

TOWNSHIP OF BIRCH RUN

Resolution #96-10

At a Regular meeting of the Township Board of the Township of Birch Run (the "Township") held at the Township Hall, in the Township of Birch Run, Michigan on October 8, 1996 at 7 p.m. Eastern Daylight Savings Time, there were:

PRESENT: Edward Magnus, Sheila DiBerardino, Nancy Henige, David Stewart, Larry Russell, Gary St.Charles, Joanne Strahm.

ABSENT: NONE

The following preamble and resolution were offered by Russell and seconded by Strahm.

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AN INTERLOCAL AGREEMENT WITH
THE TOWNSHIP OF BIRCH RUN DOWNTOWN
DEVELOPMENT AUTHORITY**

WHEREAS, the Township of Birch Run Downtown Development Authority of the Township of Birch Run (the "Authority") has been duly incorporated by the Township of Birch Run (the "Township") pursuant to Act No. 197 of the Public Acts of Michigan of 1975, as amended ("Act 197") and the Board of the Authority has been duly appointed and sworn into office, and

WHEREAS, the Board has received and reviewed an Amended Development Plan meeting the requirements of Section 17 of Act 197 which is a part of the Amended Tax Increment Financing Plan (the "Plan") meeting the requirements of Section 14 of Act 197, which Plan has been approved by the Township Board of the Township of Birch Run;

WHEREAS, the Authority and the Township are authorized to enter into an Interlocal Agreement in the form attached hereto as Appendix A (the "Agreement"), pursuant to Act No. 7 of the Public Acts of Michigan of 1967, Extra Session, known as the Urban Cooperation Act of 1967 ("Act 7") and;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BIRCH RUN as follows:

1. The Agreement attached hereto as Appendix A is hereby approved for execution.

2. The Supervisor and Township Clerk are authorized to execute and deliver the Agreement for the Township.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Magnus, DiBerardino, Henige, Russell, Stewart,
St. Charles, Strahm

NO: NONE

ABSTAIN: NONE

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township Board of the Township of Birch Run, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a Regular meeting held on October 8, 1996, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Township Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Sheila DiBerardino
Township Clerk



APPENDIX A

CONTRACT AND INTERLOCAL AGREEMENT

BETWEEN

TOWNSHIP OF BIRCH RUN
DOWNTOWN DEVELOPMENT AUTHORITY

AND

THE TOWNSHIP OF BIRCH RUN

TOWNSHIP OF BIRCH RUN
IMPROVEMENTS PROJECT

TOWNSHIP OF BIRCH RUN
SAGINAW COUNTY, MICHIGAN

DATED AS OF OCTOBER 1, 1996

This Interlocal Agreement, dated as of October 1, 1996, is made and entered into pursuant to Act No. 7 of the Public Acts of Michigan of 1967, Extra Session, as amended, known as the "Urban Cooperation Act of 1967," and Act 197 of the Public Acts of 1975, as amended (the "Enabling Acts"), by and among the Township of Birch Run (the "Township") and the Township of Birch Run Downtown Development Authority (the "Authority") (together the "Constituent Municipal Corporations") for the purposes set forth in this Agreement.

WITNESSETH

WHEREAS, the Township Board of the Township of Birch Run, (the "Township") has created a Downtown Development Authority (the "Authority") under Act No. 197 of the Public Acts of Michigan of 1975 ("Act 197") for the purposes set forth in Act 197 in an area within the Township of Birch Run (the "District"), and

WHEREAS, to induce the Township to provide for the construction of certain improvements within part of the District, the Authority is willing to commit to provide funds to permit the Township to finance construction of sanitary sewer improvements to the Township, pursuant to a contract with the County of Saginaw (the "County"), under which \$600,000 Saginaw County - Birch Run Township Sanitary Sewer System Improvements (Dixie Highway Extension) Bonds (the "Bonds") will be issued by the

County and the Township will be obligated to pay the County annually the debt service and other charges on the Bonds (the "Project").

NOW, THEREFORE, pursuant to the power granted to them by the Enabling Acts, the Constituent Municipalities hereby agree as follows:

ARTICLE A
DEFINITIONS

Unless otherwise provided, or unless the context clearly requires otherwise, the following terms shall have the following meanings in this Agreement:

(a) Act 197. Act No. 197 of the Public Acts of Michigan of 1975, as amended.

(b) Agreement. This Interlocal Agreement entered into pursuant to the Enabling Acts, as from time to time amended.

(c) Authority. The Township of Birch Run Downtown Development Authority which is the legal entity established by the Township of Birch Run to carry out the purposes set forth in the Ordinance originally adopted by the Township on April 18, 1989.

(d) Bonds. The \$600,000 Saginaw County - Birch Run Township Sanitary Sewer System Improvements (Dixie Highway Extension) Bonds.

(e) Board. The governing body of the Authority.

(f) Captured Taxes. The taxes to be captured by the Authority pursuant to the Development Plan which is part of the Tax Increment Financing Plan, all as described in Exhibit 1 of this Agreement.

(g) County. The "County of Saginaw".

(h) Township Board. The governing body of the Township.

(i) Constituent Municipal Corporations. The Constituent Municipal Corporations are: The Township of Birch Run Downtown Development Authority and Township of Birch Run..

(j) Development Plan. The Development Plan which was approved by the Township Board on September 10, 1996.

(k) Enabling Acts. Act No. 7 of the Public Acts of Michigan of 1967, Extra Session, as amended, known as the "Urban Cooperation Act of 1967," and Act No. 197 of the Public Acts of Michigan of 1975, as amended.

(l) Project. The public project outlined in the Development Plan.

(m) Tax Increment Financing Plan. The Tax Increment Financing Plan which was approved by the Township Board on September 10, 1996.

ARTICLE B
GENERAL PROVISIONS

Section 1. The Constituent Municipal Corporations agree to exercise jointly the power and authority set forth in this Agreement pursuant to the Enabling Acts.

Section 2. The Constituent Municipal Corporations agree to the Project as outlined in the Development Plan.

Section 3. The Township shall be authorized to construct or cause to be constructed in whole or in part, the Project.

Section 4. To further any of such purposes, the Township may contract with the County or any other entity to carry out the Project.

ARTICLE C
AGREEMENT BY THE TOWNSHIP OF BIRCH RUN

Section 1. The Township agrees with the Authority to implement the provisions of the Development Plan and the Tax Increment Financing Plan by causing the County to issue the Bonds for the Project.

Section 2. The Township agrees that when any and all bonds issued by the County to finance the Project are retired the Authority will be no longer required to make the payments agreed to in Article D.

ARTICLE D
AGREEMENT BY THE AUTHORITY

Section 1. The Authority agrees to the implementation of the Project by the Township through a contract between the Township and the County.

Section 2. The Authority agrees to make annual payments to the Township on or before May 15, each year in an amount equal to the annual amounts due under the contract dated as of September

1, 1996 pursuant to which the County will issue that amount the Bonds for the Project as set forth in Appendix 1.

ARTICLE E
ADDITIONAL MUNICIPAL CORPORATIONS AND
WITHDRAWAL OF MUNICIPAL CORPORATIONS

Section 1. No additional public corporations may join in this Agreement.

Section 2. Neither the Township nor the Authority may withdraw from this Agreement at any time until the purposes for which it was established have been completed.

ARTICLE F
TERMINATION AND AMENDMENT

Section 1. This Agreement shall continue in full force and effect so long as the Authority is in existence unless sooner terminated by a vote of the Township Board and the Board.

Section 2. This Agreement may be amended by a written document signed by authorized officers of each and every Constituent Municipal Corporation after approval of such amendment by resolution of its governing body.

Section 3. This Agreement is dated as of October 1, 1996 for convenience of reference, but it shall become effective upon the filing of a true copy with the County Clerk of Saginaw County and the Secretary of State.

IN WITNESS WHEREOF, the undersigned Constituent Municipal Corporations have caused this Agreement to be made and entered into as of October 1, 1996.

TOWNSHIP OF BIRCH RUN

By: Edward Magnus

Ed Magnus
Its: Supervisor

By: Sheila DiBerardino

Sheila DiBerardino
Its: Clerk

TOWNSHIP OF BIRCH RUN
DOWNTOWN DEVELOPMENT AUTHORITY

By: James Totten

James Totten
Its: Chairman

By: Don Morse

Don Morse
Its: Secretary

CERTIFICATION

I, the undersigned Township Clerk of the Township Board of the Township of Birch Run, hereby certify that the foregoing contract and interlocal agreement is a true and complete copy of the Contract and Interlocal Agreement between the Township of Birch Run Downtown Development Authority of the Township of Birch Run and the Township of Birch Run, adopted at a Regular meeting of the Township Board held on October 8, 1996, the original of which is on file in my office, and that notice of such meeting was given, and the meeting was conducted, pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended.

Sheila DiBerardino
Township Clerk



APPENDIX 1, page 1

To be Completed After
Bonds are Issued

<u>Payment Due Date</u>	<u>Principal Amount</u>	<u>Interest Amount</u>	<u>Other Charges</u>
May 15, 1997	\$30,000		
May 15, 1998	30,000		
May 15, 1999	30,000		
May 15, 2000	30,000		
May 15, 2001	30,000		
May 15, 2002	30,000		
May 15, 2003	30,000		
May 15, 2004	30,000		
May 15, 2005	30,000		
May 15, 2006	30,000		
May 15, 2007	30,000		
May 15, 2008	30,000		
May 15, 2009	30,000		
May 15, 2010	30,000		
May 15, 2011	30,000		
May 15, 2012	30,000		
May 15, 2013	30,000		
May 15, 2014	30,000		
May 15, 2015	30,000		
May 15, 2016	30,000		

user2.ti-brc2