

**SECOND TAX SHARING AGREEMENT BETWEEN THE DELHI CHARTER TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY AND
CAPITAL AREA TRANSPORTATION AUTHORITY**

THIS AGREEMENT made as of the 6 day of June, 2017, by and between the DELHI CHARTER TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY, whose address is 2045 Cedar Street, Holt, Michigan 48842 (the "DDA") and CAPITAL AREA TRANSPORTATION AUTHORITY, whose address is 4615 Tranter Street, Lansing, Michigan 48910 (the "CATA"), and acknowledged and agreed to by Delhi Charter Township, whose address is 2074 Aurelius Road, Holt, Michigan 48842.

WITNESSETH:

WHEREAS, the DDA is a downtown development authority incorporated in 1987 pursuant to PA 1975 No. 197 (MCL 125.1651 *et seq*) (the "Act"); and

WHEREAS, the DDA is permitted by the Act to capture certain tax revenue from various taxing jurisdictions which are authorized to levy taxes on the property within the downtown district ("Development Area"); and

WHEREAS, CATA is a taxing jurisdiction whose tax revenue has been partially captured by the DDA as provided by the Act; and

WHEREAS, the DDA is specifically authorized, pursuant to Section 14 of the Act (MCL 125.1664(4)), "...to enter into agreements with the taxing jurisdiction and the governing body of a municipality in which the Development Area is located to share a portion of the captured assessed value of the district"; and

WHEREAS, in accordance with Section 14 of the Act, the parties desire to enter into this Second Tax Sharing Agreement;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. **Downtown Development and Tax Increment Financing Plan.** The DDA Development Plan and Tax Increment Financing Plan, as amended (Exhibit A), is acknowledged and agreed by CATA to be the Plan and the Development Area to which the Agreement pertains, and that the

activities and projects described therein are eligible for funding in whole or in part by taxes and revenues resulting from the assessed valuation and tax revenue captured by the DDA.

2. **Tax Sharing and Reduction of Captured Assessed Valuation.** Pursuant to Section 14(4) of the Act, it is agreed that for the nineteen (19) year period commencing in 2017 through 2035 (the "Capture Period"), the DDA will retain forty percent (40%) of the assessed/taxable valuation which would have been captured but for this Agreement and CATA will retain sixty percent (60%), (i.e., the DDA will continue to retain 40% of the captured tax revenue and the remaining 60% shall be paid to CATA). The DDA will not capture any CATA tax revenue after 2036.

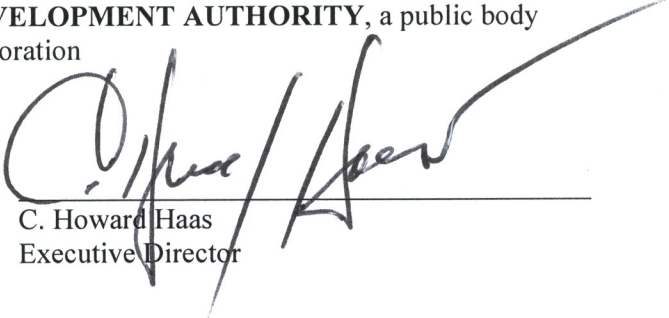
Distribution of revenue resulting from the reduced capture described above will be made by the DDA on July 1, 2017 (actually in advance of the 2017 tax collection) and shall continue annually on the 1st day of July in each year thereafter until all distributions required by this paragraph 2 have been made.

3. **Plan Amendments.** The parties acknowledge and agree that the DDA and the Delhi Charter Township Board of Trustees (the governing body of the municipality) may from time to time amend the Plan as they deem appropriate pursuant to the Act; provided, however, no such amendment shall have the effect of modifying the provisions of paragraph 2 relating to tax sharing without the consent of CATA.

4. **Former Agreement.** This Second Tax Capture Agreement supersedes paragraph 2 of the Tax Capture Agreement dated February 10, 2004, between the parties, such that the DDA will not retain any CATA tax revenue for the Capture Period under the First Agreement.


IN WITNESS WHEREOF, the parties have set their hands and seals as of the date above first written.

**DELHI CHARTER TOWNSHIP DOWNTOWN
DEVELOPMENT AUTHORITY**, a public body
corporation

By: 
C. Howard Haas
Its: Executive Director

AND:

**CAPITAL AREA TRANSPORTATION
AUTHORITY**

By: 
Douglas Lecato
Its: Vice-Chair


Sandra Draggoo
Its: CEO/Executive Director

**ACKNOWLEDGMENT AND AGREEMENT
OF DELHI CHARTER TOWNSHIP**

Delhi Charter Township herewith acknowledges that its Township Board, its governing body and the “governing body of the municipality” as defined in the Act, has certain oversight authority over the Delhi Charter Township Downtown Development Authority and its development and tax increment financing plan. Delhi Charter Township, by execution of this Agreement, covenants and agrees to be bound by the terms of this Agreement, and that no modification or amendment of the Development of Tax Increment Financing Plan relating to the tax sharing provisions of Paragraph 2 above shall be adopted without the consent of the Capital Area Transportation Authority.

DELHI CHARTER TOWNSHIP, a Michigan
municipal corporation,

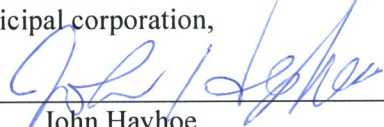
By: 
John Hayhoe
Its: Supervisor

Exhibit A

Charter Township of Delhi

Ordinance No. 80.5

December 1, 2015

CHARTER TOWNSHIP OF DELHI

ORDINANCE NO. 80.5

AMENDMENTS TO THE
DELHI CHARTER TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY
DEVELOPMENT PLAN
AND
TAX INCREMENT FINANCING PLAN

Original Adoption – July 21, 1987

1st Amendment Adoption – December 1, 1987

2nd Amendment Adoption – February 6, 1990

3rd Amendment Adoption – May 20, 1997

4th Amendment Adoption – October 21, 2003

5TH AMENDMENT

APPROVED & ADOPTED BY TOWNSHIP BOARD

ON DECEMBER 1, 2015

**CHARTER TOWNSHIP OF DELHI
INGHAM COUNTY, MICHIGAN
ORDINANCE NO. 80.5**

PREAMBLE

The following amendments to the existing Development Plan and Tax Increment Financing Plan are additions and details for those portions of the Plan relating to certain projects proposed to be undertaken by the Charter Township of Delhi Downtown Development Authority (the "Authority"). Pursuant to the requirements of Sections 14 and 17 of the Downtown Development Authority Act, as amended (being 1975 PA 197; referred to as the "Act") (MCL 125.1664 and MCL 125.1667), the following amendments (the "Plan Amendments") modify certain components of the Development Plan and Tax Increment Financing Plan, and shall be as follows.

PART I [Section 14(1) of the Act; MCL 125.1664(1)]

EXPLANATION OF THE TAX INCREMENT FINANCING PROCEDURE.

Unchanged: See existing Development Plans & Tax Increment Financing Plans

PART II [Section 17(2)(a) of the Act; MCL 125.1667(2)(a)]

THE DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA IN RELATION TO HIGHWAYS, STREETS, STREAMS, OR OTHERWISE.

Unchanged: See existing Development Plans & Tax Increment Financing Plans

PART III [Section 17(2)(b) of the Act; MCL 125.1667(2)(b)]

THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE DEVELOPMENT AREA, SHALL DESIGNATE 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 SHALL INCLUDE A LEGAL DESCRIPTION OF THE DEVELOPMENT AREA.

Unchanged: See existing Development Plans & Tax Increment Financing Plans

PART IV [Sections 17(2)(c) and (d) of the Act; MCL 125.1667(c) and (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; AND 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.

In addition to the projects listed in the existing Development Plans & Tax Increment Financing Plans, the Authority proposes to undertake the following projects.

1. Street and Corridor Improvements.

The Authority will undertake or assist in the financing of various public improvements within the development area, including, but not necessarily limited to public road improvements, access management improvements, and other modifications to enhance traffic circulation and pedestrian safety by creating a more walkable community, better access to businesses, enhanced aesthetics, and a sense of place; relocation of utilities underground.

Estimated time for completion:	2016 through duration of Plans
Estimated cost:	\$12.5 million

2. LED Message Display Board.

The Authority will acquire and install a LED message display board within the Development Area to be used for purposes that include, but are not limited to, marketing initiatives that benefit the downtown district.

Estimated time for completion:	2016 through duration of Plans
Estimated cost:	\$25,000.00

3. Acquisition of Properties.

The Authority will acquire key properties to facilitate strategic redevelopment in a manner consistent with the Township's place-making goals to benefit the downtown district.

Estimated time for completion:	2016 through duration of Plans
Estimated cost:	\$1 million

4. Decorative Street Lighting.

The Authority will install and replace decorative street lighting throughout the Development Area to benefit the downtown district.

Estimated time for completion:	2016 through duration of Plans
Estimated cost:	\$1.475 million

PART V [Section 17(2)(e) of the Act; MCL 125.1667(e)]

A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

See existing Development Plans & Tax Increment Financing Plans, and Part IV above. In addition, the duration of the Development Plan & Tax Increment Financing Plan and amendments thereto shall be extended until December 31, 2035.

PART VI [Section 17(2)(f) of the Act; MCL 125.1667(f)]

A DESCRIPTION OF ANY PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE.

See existing Development Plans & Tax Increment Financing Plans, and Part IV above.

PART VII [Section 17(2)(g) of the Act; MCL 125.1667(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.

Not applicable.

PART VIII [Section 17(2)(h) of the Act; MCL 125.1667(h)]

A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, OR UTILITIES.

There are no zoning changes contemplated by these amendments. For changes in any streets, intersections, and utilities, see Part IV above.

PART IX [Section 17(2)(i) of the Act; MCL 125.1667(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.

See existing Development Plans & Tax Increment Financing Plans, and Part IV above. The Township or the Authority may issue bonds as authorized by the Act to finance all or a portion of the identified projects, as set forth in the existing plans. The Authority may also use installment purchase contracts, where eligible, to finance certain projects. The Authority may use proceeds from the sale of property, leases, licenses, or other miscellaneous revenue to finance all or a portion of the above-described projects. The Authority may use revenues capture by the Tax Increment Financing Plan to pay for all or a portion of the above-described projects.

PART IX-A [Section 17(2)(j) of the Act; MCL 125.1667(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.

See existing Development Plans & Tax Increment Financing Plans, and Part IV above.

PART IX-B [Section 17(2)(k) of the Act; MCL 125.1667(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.

Not applicable.

PART X [Section 17(2)(l) of the Act; MCL 125.1667(l)]

ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE DEVELOPMENT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED.

No families or individuals are proposed to be displaced by the proposed project.

PART X-A [Section 17(2)(m) of the Act; MCL 125.1667(m)]

A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT IN ANY NEW HOUSING IN THE DEVELOPMENT AREA.

Not applicable.

PART X-B [Section 17(2)(n) of the Act; MCL 125.1667(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 [42 U.S.C. SECTIONS 4601, ET SEQ].

Not applicable.

PART X-C [Section 17(2)(o) of the Act; MCL 125.1667(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.

Not applicable.

PART XI [Section 14(1) of the Act; MCL 125.1664(1)]

A STATEMENT OF THE ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON THE ASSESSED VALUES OF ALL TAXING JURISDICTIONS IN WHICH THE DEVELOPMENT AREA IS LOCATED.

Unchanged: See existing Development Plans & Tax Increment Financing Plans

EFFECTIVE DATE.

This ordinance shall become effective immediately upon its final adoption and publication as required by law.

Ayes: Sweet, Warfield, Davis, Harmon, Hayhoe
Nays: None
Absent: Hope, Ketchum

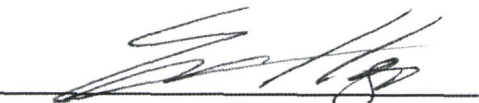
Adopted by the Delhi Charter Township Board of Trustees at a regular meeting held on the 1st of December, 2015.

First Reading: November 17, 2015
First Publication: November 22, 2015
Second Reading: December 01, 2015
Section Publication: December 06, 2015


C.J. Davis, Supervisor


Evan Hope, Clerk

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 80.5, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the 1st day of December, 2015.


Evan Hope, Clerk