Office of the City Manager

Brad A. Barrett

287 East Huron Avenue
Vassar, MI 48768
(989) 823-8517

October 3, 2012

Licensing Division
Liquor Control Commission
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909

RE: Redevelopment Liquor Licenses

To Whom It May Concern:

Per Public Act 501 of The Public Acts of 2006, Section 521a(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521a(1), the City of Vassar, Tuscola County, is requesting 4 redevelopment liquor licenses in their Downtown Development Authority District.

The following documents are enclosed:

1. A resolution from the governing body of the city establishing the development district as a redevelopment project area
2. A map reflecting the development district
3. Certification from the local government body which identifies the statutory provisions under which the development district is established
4. An affidavit from the assessor as certified by the city clerk, which states the total amount of public and private investment in real and personal property within the qualified development district.

Sincerely,

Brad Barrett

Brad A. Barrett
City Manager

RESOLUTION #2012-23

WHEREAS, the Vassar City Council established a Redevelopment Area pursuant to Act 501 of Public Acts of 2006, and;

WHEREAS, the City of Vassar Downtown Development Authority District has realized considerable public and private investment within the past five years, and;

WHEREAS, the DDA district was established under appropriate statutory provision, that being 1961 PA 120, and;

WHEREAS, the City of Vassar shall provide to the Michigan Liquor Control Commission a map clearly identifying the boundaries of the DDA district, and;

WHEREAS, the City of Vassar shall provide to the Michigan Liquor Control Commission an affidavit from the City Assessor, as certified by the City Clerk, stating the total amount of public and private investment in real and personal property within the DDA district, which shall not be less than $200,000 for each license requested, over the preceding time period;

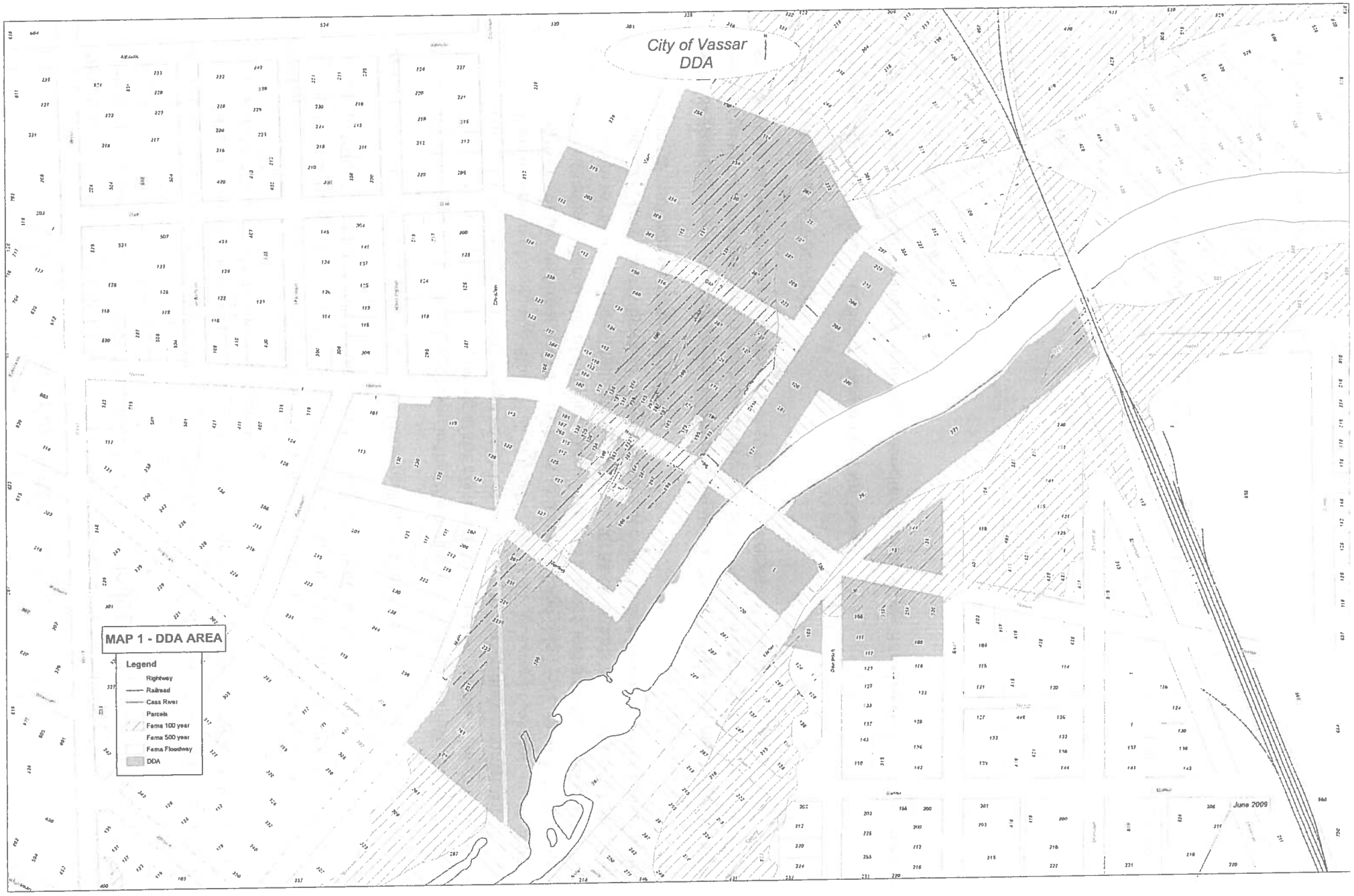
WHEREAS, the City Council hereby approves the designation of the City of Vassar DDA district as the Development District and Area for purposes of the Redevelopment Project Area and Development District or Area Liquor Licenses (authorized by MCL 463.1521a).

NOW THEREFORE BE IT RESOLVED,

Moved: **Councilor Wade** Seconded: **Mayor Pro-Tem Stedry**
Yes: **Councilor Wade, Councilor Hembling, Councilor Gamet, Mayor Hornung & Mayor Pro-Tem Stedry**
No: **None**
Abstain: **None**
Absent: **None**
Date: 1 October 2012

Adopted by the City Council of the City of Vassar this 1st day of October 2012. The foregoing is a true and complete copy of a resolution by the Vassar City Council at a regular council meeting held on Monday, this 1st day of October 2012.

Christina P. Bacon, Vassar City Clerk


City of Vassar
DDA
MAP 1 - DDA AREA
Legend
Rightway
Railroad
Cass River
Parcels
Fema 100 year
Fema 500 year
Fema Floodway
DDA
June 2009

Resolution #2012-24

WHEREAS, the State of Michigan passed Act 501 of the Public Acts of 2006, being Section 521a(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521a(1) creating a new type of on-premises licenses

WHEREAS, the State of Michigan passed Act 197 of the Public Acts of Michigan of 1975, ((MCL 125.1651 to 125.1681) as amended, enables municipal corporations to create Downtown Development Authorities and Downtown Development Districts

WHEREAS, the City of Vassar created a Downtown Development Authority and a Downtown Development Authority District in 1983 per Chapter 26 – Community Development, Article III – Downtown Development Authority of the City of Vassar Code of Ordinances

WHEREAS, the City of Vassar Downtown Development district is described as

> An area in the City of Vassar, Michigan, within the boundaries described as follows: Lots 9, 10, 11, 12, 13, 14 and Gore Lot beginning at the northeast corner Lot 11, thence to the southeast corner Lot 9, thence to the southwest corner Lot 14, thence to the northwest corner Lot 12, thence to point of beginning. Block 7; all of Blocks 8, 9, 10, 11, 12 except those lots north of the north line of Lincoln Street; Lots 1—13, Block 15; Lots 1—6 and Lots 7—12, Block 5; Lots 1—3, Block 13 of the original plat of the village (now city) and Lots 1, 2 and 3 of Block 1 Morse's Addition to the village (now city); Lots 7—10, Block 20; Block 21; Lots 2—5 and 18—21, Block 22; Block 22½; Lots 1 and 2, Block 23 of the original plat of the village (now city), and all public lands and rights-of-way enclosed therein.

NOW THEREFORE, the Vassar City Council establishes the Vassar Downtown Development district as a redevelopment project area per Section 521a(1)(b) of Act 501 of the Public Acts of 2006, being Section 521a(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521a(1)

NOW THEREFORE BE IT RESOLVED,

Moved: **Councilor Wade** Seconded: **Mayor Pro-Tem Stedry**

Yes: **Councilor Wade, Councilor Hembling, Councilor Gamet, Mayor Hornung & Mayor Pro-Tem Stedry**

No: **None**

Abstain: **None**

Absent: **None**

Date: 1 October 2012

Adopted by the City Council of the City of Vassar this 1st day of October 2012. The foregoing is a true and complete copy of a resolution by the Vassar City Council at a regular council meeting held on Monday, this 1st day of October 2012.

Christina P Bacon

Christina P. Bacon, Vassar City Clerk

AFFIDAVIT OF PUBLIC INVESTMENT

DOWNTOWN DEVELOPMENT DISTRICT AREA

I, DAVID KERN, am the City Assessor for the CITY OF VASSAR. I have examined the accounting records of the CITY OF VASSAR and the VASSAR DOWNTOWN DEVELOPMENT AUTHORITY for the City of Vassar and made the following determination as to the public investment in the City of Vassar qualified development district (Downtown Development Authority). Based on my review of these records, I have determined that the total amount of public investment in real property within the qualified development district over the preceding five (5) year period, starting January 1, 2008 is **$825,843** an amount that exceeds the $200,000 minimum required by Public Act 501 of 2006, Section 521a(1)b. I have made this determination to the best of my knowledge and ability on this day October 1, 2012, in Tuscola County, Michigan

CITY OF VASSAR

A Michigan home rule city

September 18, 2012

David Kern

STATE OF MICHIGAN)

)SS

COUNTY OF TUSCOLA)

On this 18th day of September, 2012 before me, a Notary Public in and for said county of state, personally appeared the above names, on behalf of the City of Vassar and made oath that he has read the foregoing Affidavit, by him subscribed, and know the contents thereof, and that the same is true of his own knowledge, except as to those matters which are stated to be upon information and belief, and as to those matters, he believes them to be true.

Christina P. Bacon

Christina Tina Bacon, City Clerk

Redevelopment Liquor License

(4) An affidavity from the assessor as certified bythe city, village or township clerk of the local governmental union, which states the total amount of public and private investment in real and personal property within the qualified development district, which shall not be less than $200,000 over preceding 5 year time period.

The Commissionmay issue one license for the monetary threshold (200,000) previously described.

Area: Vassar Downtown Development Authority District

		Public
YEAR 2012		
Oak Street Parking Lot / Street*		337314.5
Downtown Flags		540
*inclues engineering costs		
Flowers - Oak Street		550
YEAR 2011		
Benches		11999.9
Façade Grants		
	123 East Huron	7500
	125 East Huron	7500
	135 East Huron	7500
	130 East Huron	4518.75
	135 East Huron	7500
	125 East Huron	1725
	194 East Huron	6705
	134 N. Main Street	7461
	116 N. Main Street	2142
	101 S. Main Street	7500
	100 N. Main Street	6321.75
	101 S. Main Street	3828
	123/119 East Huron	7500
	111 South Main Street	900
Portion of Huron project	(East to Goodrich)	140719.3
	(25% of total cost 562,877)	
YEAR 2010		
Façade Grants		
	105 N. Main Street	3610.5
9/13/2010 / 7/10/1	134 N. Main Street	7500
9/13/2010	195 E. Huron Avenue	5419.6
12/20/2010	122 E. Huron Avenue	3084
11/8/2010	110/112/114 N. Main	5969.25
Moore Drain - Wall		42595
YEAR 2009		
Moore Drain - Wall		18030
Cass Avenue Improvement		160261.4
YEAR 2008		
8/18/2008	Corkpine	5178
11/24/2008	Cooper Grant	2175
	Nelson Grant	2295
	Total	825843

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

REDEVELOPMENT PROJECT AREA AND DEVELOPMENT DISTRICT OR AREA LIQUOR LICENSES

[Authorized by MCL 436.1521a]

This information is relative to the new type of on-premises licenses created by Act 501 of the Public Acts of 2006, being Section 521a(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521a(1).

436.1521a(1)(a) of the Michigan Compiled Laws provides that in addition to the number of licenses available in cities under section 531(1), they may issue licenses to the following:

> (a) Licenses to establishments that are located in a city **redevelopment project area** meeting the criteria described in subsections (3) and (4) that are engaged in activities determined by the commission to be related to dining, entertainment, or recreation.

An **application for a license under Section 521a(1)(a)** will not be authorized for investigation until the Commission receives the following documentation from the local unit of government in which the redevelopment project area is located:

> (1) A resolution from the governing body of the city establishing the redevelopment project area.
>
> (2) A map which clearly reflects and outlines where the redevelopment project area is located within the local unit of government.
>
> (3) Affidavit from the assessor, as certified by the city clerk, stating the total amount of investment in real and personal property within the redevelopment project area of the city during the preceding 3 year time period. *In the case of an applicant seeking a license under this section within the first license cycle after December 29, 2006 (12-30-06 through 04-30-08), the time period described in this subdivision may be up to 5 years. In a city having a population between 80,000 and 85,000 according to the 2000 federal decennial census the time period may be up to 7 years, if the application is submitted within the first 6 months after December 29, 2006.*
>
> (4) Affidavit from the assessor, as certified by the city clerk, separately stating the amount of the investment money expended for manufacturing, industrial, residential, and commercial development within the redevelopment project area of the city during the preceding 3 year time period. *In the case of an applicant seeking a license within the first license cycle after December 29, 2006 (12-29-06 through 04-30-08), the time period described in this subdivision may be up to 5 years. In a city having a population between 80,000 and 85,000 according to the 2000 federal decennial census, then the time period may be up to 7 years, if the application is submitted within the first 6 months after December 29, 2006.*
>
> (5) The affidavit from the assessor must also indicate the amount of commercial investment in the redevelopment project area within the city, which shall constitute at least 25% of the total investment in real and personal property in that redevelopment project area.

(6) The total investment in real and personal property in the redevelopment project area within the city over the appropriate time period as previously described, shall be at least 1 of the following:

(a) Not less than $50,000,000 in cities having a population of 50,000 or more.
(b) Not less than an amount reflecting $1,000,000 per 1,000 people in cities having a population of less than 50,000.

The Commission may issue one license for the monetary threshold described in 6(a) and 6(b) above. One additional license may be issued for each major fraction over and above the original monetary threshold.

(7) A resolution which approves a specific applicant (individual, corporation, limited liability company, limited partnership), at a specific location "ABOVE ALL OTHERS".

In order for the Liquor Control Commission to implement the licensing investigation process for applications under the provisions of 436.1521a(1)(a) of the Michigan Compiled Laws, the Commission must be in receipt of the above noted documentation from the local unit of government, either with the application or separately. Upon receipt of the documentation from the local unit of government and the necessary application forms, other required documents and inspection fees, the application will be authorized for investigation. The applicants for these types of licenses must demonstrate, at the time of investigation, the following:

(a) That the establishment provides dining, entertainment or recreation not less than 5 days per week.

(b) That the establishment is open to the public not less than 10 hours per day, 5 days per week.

436.1521a(1)(b) of the Michigan Compiled Laws provides that in addition to the number of licenses available in cities under section 531(1), they may issue licenses to the following:

(b) Licenses to establishments that are located in a **development district or area** that are any of the following:

(i) An authority district established under the tax increment finance authority act, 1980, PA 450, MCL 125.1801 to 125.1830.

(ii) A development area established under the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2898.

(iii) A downtown district established under 1975 PA 197, MCL 125.1651 to 125.1681.

(iv) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.990m.

An **application for a license under Section 521a(1)(b)** will not be authorized for investigation until the Commission receives the following documentation from the local unit of government in which the redevelopment project area is located:

(1) A resolution from the governing body of the city establishing the development district as a redevelopment project area.

(2) A map which clearly reflects and outlines where the development district or area is located within the local unit of government.

(3) Certification from the local governmental body which identifies the statutory provision under which the development district or area is established.

(4) An affidavit from the assessor as certified by the city, village or township clerk of the local governmental unit, which states the total amount of public and private investment in real and personal property within the qualified development district, which shall not be less than $200,000 over preceding 5 year time period.

The Commission may issue one license for the monetary threshold previously described. One additional license may be issued for each major fraction over and above the original monetary threshold.

(5) A resolution which approves a specific applicant (individual, corporation, limited liability company, limited partnership), at a specific location "ABOVE ALL OTHERS".

In order for the Liquor Control Commission to implement the licensing investigation process for applications under the provisions of 436.1521a(1)(b) of the Michigan Compiled Laws, the Commission must be in receipt of the above noted documentation from the local unit of government, either with the application or separately. Upon receipt of the documentation from the local unit of government and the necessary application forms, other required documents and inspection fees, the application will be authorized for investigation. The applicants for these types of licenses must demonstrate, at the time of investigation, the following:

(1) That the amount expended for the rehabilitation or restoration of the building that houses the licensed premises shall be not less than $75,000 over a period of the preceding 5 years or a commitment for a capital investment of at least that amount in the building that houses the licensed premises, which must be expended before the issuance of the license.

(2) That the licensed business is engaged in dining, entertainment or recreation, that is open to the general public, with a seating capacity of not less than 50 persons.

You should also be aware of the following:

- The initial enhanced license fee for licenses issued under 436.1521a(1)(a) or (b) of the Michigan Compiled Laws is $20,000.
- A licensee may transfer ownership of the license, however, the licenses issued under these subsections may **not be** transferred to another location.
- If the licensee goes out of business, the licensee shall surrender the license to the Commission. The governing body of the local governmental unit may approve another applicant within the redevelopment project area or development district area to replace a licensee who has surrendered the license to the Commission.
- Do not invest any money in improvements or bind yourself in any agreements until you have been officially notified by the Michigan Liquor Control Commission that your request has been approved.
- The individual signing the application shall state and demonstrate that they attempted to secure an appropriate on-premises escrowed licenses or quota license which may be available within the local unit of government in which the applicant proposes to operate.

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