

## **TABLE OF SPECIAL ORDINANCES**

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**Big Rapids Charter Township - Table of Special Ordinances**

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1	4-17-1956	Granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the township for a period of 30 years.
10	4-1-1986	Granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the township.
11	7-1-1986	Granting to O&E Electric Cooperative, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the township all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said township for a period of 30 years.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
20	3-7-1995	Granting to Michigan Consolidated Gas Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the township for a period of 30 years.
23	2-2-1999	Granting a nonexclusive franchise to the City of Big Rapids to lay, maintain and operate water mains, pipes and services on, along, across and under the highways, streets, alleys and other public places, and to conduct a public water utilities business in the township for a period of 30 years.
23.01	4-6-1999	Amending Ord. 23 which granted a nonexclusive franchise to the City of Big Rapids to lay, maintain and operate water mains, pipes and services on, along, across and under the highways, streets, alleys and other public places, and to conduct a public water utilities business in the township for a period of 30 years.
24	4-6-1999	Granting a franchise to Great Lakes Energy Cooperative, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services and to lay, maintain and operate electric lines, poles and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and electric public utility business in the township for a period of 30 years.

Franchises

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
23.02	10-19-1999	Amending Ord. 23 which granted a nonexclusive franchise to the City of Big Rapids to lay, maintain and operate water mains, pipes and services on, along, across and under the highways, streets, alleys and other public places, and to conduct a public water utilities business in the township for a period of 30 years.
23.03	11-2-1999	Amending Ord. 23 which granted a nonexclusive franchise to the City of Big Rapids to lay, maintain and operate water mains, pipes and services on, along, across and under the highways, streets, alleys and other public places, and to conduct a public water utilities business in the township for a period of 30 years.
25	3-1-2016	Granting to Consumers Energy Company, its successors and assigns, the right, power, and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the township for a period of 30 years.

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**TABLE II: ZONING**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3.32	--	Rezoning of the following property from the Agriculture District to the Highway Interchange District: the south east quarter of the north east quarter of Section 20 and the south half of the north west quarter of Section 21, Township 15 North, Range 10 West.
3.03	5-25-1976	Rezoning the following described property in the township from present zoning of Agricultural District to "A" Residential District: the north west quarter of the south east quarter of Section 26, Township 15 North, Range 10 West.
3.06	7-5-1977	Rezoning the following described property in the township from present zoning of Agricultural District (A-1) to Commercial District (C): all lands in the north west quarter of Section 3, Township 15 North, Range 10 West, lying west of U.S. 131 and 205th Avenue.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3.07	8-2-1977	Rezoning the following described property in the township from present zoning of Agricultural (A-1) to B Residential (R-1): property described as a parcel of land beginning at the north east corner of the south east quarter of the south east quarter of Section 13, Township 15 North, Range 10 West, running thence west on the north line thereof 40 rods; thence south on the line dividing said south east quarter of south east quarter of said Section 13 into two equal parts 67 rods more or less to the center of the highway running through said described premises as recorded by the Highway Commissioner of said township; thence in an easterly by northeasterly direction along said Section line 53 rods more or less to the point of beginning.
3.10	9-5-1978	Rezoning the following described property in the township from present zoning of Agricultural (A-1) to B Residential (R-1): property described as that portion of the north east quarter of the north west quarter of Section 24, Township 15 North, Range 10 West, lying south of 15 Mile Road and east of the Grand Rapids and Indiana Railroad right-of-way.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3.12	5-1-1979	<p>Rezoning the following described property in the township, as follows:</p> <ol style="list-style-type: none"><li>1. Property described as the south east quarter of the north west quarter of the north west quarter of Section 13, Township 15 North, Range 10 West, is changed from the present zoning of Agricultural (A-1) to B Residential (R-1); and</li><li>2. Property described as the west half of the north east quarter of the north west quarter of the north west quarter of Section 13, Township 15 North, Range 10 West, is changed from the present zoning of Commercial (C-1) to B Residential (R-1).</li></ol>
3.20	5-7-1996	<p>Rezoning the following described property from the present zoning classification of a Residential "A" District (R-3) to Commercial District (C-1): a parcel described as the north 25 feet of Lot 4 and entire Lots 5 and 6, Block 1 of Brown's Addition, formerly located in the City of Big Rapids, being part of Government Lot 7, Section 3, Township 15 North, Range 10 West.</p>
3.21	11-6-1996	<p>Rezoning the following described property from the present zoning classification of Residential "A" District (R-3) to Commercial District (C-1): Section 3, Township 15 North, Range 10 West, part of Chew's Farm Addition, including the east 260 feet of Lot 5, the south half of the east 66 feet of Lot 14, the south half of Lot 15 and all of Lots 16 and 17; also Brown's Addition including all of Block 1.</p>

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3.22	3-4-1997	Rezoning the following described property from the present zoning classification of Agricultural District (A-1) to Industrial District (I-1): Township 15 North, Range 10 West, the north west one quarter of Section 4 and the north east one quarter of Section 5.
-	6-2-2015	Rezoning the area north of the city limits of Big Rapids and south of Green Township between 197th Avenue and the White Pine Trail from Industrial to Agricultural.

**TABLE III: TAX EXEMPTIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
28	2-5-2002	To provide for a service charge in lieu of taxes for a multiple-family dwelling project (Ryan Creek Apartment Complex) for persons of low to moderate income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966, Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 et seq., as amended.
29	12-03-2024	<del>SAME AS ABOVE</del> VERBAGE ON ORDINANCE

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The Charter Township of Big Rapids

ORDINANCE NO. 29

**TAX EXEMPTION ORDINANCE**

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low-income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

THE CHARTER TOWNSHIP OF BIG RAPIDS ORDAINS:

**SECTION 1.** This Ordinance shall be known and cited as the Charter Township of Big Rapids Tax Exemption Ordinance – Ryan Creek III Apartments.

**SECTION 2.** Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low-income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The Charter Township of Big Rapids ("Township") is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low-income persons and families is a public necessity, and as the Charter Township of Big Rapids will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The Township acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to construct, own and operate a housing project identified as Ryan Creek III Apartments on certain property located at 18914 16 Mile Road in the Township to serve low income persons and families, and that the Sponsor has offered to pay the Township on account of this housing project an annual service charge for public services in lieu of all *ad valorem* property taxes.

**SECTION 3.** Definitions.

- A. Authority means the Michigan State Housing Development Authority.
- B. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.
- D. LIHTC Program means the Low-Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
- E. Low Income Persons and Families means persons and families eligible to move into a



housing project.

F. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.

G. Sponsor means DeShano Development Corporation and any entity that receives or assumes a Mortgage Loan.

H. Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

**SECTION 4. Class of Housing Projects.**

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that Ryan Creek III Apartments is of this class.

**SECTION 5. Establishment of Annual Service Charge.**

The housing project identified as Ryan Creek III Apartments and the property on which it will be located shall be exempt from all *ad valorem* property taxes from and after the completion of construction. The Township acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing project for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the housing project, the Township agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 2% of the Annual Shelter Rents actually collected by the housing project during each operating year minus utilities.

**SECTION 6. Contractual Effect of Ordinance.**

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the Township and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

**SECTION 7. Limitation on the Payment of Annual Service Charge.**

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low-income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

**SECTION 8. Payment of Service Charge.**

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the Township and distributed to the several units



levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before February 1<sup>st</sup> of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq.*)

**SECTION 9. Duration.**

This Ordinance shall remain in effect for a period of 20 years after completion of construction, so long as a Mortgage Loan remains outstanding and unpaid and the housing project remains subject to income and rent restrictions under the LIHTC Program.

**SECTION 10. Severability.**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**SECTION 11. Inconsistent Ordinances.**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**Section 12. Effective Date.**

This ordinance shall become effective on December 3, 2024.

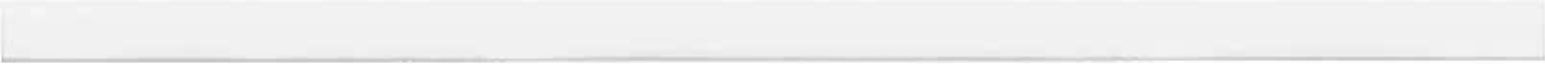
We certify that the foregoing Offenses Against Government Order Ordinance was duly enacted by the Township Board of the CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, on the 3<sup>rd</sup> of December, 2024.

The Supervisor declared Ordinance No. 29 Adopted.

Attest: 7 Yays: 7 Nays: 0 Absent:0

  
\_\_\_\_\_  
Bruce Borkovich  
Big Rapids Charter Township Supervisor

  
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Hannah Saez  
Big Rapids Charter Township Clerk



**TABLE IV: BONDS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
14	3-21-1991	Authorizing and providing for the issuance of sanitary sewer system revenue bonds to fund a portion of the cost of the Perry Street extension of the township sanitary sewer system.

