the purposes of the Act. This document constitutes both these plans, with the development plan and the format described in Section 17(2) of the Act, followed by the Tax Increment Financing plan as described in Sections 14, 15, and 16 of the Act. [Section 14(2), 17(2)]. This document is one development plan and TIF plan for the entire DDA.

B. Creation of the Downtown Development Authority

The Village of Capac established the Downtown Development Authority on September 10, 1980 via Ordinance 80-6A. In creating and establishing the DDA, the Village found that the DDA was necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible in the Village's business district, to eliminate the causes of said deterioration, and to promote economic growth. The original DDA was expanded on December 21, 1992

C. History of the Development

The Capac DDA's first Development Plan/TIF plan was adopted in December of 1992 by Ordinance [REDACTED] ??

In all of these plans the development area was identified as the entire DDA district. Projects that the DDA has provided funding for over the years include:

[REDACTED]

[REDACTED]

2. DEVELOPMENT PLAN

- A. *The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise. Section 17 (2)(a)*

The development area includes the entire DDA District. A map showing the boundaries of the DDA district is attached as Map 1.

- B. *The location and extent of existing streets and other public facilities within the development area, the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and a legal description of the development area. Section 17 (2)(b)*

The extent of existing streets as well as public and private land uses within the development area are presented on Map 1. Public facilities within the development area include the following land uses:

[REDACTED]

Other public facilities within the district include utility systems. Maps for water, sewer, and storm sewer utilities are contained in the Appendix. Does Capac have these? (If not, we can re-word.)

Proposed land uses within the district are presented in the Future Land Use Map from the 2009 Master Plan. This map is contained in the appendix.

A legal description of the development area is attached as Exhibit A.

- C. *A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion. Section 17 (2)(c)*

Shown in Table 1 on the following page.

- 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. Section 17 (2)(d)*

Shown in Table 1 on the following page.

Table 1 - CAPAC DDA PROPOSED IMPROVEMENTS

Projects	Estimated Cost	Phase

E. A statement of the construction or stages of construction planned, and the estimated time of completion for each stage. Section 17 (2)(e)

Refer to Table 1 above for a proposed time of completion for each improvement. Proposed projects have been placed in phases for estimated time of completion. Several of the projects are ongoing and will be worked on throughout the duration of the plan.

- Phase 1 – Years _____
- Phase 2 – Years _____
- Phase 3 – Years _____

The improvements contemplated by this Development Plan will commence as monies become available to pay for them.

A specific project may need to be moved to a different phase of construction if growth and development occur at a different rate or in a different area than anticipated, and as specific grant funds become available.

F. A description of any parts of the development area to be left as open space and the use contemplated for the space. Section 17 (2)(f)

The Capac DDA district is nearly entirely developed with little area for open space. Most of the open space area occurs in landscape areas around existing buildings. Most public open space is provided through the use of passive areas furnished with benches, trash receptacles, lighting and landscaping.

- G. A description of any portions of the development area that the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms. Section 17 (2)(g)**

~~Does the DDA see itself ever doing this???~~ It is unknown at this time if the DDA intends to sell, donate, exchange or lease any portions of the development area to or from the municipality. If it is determined necessary to do so in order to achieve the goals and objectives of the DDA, the DDA will use the Village's typical process for doing so.

- H. A description of desired zoning changes and changes in streets, street levels, intersections, or utilities. Section 17 (2)(h)**

The Village of Capac plans ~~_____~~

- I. An estimate of the costs of development, a statement of the proposed method of financing the development and the ability of the authority to arrange the financing. Section 17 (2)(i)**

The estimate of total costs for all of the proposed developments is \$~~_____~~. Individual estimates will be refined as each project is planned, defined, and designed. Pursuant to MCL § 125.1661, 125.1663, and 125.1666(1) the costs of acquisition and development are anticipated to be financed by:

- public and private grants
- donations received by the DDA
- tax increment revenues
- proceeds of a tax, not to exceed 2 mills, imposed pursuant to Section 12 of Act 197
- general obligation bonds issued by the Township in amounts limited in amount by a percentage of the anticipated tax increment revenues available for payment of debt service on such bonds
- tax increment bonds issued by the DDA pledging solely the tax increments and other revenues of the DDA
- proceeds of a special assessment district created as provided by law
- money obtained from other sources approved by the Village of Capac or the DDA, including development agreements

- 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. Section 17 (2)(j)**

~~Does the DDA see itself ever doing this???~~ As development and market opportunities occur, the DDA may enter into agreements to lease, sell, or convey a portion of the development to natural or corporate persons if it is determined to be in the best interest of the DDA and its goals in preventing deterioration and revitalizing its downtown area.

- K. The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons. Section 17 (2)(k)*

If the DDA determines that it is in its best interest to lease, sell, or convey a portion of the development, it will proceed with the process that the Village ordinarily uses for leasing, selling, or conveying property.

- L. Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. Section 17(2)(l).*

Approximately persons live in the development area.

The DDA has no plans to displace any persons as a result of the development plan.

- M. A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area. Section 17(2)(m).*

Not applicable.
No relocation.

- 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 transfer of title, in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, being Public Law 91-646, 42 U.S.C. sections 4601, et. seq. Section 17(2)(n).*

Not applicable.

No relocation.

- O. A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws. Section 17(2)(o).*

Does not apply. No relocation planned.

3. TIF PLAN

A. *Tax Increment Financing Procedure*

The Tax Increment Financing procedure outlined in the Act requires the passage of an ordinance by the Village of Capac to adopt or amend a Downtown Development Plan and Tax Increment Financing Plan. Following adoption of the ordinance approving the Development and Tax Increment Financing Plan, the Township and County Treasurers are required by law to transmit to the DDA that portion of the tax levy of all taxing jurisdictions paid each year on the captured assessed value of all real and personal property included in the Tax Increment Financing Plan. The Tax Increment Financing Plan may be modified if the Village of Capac follows the same modification and public hearing procedures as were required to adopt the original Plan.

At the time the first Tax Increment Financing Plan was adopted, the "initial assessed value" was determined. The initial assessed value means the assessed value, as equalized, of all the taxable property within the boundaries of the Development Area at the time the ordinance establishing the Tax Increment Financing Plan is approved, as shown by the most recent assessment roll for which equalization has been completed at the time the ordinance is adopted. Property exempt from taxation at the time of the determination of the initial assessed value shall be included at zero. Property for which a specific local tax is paid in lieu of property tax shall not be considered exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of property tax is determined as provided below.

The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan's percentage capture and use of taxes levied by a municipality or county for operating purposes. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, Michigan Public Act 62 of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws. Tax increment revenues used to pay bonds issued by the Township under section 16(1) of the Act shall be considered to be used by the tax increment financing plan rather than shared with the Township.

"Specific local tax" means a tax levied under Michigan Public Act 198 of 1974, being Sections 207.551 to 207.572 of the Michigan Compiled Laws, the Commercial Redevelopment Act, Michigan Public Act 255 of 1978, being Section 207.651 to 207.668 of Michigan Compiled Law, Act No. 189 of the Michigan Public Acts of 1953, being Sections 211.181 to 211.182 of the Michigan Compiled Laws, and the Technology Park Development Act, Michigan Public Act 385 of 1984, being Sections 207.701 to 207.718 of the Michigan Compiled Laws. The initial assessed value or current assessed value or current assessed value of property subject to specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the Michigan State Tax Commission shall prescribe the method of calculating the initial

assessed value and current assessed value for which a specific local tax was paid in lieu of a property tax.

B. Estimated Captured Assessed Values, and Estimated Tax Increment Revenues

The tax increment revenues or “captured assessed value” means the amount in any one year by which the current assessed value of the project area, including the current assessed value of property for which specific local taxes are paid in lieu of property taxes, exceeds the initial assessed value. Tax Increment Revenue to be transmitted to the Authority by the Village Treasurer and/or County Treasurer shall be that portion of the tax levy of all taxing bodies paid each year on the assessed value of real and personal property in the Development Area on the captured assessed value.

The DDA is not authorized to capture tax increment revenues from any ad valorem taxes or specific local taxes attributable to the levy by the State of the six-mill education tax pursuant to Michigan Public Act 331 of 1993, as amended, or taxes levied by any local or intermediate school district.

Refer to Figure 1 for estimated captured assessed values and estimated tax increment revenues based upon various growth scenarios in the DDA district. Although the actual tax increment revenues available to the DDA may vary from the estimates herein provided, the estimates of tax increment revenue in the exhibit are based on the following:

- Millage rates:
 - Village of Capac 13.5730 mills
 - Township of Mussey
 - St. Clair County Operating
- An initial taxable base of \$1,553,084 in the DDA area.
- All voted millages will be renewed throughout the duration of the plan.
- No local, intermediate school district or state education taxes will be captured.

Davison DDA - Potential Capture				
Current	Base	Captured	Millage	TIF Revenue
	\$1,553,084			

Figure 1 - This chart shows potential revenues to the DDA based upon growth in taxable value in the DDA district.

C. Amount of bonded indebtedness to be incurred

The maximum amount of bonded indebtedness to be incurred by the DDA and/or the Village of Capac for all bond issues or loans, including payments of capitalized interest, principal and required reserve shall be \$[REDACTED] for the proposed projects outlined in the Development Plan. Actual bonded indebtedness to be incurred will be limited by the amount of revenues anticipated to be received each year that will be available for servicing the debt load. The bonded indebtedness proceeds will be sufficient to pay the estimated costs of the development plus any associated costs of accompanying professional services. The Village of Capac must approve any bonds or indebtedness, which pledge the full faith and credit for the Village of Capac.

D. Duration of the Program

The Tax Increment Financing Plan will remain in effect to the end of fiscal year [REDACTED] unless amended after hearing and notice in accordance with section 19(2) of the Act to a shorter or longer period. Further, if repayment of the Bonds or any future bonds issued by the Authority has not been completed by [REDACTED], the Development Plan will be extended until the bonds have been retired.

E. Estimated Impact on Assessed Value of Taxing Jurisdictions

The tax increment financing plan generates revenue based only on the captured assessed value. Each Taxing Jurisdiction will continue to levy and receive taxes on the initial taxable value of \$1,553,084 in the DDA. That taxable value will continue to be used for taxing purposes by the Taxing Jurisdictions that are not exempted by the DDA Act. In

effect, the taxable value is frozen at the base level for taxing purposes for the duration of the DDA development plan.

The Intermediate School District, the local school district, and the State of Michigan Education Tax fund will receive revenues from all increases in taxable value.

The justification of the tax increment financing procedure is based on the expectation that all or a portion of the “capture assessed value” that is created following implementation of a downtown development plan, would not have occurred without the stimulation of the public investment involved in the plan implementation. Therefore, the short term investment made by the taxing unit in foregoing part of the initial growth in tax revenues is repaid by the long-term benefit of substantially greater taxes realized from a stronger commercial base when the plan is completed. Furthermore, this plan uniquely tries to retain the same value of tax revenues throughout the plan, while encouraging revenue generation for all taxing jurisdictions.

The overall impact of the Tax Increment Financing Plan is expected to generate increased economic activity in the Village of Capac and St. Clair County at large. This increase in activity will, in turn, generate additional amounts of tax revenue to local taxing jurisdictions through increases in assessed valuations of real and personal property and from increases in personal income due to new employment within the Development Area, the Village of Capac, and other neighboring communities throughout St. Clair County.

F. Provision for use of part or all of the captured assessed value to be used by the DDA

The DDA shall expend the tax increments received from the development plan only in accordance with the Tax Increment Financing Plan. Tax Increment revenues in excess of the estimated tax increment revenues or in excess of the actual cost of the Plan to be paid by the tax increment revenues may be retained by the DDA only for purposes that, by the resolution of the DDA Board, are determined to further the development plan in accordance with the Tax Increment Financing Plan. The excess revenue not so used shall revert proportionately to the respective taxing jurisdictions upon the execution of a resolution directing said action. The resolution should only be adopted if the DDA Board determines that all of the projects listed in the TIF Plan are completed and it has no intention to begin the process to amend its plan to add additional projects. These revenues shall not be used to circumvent existing property tax laws that provide a maximum authorized rate for the levy of property taxes.

G. Compliance with Section 15 of the Act

As referred to above, it is the intent of these plans to comply with Section 15 of the Act regarding tax increments, amount of tax increments, expenditure of tax increments, and submission of the tax increment financing report. These revenues shall not be used to circumvent existing property tax limitations.

20 9 AM
Roads



H. Reports

The authority shall file the following with the State Tax Commission within ninety (90) days of the end of the fiscal year of the authority

- 1) Form 2604 (if one school district) Form 2967 (if more than one), as amended, if required
- 2) Annual report (AR) as required by State Tax Commission Bulletin 9 of 1997, as amended (see appendix 3 of form 2604/2967 instructions). The Village annual audit will not fulfill this requirement. At a minimum, the annual report on the status of the tax increment financing account shall contain the following (125.1665):
 - a) The amount and source of revenue in the account
 - b) The amount in any bond reserve account
 - c) The amount and purpose of expenditures from the account
 - d) The amount of principal and interest on any outstanding bonded indebtedness
 - e) The initial assessed value of the project
 - f) The captured assessed value retained by the authority
 - g) The tax increment revenues received
 - h) The number of jobs created as a result of the implementation of the tax increment financing plan
 - i) Any additional information the Village or the state tax commission considers necessary.
- 3) A copy of the assessor or treasurer's worksheet (ATW) for the authority's tax increment financing plan district, which was used to determine the plan's tax increment revenue. This is the worksheet that was used to compute how much money to send to the authority, and it may be either handwritten or computed. The worksheet should include:
 - a) Millages
 - b) Initial, current, and captured values by property tax roll (i.e., ad valorem homestead, ad valorem non-homestead, IFT new, CFT new, Tech Park, IFT replacement, and CFT restored), and
 - c) The source of tax increment revenue, subdivided by each millage levied.

MAP 1 – DDA Area with Existing Streets and Public Facilities

MAP 2 – Existing Land Use

MAP 3 – Future Land Use

MAP 4 – Sanitary Sewer Map

MAP 5 – Storm Sewer Map

MAP 6 – Water Main Map

EXHIBIT A – Parcel ID and Legal Description of the Development Area