

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: October 10, 2019

The following is my report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. **109 Lawrence Avenue**. I have prepared the easement with the proper legal description as it relates to access across the property owned by Robert Jewett and which provides access to the City parking lot from Lawrence Avenue.

2. **Development Cooperation Agreement**. As I believe the Council is aware, the City and Carmel Township entered into what was known as a Development Cooperation Agreement on August 28, 2000. This was a combination Act 425 Agreement and Urban Cooperation Agreement, as provided by both state statutes. It adjusted boundaries, set forth certain anticipated development areas and has provided a basis for cooperation to the benefit of both parties in the development in areas located within the development districts.

Under the agreement, it provided for, among others, a tax sharing relationship between the City and Carmel Township. The City has entered into discussions with Carmel Township as it relates to amending the agreement to take into account the elimination in some cases, and the phasing out in other cases, of personal property taxes for commercial and industrial properties.

I have prepared a draft amendment for review by the City Manager. Once the language is approved by the City Manager and the Township Supervisor, there will begin a process of public hearings that will ultimately lead to amending the agreement. Under Act 425, any amendment to the contract must be adopted in the

same manner as the initial enactment of the Act 425 Agreement. There must be a public hearing, and the citizens of both communities have the right to file a petition seeking a referendum on the amendment. If no petition is filed within 30 days in either community, the amendment can then be executed and filed with the Register of Deeds, the County Clerk, and the Office of the Great Seal for the State of Michigan.

TMH:ddy