

Village of Marcellus, County of Cass, State of Michigan

AN ORDINANCE TO AMEND ORDINANCE NO. 213,  
DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE

An ordinance to amend the Downtown Development Authority Ordinance in the Village of Marcellus, to re-designate the boundaries of the downtown district, to revise and readopt the authorities and procedures of the authority board and to repeal all ordinances in conflict herewith.

THE VILLAGE OF MARCELLUS ORDAINS:

Section 1 - Title.

This ordinance shall be known and cited as the Village of Marcellus "Downtown Development Authority Ordinance."

Section 2 - Creation Of Authority/Name

A Downtown Development Authority (herein after referred to as the "Authority"), a municipal corporation, which was established by Ordinance 213 of the Village of Marcellus, pursuant to Act. No. 57 the Public Acts of 2018 as amended, is still in effect and is a municipal corporation pursuant to Michigan law. The name of this municipal corporation continues to be the Village of Marcellus Downtown Development Authority.

Section 3 - Purpose

The authority is a municipal corporation organized with reference to Public Act 57 of 2018. The purpose of the corporation will be to correct and prevent deterioration and increase property tax valuation in the downtown business district; to encourage historic preservation; to promote economic growth; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the district; to create a governing board of the authority; to prescribe its powers and duties; to authorize the levying and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing in the furtherance of the purposes herein stated.

Section 4 - Definitions

As used in this ordinance, the following terms shall have the following meanings. All other terms not defined herein shall be as defined in MCL 57-2018-2, as may be amended from time to time:

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- 1) "Authority" means the Downtown Development Authority created pursuant to this ordinance and Act 197 of 1975, as amended.
- 2) "Board" means the governing body of an Authority.
- 3) "Business District" means an area in the downtown of the Village of Marcellus, which is zoned and used principally for business.
- 4) "Chief Executive Officer" means the President of the Village.
- 5) "Development Area" means that area to which the development plan is applicable.
- 6) "Development Plan" means that information and those requirements for development set forth in Section 8 of this Ordinance and MCL 125.1667 of the empowering act.
- 7) "Development Program" means the implementation of the development plan.
- 8) "Downtown District" means the business district of the Village of Marcellus within the geographical boundaries shown in exhibit A-1 and as illustrated in the map shown at Exhibit A-2, as attached hereto and incorporated by reference.
- 9) "Governing Body of a Municipality" means elected body of a municipality with legislative powers; herein, this is the Village Council of the Village of Marcellus.
- 10) "Municipality" means the Village of Marcellus
- 11) "Operations" means the office maintenance, including salaries, expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the Authority and planning of its activities.
- 12) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building, and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency. Public facility includes an improvement to a facility used by the public or a public facility as those

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terms are defined in section 1 of 1966 PA 1, MCL 125.1351, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. Public facility also includes the acquisition, construction, improvement, and operation of a building owned or leased by the authority to be used as a retail business incubator.

Section 5 - Downtown Development Authority Board

- 1) The Authority shall be under the supervision and control of a Board consisting of the Chief Executive Officer of the Village of Marcellus and eight members as determined by the governing body of the Village of Marcellus. Members shall be appointed by the Chief Executive Officer of the Village of Marcellus, subject to approval by the governing body of the Village of Marcellus. Not less than the majority of the members shall be persons having an interest in property located in the downtown district or officers, members, trustees, principals, or employees of a legal entity having an interest in property in the downtown district. Not less than one of the members shall be a resident of the downtown district, if the downtown district has one hundred or more persons residing within it. Of the members first appointed an equal number of the members. As near as practicable, shall be appointed for terms of one year, two years, three years, and four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Chief executive Officer of the Village of Marcellus for the unexpired term only. Members of the Board shall serve without compensation but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board.
- 2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional Oath or Office.
- 3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

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- 4) Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the governing body. Removal of a member is subject to review by the Circuit Court of the County of Cass.
- 5) All expense items of the Authority shall be publicized monthly, and the financial records shall always be open to the public.
- 6) In addition to the items and records prescribed in sub-section (5), a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function, shall be made available to the public in compliance with the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Sections 15.231 to 15.246 of the Michigan Compiled Laws, as amended.
- 7) By resolution of its governing body, the Village of Marcellus, if it has more than one Authority, may establish a single board to govern all authorities in the municipality. The governing body may designate the board of an existing authority as the board for all authorities formerly established by resolution and appoint a new board the same manner as provided in sub-Section (1). A member of the board governing more than one authority may be a resident of or have an interest in property in the downtown district controlled by the board in order to meet the requirements of this section.
- 8) By ordinance, and if the Village's population is less than 5,000, the governing body of the Village of Marcellus may have the Planning Commission serve as the board provided for in Sub-Section (1).
- 9) The Authority shall be a public body corporate which may sue and be sued in any court of this state. The Authority shall possess all powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this ordinance shall not be construed as a limitation upon the general powers of the Authority.

Section 6 - Downtown Development Authority Board Powers

The Downtown Development Authority's governing board may:

- 1) Prepare an analysis of economic changes taking place in the downtown district.
- 2) Study and analyze the impact of metropolitan growth upon the downtown district.



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- 3) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building or a multiple family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the downtown district.
- 4) Plan, propose and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- 5) Develop long range plans, in cooperation with an agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- 6) Implement any plan of development in the downtown district necessary to achieve the Downtown Development Authority's purposes, in accordance with the powers of the authority as granted in this ordinance and by the Recodified Tax Increment Financing Act, PA 57 of 2018.
- 7) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- 8) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of this ordinance, and to grant or acquire licenses, easements and options with respect to that property.
- 9) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.
- 10) Fix, charge and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for the payment of revenue bonds issued by the authority.

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- 11) Lease any building or property under its control, or any party of a building or property.
- 12) Accept grants and donations of property, labor, or other things of value from a public or private source.
- 13) Acquire and construct public facilities.
- 14) Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- 15) Contract for broadband service and wireless technology service in the downtown district.
- 16) Create, operate and fund a loan program to fund improvements in existing buildings located in a downtown district to make them marketable for sale or lease. The board may make loans with interest at a market rate or may make loans with interest below a market rate, as determined by the board.
- 17) Create, operate and fund retail business incubators in the downtown district, pursuant to MCL 125.4207(2).

Section 7 - Director; Officers

- 1) The Board may employ and fix the compensation of a director, subject to approval of the governing body of the municipality. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum of Ten Thousand (\$10,000.00) dollars, payable to the Authority for use and benefit of the Authority and filed with the Village Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expense of operation. The director shall be the Chief Executive Officer of the Authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this ordinance. The director shall attend all meetings of the board and shall render to the board and to the governing body of the Village of Marcellus a regular report covering the activities and financial condition of the Authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take

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and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the Authority as the board requires.

- 2) The officers of the corporation shall consist of a chairperson, secretary and treasurer.
- 3) The Board may employ and fix the compensation of a Treasurer, who shall keep the financial records of the Authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform such other duties as may be delegated to him by the board and shall furnish bond in an amount as prescribed by the board.
- 4) The board may employ and fix the compensation of a Secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform such other duties as delegated by the board.
- 5) The board may retain legal council to advise the board on the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority.
- 6) The board may employ other personnel deemed necessary by the board.

Section 8 - Authority As an Instrument of Political Subdivision

The authority shall be deemed an instrumentality of the Village for purposes of Act No. 57 of the Public Acts of 2018, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

Section 9 - Downtown Development Authority Use of Private Property

The Village of Marcellus may take private property under Act 129 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws, for the purpose of transfer of the authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it deems appropriate, and the taking, transfer and use shall be considered necessary for the public purposes and for the benefit of the public.

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Section 10 - Authority Financing Activities

- 1) The activities of the authority shall be financed from one (1) or more of the sources permitted by Section 11 of the empowering act (MCL 125.1661):
  - a. Donations to the authority for the performance of its functions.
  - b. Proceeds of a tax imposed pursuant to MCL 125.1662, as amended.
  - c. Money borrowed and to be repaid as authorized by MCL 125.1663 and 1663a.
  - d. Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trust or other agreements.
  - e. Proceeds of a Tax Increment Financing Plan, authorized by MCL 125.1664-1666.
  - f. Proceeds from a special assessment district created as provided by law.
  - g. Money obtained from other sources approved by the governing body of the Village of Marcellus or otherwise authorized by law.
  - h. Money obtained pursuant to MCL 125.1663b
  - i. Revenue received from the federal facility development act, pursuant to MCL 125.1661(i)
  - j. Revenue received from the federal data facility act, pursuant to MCL 125.1661(j)
- 2) Money received by the authority and not covered under Subsection One (1) shall immediately be deposited to the credit of the authority, subject to disbursement as provided in this Ordinance. Except as provided in this Act, the Village of Marcellus shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than money received by the municipality pursuant to this Section, for or on account of the activities of the authority.

Section 11 - Methods Of Financing Development Projects

With the approval of the governing body of the Village of Marcellus and to the extent it is qualified to do so under the empowering act, the authority may:

- 1) Levy taxes and engage in borrowing as authorized by MCL 125.1662;
- 2) Borrow money and issue notes under the revised municipal finance act, 2001 PA 34, as amended, in anticipation of the ad valorem tax authorized per MCL 125.1662;



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- 3) Borrow money and issue its negotiable revenue bonds as authorized by MCL 125.1663; and/or borrow money and issue its revenue bonds or notes pursuant to MCL 125.1663a;
- 4) To the extent the authority may use a tax Increment Financing Plan, such plan shall be adopted in accordance with the provisions in MCL 125.1664, 125.1665 and 125.1666.

Section 12 - Development Plan

- 1) When the Board decides to pursue a project in the Downtown District, using revenue bonds or Tax Increment Financing, it shall prepare a development plan.
- 2) The Development Plan shall contain all of the following:
  - a. The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.
  - b. The location and extent of existing streets and other public facilities within the development area and 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.
  - c. 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 time required for completion.
  - 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.
  - e. A statement of the construction or stages of the construction plan, and the estimated time of completion of each stage.
  - f. A description of any parts of the development area to be left as open space and the use contemplated for the space.
  - g. A description of any portion of the development area which the authority desires to sell, donate, exchange, or lease to or from the Village of Marcellus and the proposed terms.
  - h. A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.
  - 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 financing.

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- j. Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, conveyed, in any manner for whose benefit the project is being undertaken, if that information is available to the authority.
- 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.
- l. Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner occupied and renter occupied units, the annual rate of turn-over of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.
- m. A plan for establishing priority for the relocation of persons displaced by development in any new housing in the development area.
- n. Provision for the cost of relocating persons displaced by the development and financial assistance in 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, being public Law 91-646, 42 U.S.C. Section 4601, et seq.
- o. A plan for compliance with Act 227 of the Public Acts of 1972, being Sections 213.321, to 213.332 of the Michigan Compiled Laws.
- p. Other material which the authority, local public agency, or the Village of Marcellus Council deems pertinent.

Section 13 - Hearing On Plan

- 1) The Village of Marcellus, before adoption of an ordinance approving and/or amending a development plan or Tax Increment Financing Plan shall hold a public hearing on the plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the Village of Marcellus, the first of which shall not be less than 20 days before the date for the hearing. Notice of the hearing shall be

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posted in at least twenty (20) conspicuous and public places in the downtown district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the downtown district not less than 20 days before hearing. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

- 2) Notice of time and place of hearing on a development plan shall contain: a description of the proposed development area in relation to highways, streets, streams, or otherwise; a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing; and other information that the Village of Marcellus deems appropriate. At the time set for hearing, the Village of Marcellus shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the development plan. The hearing shall provide the fullest opportunity for expression of opinion, for arguments on the merits, and for introduction of documentary evidence pertinent to the development plan. The Village of Marcellus shall make and preserve a record of the public hearing, including all data presented thereat.

Section 14 - Public Purpose, Development of Plans

- 1) The Village of Marcellus Council, after a public hearing on the Development Plan or the Tax Increment Financing Plan, or both, with notice thereof having been given in accordance with the provisions of this Ordinance, shall determine whether the Development Plan and/ or Tax Increment Financing Plan constitutes a public purpose. If the Village Council determines that the Development Plan and/or the Tax Increment Financing plan constitute a public purpose, the Village Council shall then approve or reject the plan(s), or approve it with the modification, following considerations:
  - a. The findings and recommendations of a development area citizens council, if a development area citizens council was formed.
  - b. The plan meets the requirements set forth in this Ordinance and MCL 125.1667.
  - c. The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.



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- d. The development is reasonable and necessary to carry out the purposes of this Ordinance.
  - e. The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this Ordinance in an efficient and economically satisfactory manner.
  - f. The development plan is in reasonable accord with the master plan of the Village Marcellus.
  - g. Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
  - h. Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the Village of Marcellus.
- 2) Amendments to an approved Development Plan or Tax Increment Plan must be submitted by the authority to the Village of Marcellus Council for approval or rejection.

Section 15 - Notice To Vacate, Person to Be Relocated

A person to be relocated under this Act shall be given not less than 90 days' written notice to vacate unless modified by Court Order for good cause.

Section 16 - Development Area Citizens Council

If a proposed development area has residing within it 100 or more residents, a Development Area Citizens Council shall be established at least 90 days before the public hearing on the development or Tax Increment Financing Plan. The Development Area Citizens Council shall be established by the Village of Marcellus Council and shall consist of not less than nine (9) members. The members of the Citizens Council shall be residents of the development area and shall be pointed by the Village Council. A member of a Development Area Citizens Council shall be at least 18 years old. A Development Area Citizens Council shall be a representative of the development area.

Section 17 - Council As an Advisory Board

A Development Area Citizens Council established pursuant to this Ordinance shall act as an advisory body to the authority and the governing body in adoption of the development or tax increment financing plans.



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Periodically a representative of the authority responsible for the preparation of a development or tax increment financing plan within the development area shall consult with and advise the Development Area Citizens Council regarding the aspects of a development plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin before any final decisions by the authority and the governing body regarding the development or tax increment financing plan. The consultation shall continue throughout the preparation and implementation of the development or tax increment financing plan.

Section 19 - Development Area Citizens Council Meetings

- 1) Meetings of the Development Area Citizens Council shall be open to the public. Notice of the time and place of the meetings shall be given by publication in a newspaper in general circulation not less than five (5) days before the date set for the meetings of the Development Area Citizens Council. A person present at those meetings shall have a reasonable opportunity to be heard.
- 2) The record of the meetings of a Development Area Citizens Council, including information and data presented, shall be maintained by the council.
- 3) A Development Area Citizens Council may request and receive from the authority information and technical assistance relevant to the preparation of the development plan or tax increment financing plan for the development area.
- 4) Failure of a Development Area Citizens Council to organize or to consult with and be advised by the authority, or failure to advise the Village of Marcellus, as provided in this Act, shall not preclude the adoption of a development plan by the Village of Marcellus if the Village of Marcellus complies with the other provisions of this Ordinance and PA 197 of 1975, as amended.

Within twenty (20) days after the public hearing on a development or a tax increment financing plan, the Development Area Citizens Council shall notify the Village of Marcellus Council, in writing, of its findings and recommendations concerning a proposed development plan or tax increment financing plan.

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Section 20 - Citizens District Council Dissolution

- 1) A development area citizens council may not be required and, if formed, may be dissolved in any of the following situations:
  - a. Upon a petition being filed with the Village Clerk containing not less than 20% of the adult resident population of the development area according to the last federal decennial of municipal census supporting the elimination of a Development Area Citizens Council, the governing body of the Village of Marcellus, after a public hearing with notice thereof given in accordance with Section XIV and by a 2/3 vote, may adopt an ordinance for the development area which eliminates the necessity of a Development Area Citizens Council.
  - a. when there are less than 18 residents, real property owners, or representatives of establishments located in the development area eligible to serve on the Development Area Citizens Council.
  - b. Upon termination of the authority by ordinance of the Village of Marcellus Council.

Section 21 - Authority Budget, Handling, And Auditing Costs

- 1) The director of the authority shall prepare and submit for the approval of the board, a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it should be approved by the Village of Marcellus Council. Funds of the Village of Marcellus should not be included in the budget of the authority, except those funds authorized in this act or by the Village of Marcellus Council.
- 2) The Village of Marcellus Council may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which costs shall be paid annually by the board pursuant to an appropriate item in its budget.

Section 22 - Historical Sites

- 1) A public facility, building, or structure which is determined by the Village of Marcellus to have significant historical interest shall be preserved in a manner as deemed necessary by the Village of Marcellus in accordance with laws relative to the preservation of historical sites. The preservation of facilities, buildings, or structures determined to be historic sites by a municipality shall include, at a minimum, equipping the historic site with a fire alarm system.

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- 2) The Downtown Development Authority shall refer all proposed changes to the exterior of sites listed on the State Register of Historic Sites and the National Register of Historic Places to the applicable Historic District Commission created under Public Act 169 of the Public Acts of 1970, being Sections 399.201 to 399.212 of the Michigan Compiled Laws, and to the State Historic Preservation Office.

Section 23 - Dissolution Of Authority

An authority which has completed the purposes for which it was organized shall be dissolved by Ordinance of the Village of Marcellus Council. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the Village of Marcellus.

Section 24 - Enforcement

- 1) The State Tax Commission may institute proceedings to compel enforcement of this Ordinance.
- 2) The State Tax Commission may promulgate rules necessary for the administration of this Ordinance pursuant to the Administrative Procedures Act of 1969, Act No. 306 of the Public Acts of 1969, and being Sections 24.201 to 24.328 of the Michigan Compiled Laws

Section 25 - Severability

Should any portion, sentence, paragraph, clause, phrase or word of this Ordinance be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, such decision or judgment shall not affect the validity of the remaining portions thereof which shall continue to remain in full force and effect.

Section 26 - Repeal Of Conflicting Ordinances

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

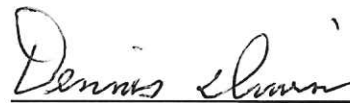
Section 27 - Effective Date

This Ordinance shall become effective 45 days after its adoption, unless a petition signed by not less than 10% of the registered electors of the Village is filed with the Village Clerk within the 45-day time period, in which case this Ordinance shall take effect upon approval in an election held on the question.  
(February 28, 2025)

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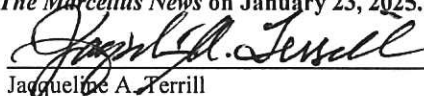
This Ordinance shall be published once, in summary form or in full, in *The Marcellus News*, a newspaper of general circulation within the boundaries of said Village and qualified under State law to publish legal notices, within 15 days of its adoption. The same shall be recorded in the Ordinance Book of said Village and such recording authenticated by the signatures of the President and Village Clerk.

Date: 1-14-25Dennis Irwin  
Village PresidentDate: 1-14-2025Jacqueline A. Terrill  
Village Manager/Clerk

## Clerk's Certification

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 255, being an "An ordinance to amend the Downtown Development Authority Ordinance)," adopted by the Village Council of the Village of Marcellus, County of Cass, State of Michigan, at a regular meeting held on January 14, 2025, the original of which is on file in my office and available to the public. Public Notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, including, in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting. That ordinance was published in summary form or in full in *The Marcellus News* on January 23, 2025.

Dated: January 23, 2025

Jacqueline A. Terrill  
Marcellus Village Manager/Clerk



Village of Marcellus, County of Cass, State of Michigan

AN ORDINANCE TO AMEND ORDINANCE NO. 213,  
DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE

**Exhibit A**

- DDA Boundaries Property Descriptions
- DDA Boundaries Map

Tax ID	Tax Description
14-051-622-007-00	492-923 277 SEC 22 T5S R13W UNPLATTED VIL MARCELLUS COM 22 CHS S OF NE COR W 1/2 NW 1/4, TH N 3.75 CHS, W 8 CHS, S 3.75 CHS, E 8 CHS TO BEG, EX N 100 FT OF E 300 FT THEREOF.
14-051-622-008-00	365-1089 277A UNPL SEC 22 T5S R13W UNPLATTED VIL MARCELLUS BEG ON W 1/8 LINE 1204 1/2 FT S OF NE COR W 1/2 NW 1/4, TH N 89 DEG 30' W 300 FT, S PARA SD 1/8 LINE 100 FT, S 89 DEG 30' E 300 FT, N IN CEN CENTRE ST 100 FT TO BEG.
14-051-622-006-00	367-636 310-1019 276 UNPL SEC 22 T5S R13W UNPLATTED VIL MARCELLUS COM 68 RDS S OF NE COR OF W 1/2 NW 1/4, TH S 82.5 FT, N 89 DEG 30' W 528 FT, N 82.5 FT, S 89 DEG 30' E 528 FT TO BEG EX GTW RR.
14-051-622-009-00	540-753-5 493-293 464-1176 V 278 COM W 33 FT & S 1452 FT FRM NE COR W 1/2 NW 1/4, TH S 189.75 FT, W 140.25 FT, N 66 FT, W 8.25 FT, N 123.75 FT, E 148.5 FT TO BEG. SEC 22 UNPL VIL OF MARCELLUS
14-051-622-010-00	379-33 V-279 SEC 22 T5S R13W UNPLATTED VIL MARCELLUS COM 11 1/2 RDS S OF A PT 2 RDS W & 88 RDS S OF NE COR W 1/2 NW 1/4 SEC, S 8 RDS, W 9 RDS, N 11 1/2 RDS, E 1/2 RD, S 3 1/2 RDS, E 8 1/2 RDS TO BEG.
14-051-622-003-00	. 273 UNPL SEC 22 T5S R13W UNPLATTED VIL MARCELLUS COM 68 RDS S OF NE COR W 1/2 NW 1/4, TH N ON 1/2 1/4 LINE 9 RDS, TH N 89 1/2 DEG W TO RR RT OF WAY, TH S 54 DEG W 14 RDS 17 LKS, TH S 89 1/4 DEG E APPROX 491 2/3 FT TO BEG.
14-051-622-002-00	490-1125 272 SEC 22 T5S R13W UNPLATTED VIL MARCELLUS COM 59 RDS S OF NE COR W 1/2 NW 1/4, N ON 1/8 LINE 7 RDS 22 LKS, S 50 DEG W 87 LKS, N 36 DEG W 3 RDS, S 54 DEG W 14 RDS 12 LKS, S 89 1/2 DEG E 16 RDS 11 LKS TO BEG.
14-051-622-014-00	374-495 284 UNPL SEC 22 T5S R13W UNPLATTED VIL MARCELLUS BEG AT A PT 100 FT W OF SE COR OF W 1/2 OF NW 1/4 SEC 22, TH N 406 FT, TH W 114 FT 7 INCHES, TH S 406 FT TH E 114 FT 7 INCHES TO PT OF BEG.
14-051-021-010-00	376-1107, 349-914, 250, T5S R13W, BEG ON SEC LINE 1137 FT W OF NE COR SEC TH W 168 FT TO NW COR NE 1/4 NE 1/4 TH S 199.4 FT TH E 168 FT PARA SEC LINE TO PT 199.4 FT S OF BEG TH N 199.4 FT TO BEG. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED
14-051-021-005-00	497-838, 497-837, 249C-1, T5S R13W, COM ON SEC LINE 987 FT W OF NE COR SEC, TH W 150 FT, S 280.5 FT, E 150 FT, N 280.5 FT TO BEG. 0.97 A M/L. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED AT COUNTY: 6.26.2023 PARENTS: 14-050-023-016-01, 14-05
14-051-021-004-01	249C, COM W 663 FT FRM NE COR SEC, TH S 0 DEG 2' 15" E 200 FT, W 140 FT, N 0 DEG 2' 15" W 200 FT, E 140 FT TO BEG. 0.64 A. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED AT COUNTY: 6.26.2023 PARENTS: 14-050-023-016-01, 14-050-023-017-00, 14-050-023-014-02
14-051-021-006-00	354-1082, 249D, T5S R13W, BEG AT PT ON SEC LINE 497 FT W OF NE COR SEC 21, TH W 166 FT ALONG SEC LINE, TH S 280.5 FT, TH E 166 FT, TH N 280.5 FT TO PT OF BEG. 1.069 A M/L. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED AT COUNTY: 6.26.2023 PAR
14-051-021-007-00	249E, T5S R13W, BEG AT PT ON SEC LINE 297 FT W OF NE COR OF SEC, TH W 200 FT, TH S 280.5 FT, TH E 200 FT, TH N 280.5 FT TO PL OF BEG. 1.29 A. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED AT COUNTY: 6.26.2023 PARENTS: 14-050-023-016-01, 14-05
14-051-615-008-00	381-736 376-468 230 COM ON E LINE SNYDER ST 66 FT E & 453.42 FT N OF SE COR LOT 16, B1N-R3E, VIL MARCELLUS, TH S ON SD E LINE 453.42 FT TO N LINE MAIN ST, S 88 DEG 54' 50" E 196 FT, N 350 FT, E PARA TO N LINE MAIN ST 200 FT, N 163.05 FT, S 82 DEG 30' W 3
14-051-615-009-01	942-2542, LC 490-1015, 376-1031, 326-36, 230A, 230A-1, COM E 462 FT FRM SE COR LOT 16 B1N-R3E VIL MARCELLUS, TH N 350 FT, W 200 FT, S 220 FT, E 90 FT, S 130 FT, E 110 FT TO BEG. ALSO, COM E 262 FT FRM SE COR LOT 16, BIN R3E VIL MARCELLUS, TH E 90 FT, N 1
14-051-660-001-00	. 328 V OF M JONES ADDITION VIL MARCELLUS LOTS 1 & 2.
14-051-660-003-00	493-1122 V-329 JONES ADDITION VIL MARCELLUS LOT 3.
14-051-660-004-00	. V-330 JONES ADDITION VIL MARCELLUS LOTS 4 & 5.

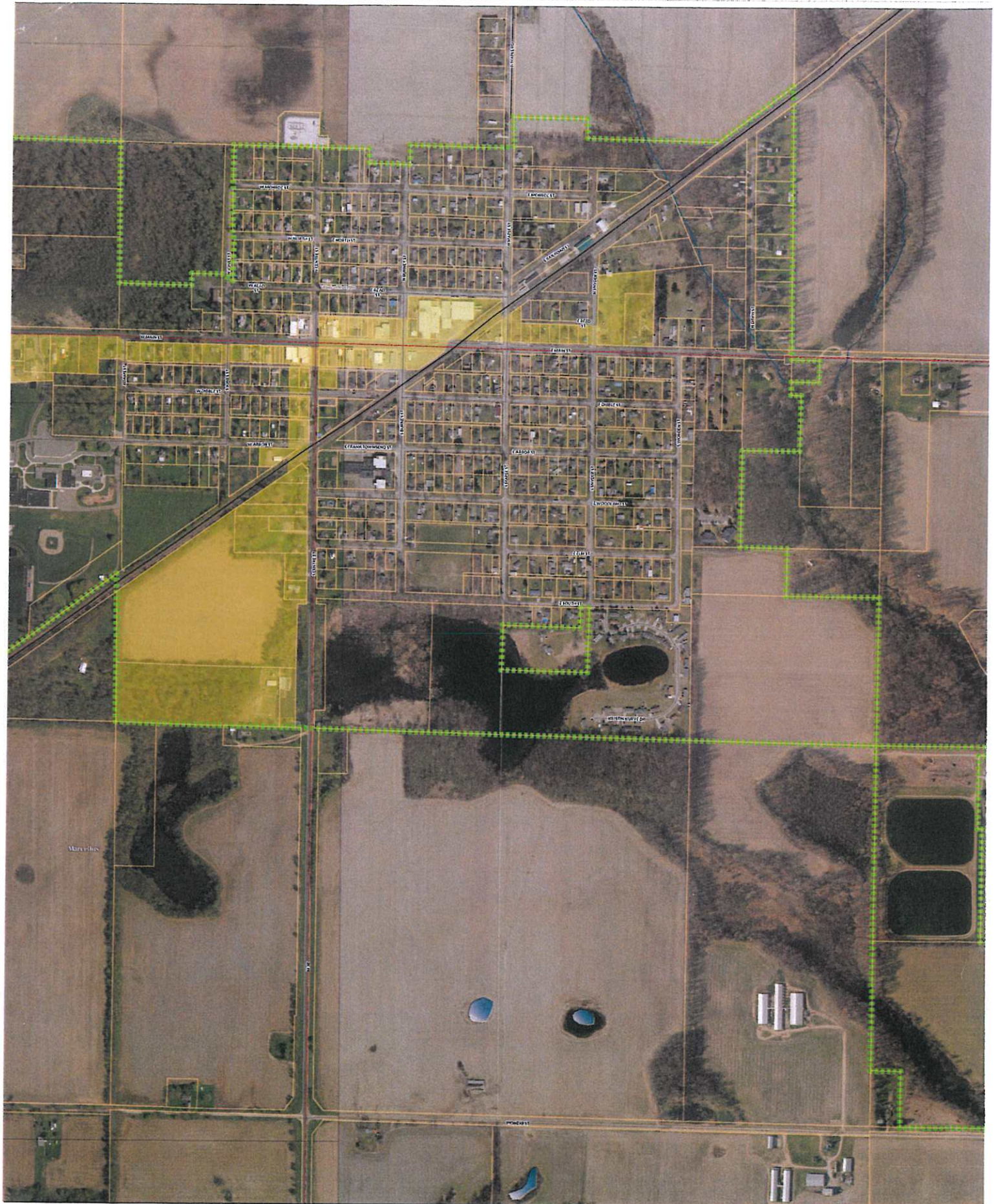
Tax ID	Tax Description
14-051-660-006-00	LC 457-553 443-491 V-331 JONES ADDITION VIL MARCELLUS LOT 6.
14-051-660-007-00	329-559 332 V OF M JONES ADDITION VIL MARCELLUS LOT 7.
14-051-660-008-00	LC 489-479 333 V OF M JONES ADDITION VIL MARCELLUS LOT 8 & E 1/2 LOT 9.
14-051-660-009-00	. V334 JONES ADDITION VIL MARCELLUS W 1/2 LOT 9 & LOT 10.
14-051-660-054-00	. 363 V OF M JONES ADDITION VIL MARCELLUS LOTS 54 & FRL LOTS 55 & 56.
14-051-501-009-00	253-111 8 B1N-1E VIL MARCELLUS N 40 FT W 46 FT LOT 9 B1N-1E.
14-051-501-009-30	331-1188 9 B1N-1E VIL MARCELLUS COM AT PT 46 FT 3 IN E OF SW COR LOT 9 VIL MARCELLUS, ACCORDING TO RECORDED PLAT THEREOF, TH N 132 FT TO MAIN VIL ALLEY, TH E 22 FT, TH S TO MAIN ST, TH W 22 FT TO PL OF BEG B1N-1E.
14-051-501-009-60	346-880 10 VIL MARCELLUS PORTION LOT 9 VIL OF MARCELLUS & DES AS COM 22 FT E SW COR SD LOT, TH N 80 FT ALONG INGERSOLL'S E LINE TH E 24 FT 3 IN, TH S TO PT ON S LINE SD LOT 24 FT 3 IN E OF PL OF BEG, TH W TO PL BEG COM 80 FT N SW COR LOT 9 TH E 46 FT, TH
14-051-501-009-90	. 11 B1N-1E VIL MARCELLUS COM SW COR LOT 9, RUNNING N ALONG W LINE SD LOT 80 FT, E PARALLEL WITH N LINE SD LOT 22 FT, S 80 FT, W 22 FT TO BEG B1N-1E.
14-051-501-010-00	436-926 12 B1N-1E VIL MARCELLUS COM 68 FT & 3 IN E OF INTERSEC OF E MARGIN CENTER ST WITH N MARGIN MAIN ST, ACCORDING TO RECORDED PLAT OF SD VIL TH N 132 FT MORE OR LESS TO ALLEY, TH E ALONG S BOUNDARY SD ALLEY 24 FT, TH S TO MARGIN MAIN ST, TH W ALONG N
14-051-501-010-30	. 13 B1N-1E VIL MARCELLUS COM 93 FT 3 IN E SW COR LOT 9, TH N TO ALLEY, TH E ALONG S LINE SD ALLEY 22 FT, TH S 132 FT TO MAIN ST, TH W 22 FT ALONG N SIDE MAIN ST TO PL OF BEG, ACC TO REPLAT THEREOF MIDDLE 1/3 LOT 10, EX 2 FT OFF W SIDE & 6 FT OFF E SIDE
14-051-501-010-60	310-727 14 B1N-1E VIL MARCELLUS COM 117 FT 3 IN E OF SW COR LOT 9, TH N ALONG LINE E WALL TAYLOR BRICK STORE TO ALLEY, TH E ALONG S LINE SD ALLEY TO E LINE LOT 10, TH S ALONG E LINE SD LOT TO MAIN ST, TH W ALONG N LINE MAIN ST TO PL BEG, ACC TO REPLAT TH
14-051-501-011-50	. 16-7 B1N-1E VIL MARCELLUS W 2/3 LOT 11 B1N-1E.
14-051-501-011-00	LC495-750 475-354475-353 V-15 VIL MARCELLUS E 1/3 LOT 11 B1N-1E.
14-051-501-013-50	319-822 22 B1N-1E VIL MARCELLUS W 1/3 LOT 13 B1N-1E.
14-051-501-013-00	377-1251 312-747 21 B1N-1E VIL MARCELLUS E 2/3 LOT 13 B1N-1E.
14-051-501-014-50	488-1085 24 V OF M VIL MARCELLUS W 1/2 LOT 14 B1N-1E.
14-051-511-001-00	378-919 39-43 COM AT NW COR LOT 10, TH E TO NE COR LOT 1, S TO RR ROW, SWLY ALG RR TO S LN LOT 15, W TO SE COR LOT 11, N TO NE COR LOT 11, W TO NW LOT 11, N TO BEG BLK 1N-2E VIL OF MARCELLUS
14-051-511-011-00	. 44 B1N-2E VIL MARCELLUS LOT 11 B1N-2E.
14-051-511-018-00	447-380 377-1138 V 45-8 VIL MARCELLUS FRACTIONAL LOTS 18, 19 & 20 B1N-2E.
14-051-521-008-00	438-894 69 B1N-3E VIL MARCELLUS FRL LOT 8 & LOT 9 B1N-3E.
14-051-521-010-00	496-550 V-70 VIL MARCELLUS LOT 10 B1N-3E.
14-051-521-011-00	494-662 476-648 476-647 V-71 VIL MARCELLUS LOT 11 B1N-3E.
14-051-521-012-00	494-662 476-648 476-647 V-72 VIL MARCELLUS LOT 12 B1N-3E.
14-051-521-013-00	LC 457-432 73 B1N-3E VIL MARCELLUS LOT 13 B1N-3E.
14-051-521-014-00	LC 449-635 353-532 74 B1N-3E VIL MARCELLUS LOT 14 B1N-3E.
14-051-521-015-00	380-654 348-946 75 B1N-3E VIL MARCELLUS LOT 15 B1N-3E.
14-051-521-016-00	441-956 76-7 B1N-3E VIL MARCELLUS LOT 16 B1N-3E.
14-051-531-003-60	445-772 445-771 418-1005 87 B1S-1E VIL MARCELLUS W 1/3 LOT 3 B1S-1E.
14-051-531-004-00	445-772 445-771 429-1159 88 B1S-1E VIL MARCELLUS E 1/3 LOT 4 B1S-1E.
14-051-531-005-00	434-344 91 B1S-1E VIL MARCELLUS MIDDLE 1/3 LOT 5 BEING 132 FT N & S & 22 FT E & W B1S-1E.
14-051-531-006-30	447-172403-1068 354-1096 94 B1S-1E VIL MARCELLUS COM 22 FT W OF NE COR LOT 6, TH W 22 FT, TH S 132 FT TO S LINE OF LOT, TH E 22 FT, TH N 132 FT TO PL OF BEG B1S-R1E.

Tax ID	Tax Description
14-051-531-006-60	. 95 B1S-1E VIL MARCELLUS W 1/3 LOT 6 B1S-1E.
14-051-531-007-00	. 96-8 B1S-1E VIL MARCELLUS LOT 7 B1S-1E.
14-051-531-009-00	. 100 B1S-1E VIL MARCELLUS LOTS 9 & 10 B1S-1E.
14-051-571-001-00	396-64 193 B1S-1W VIL MARCELLUS LOT 1 & 5 FT OFF E SIDE LOT 2, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-897.
14-051-571-002-00	. 194 B1S-1W VIL MARCELLUS COM 18 FT E OF NW COR LOT 2, TH S 132 FT, E 43 FT, N 132 FT, W 43 FT TO BEG B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS DEED 370-898.
14-051-571-002-50	. 195 B1S-1W VIL MARCELLUS W 18 FT OF LOT 2 & E 1/3 LOT 3, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-899.
14-051-571-003-00	. V196 VIL MARCELLUS MIDDLE 1/3 LOT 3, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-898.
14-051-571-003-50	323-465 197 B1S-1W VIL MARCELLUS W 1/3 LOT 3, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GIVEN VIL MARCELLUS DEED 370-898.
14-051-571-004-00	. 198 B1S-1W VIL MARCELLUS E 1/2 LOT 4, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS DEED 370-898.
14-051-571-004-50	. 199 B1S-1W VIL MARCELLUS W 1/2 LOT 4, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-898.
14-051-571-005-00	444-263 323-650 200 B1S-1W VIL MARCELLUS E 43 FT LOT 5 B1S-1W. EX EASEMENT OVER S 12 1/2 FT RECORDED 370-898. VIL MARCELLUS.
14-051-571-005-50	323-651 200A B1S-1W VIL MARCELLUS W 23 FT LOT 5 B1S-1W. EX EASEMENT OVER S 12 1/2 FT RECORDED 370-897. VIL MARCELLUS
14-051-571-006-00	. 201 B1S-1W VIL MARCELLUS LOT 6, B1S-1W, EX EASEMENT OVER 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-897.
14-051-571-007-00	. 202 B1S-1W VIL MARCELLUS LOTS 7 & 8, B1S-1W, EX EASEMENT OVER S 12 1/2 FT GRANTED TO VIL MARCELLUS, DEED 370-901.
14-051-571-015-00	406-98 209 B1S-1W VIL MARCELLUS LOT 15 B1S-1W.
14-051-571-016-00	426-778-386-596 343-795 210 B1S-1W VIL MARCELLUS LOT 16 B1S-1W.
14-051-572-001-00	472-783 V211 LOT 1 B2S-1W VIL MARCELLUS
14-051-572-002-00	472-775 V212 LOT 2 B2S-1W VIL MARCELLUS
14-051-572-015-00	499-365 V-223 VIL MARCELLUS LOTS 15 & 16 B2S-1W. ALSO COM AT SE COR LOT 16, TH S TO N LN ARBOR ST, W TO LOT 15 NELY TO BEG. VIL MARCELLUS.
14-051-621-003-00	. 270 UNPL SEC 21 T5S R13W UNPLATTED VIL MARCELLUS COM 10 RDS W & 2 RDS S OF NE COR SEC, S 15 RDS, W 8 RDS, N 15 RDS, E 8 RDS TO BEG.
14-051-621-001-00	440-380 269 UNPL SEC 21 T5S R13W UNPLATTED VIL MARCELLUS COM 2 RDS W & 2 RDS S OF NE COR SEC, TH S 8 1/2 RDS, W 8 RDS, N 8 1/2 RDS, E 8 1/2 RDS TO BEG.
14-051-531-005-50	371-420 V92 VIL MARCELLUS W 1/3 LOT 5, EX THAT PART W OF W WALL OF BUILDING ON SD LOT ALSO ALL MIDDLE 1/3 LOT 5 OCCUPIED BY BUILDING ON W 1/3 LOT 5 B1S-1E.
14-051-531-006-00	371-419 V93 VIL MARCELLUS E 1/3 LOT 6, ALSO ALL THAT PT W 1/3 LOT 5, SD VIL LYING W OF LINE OF OUTSIDE OF W WALL OF BRICK BUILDING FORMERLY OWNED BY SAMUEL F CALDWELL, REF BEING HAD TO DEED HERETOFORE MADE ON AUG 15, 1887 BY S E CALDWELL & WF TO GILLIS B
14-051-022-010-02	379-856, 260G-1, T5S R13W, S 406 FT OF W 1/2 NW 1/4. EX E 214.5 FT THEREOF. 10.25 A. SEC 22. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATED AT COUNTY: 6.26.2023 PARENTS: 14-050-023-016-01, 14-050-023-017-00, 14-050-023-014-02, 14-050-021-003-00, 14-05
14-051-022-009-02	443-156, 260G, T5S R13W, COM 107.5 RDS S OF NE COR W 1/2 NW 1/4, TH W 11 RDS, N 19 1/2 RDS, W 21 RDS, N TO GT RR, SWLY ALONG RR TO W LINE OF SEC, S ALG SD LINE TO PT 406 FT N OF E & W 1/4 LN, E ON 1/4 LINE TO E LINE OF W 1/2 OF NW 1/4, N TO BEG. 21.55 A.



Tax ID	Tax Description
14-051-531-008-01	487-185 99 THAT PART LOT 8 B1S-1E DESC AS: COM AT NE COR LOT 8, TH S 41.92 FT, S 88 DEG 4'19"W 66.03 FT, N 44.93 FT, S 89 DEG 19'E 66 FT TO BEG. VILLAGE OF MARCELLUS
14-051-531-008-50	487-185 99A THAT PART OF LOT 8 B1S-1E DESC AS: COM S 41.92 FT FRM NE COR LOT 8, TH S 88 DEG 4'19"W 66.03 FT, S 87.07 FT, S 89 DEG 15'26"E 66 FT, N 90.15 FT TO BEG. VILLAGE OF MARCELLUS
14-051-541-010-01	450-328 V116 COM AT NW COR LOT 10, TH S 132 FT, E TO RR ROW, NELY ALG RR TO S LN MAIN ST, W TO BEG. B1S-2E VILLAGE OF MARCELLUS
14-051-501-012-01	363-820 18 B1N-1E VIL MARCELLUS LOT 12 B1N-1E.
14-051-531-004-31	89-90 W 2/3 LOT 4 & E 1/3 LOT 5. B1S-1E VILLAGE OF MARCELLUS
14-051-531-001-01	370-603 V-81 VIL MARCELLUS LOTS 1 & 2. ALSO E 2/3 LOT 3 B1S-1E. ALSO COM AT INTERSECT W LN BURNEY ST & N LN RAILROAD ST, TH S TO N LN ALLEY IN SD BLOCK, W TO NLY ROW RAILROAD ST, NELY TO BEG. PROPERTY COMBINATION 9.24.19 PARENTS: 14-051-531-001-00, 14-05
14-051-501-014-01	443-1074, 367-1123, LC 500-44, 23, V-25, V-25A, B1N-1E VIL MARCELLUS E 1/2 LOT 14 & LOT 15 B1N-1E. ALSO, VIL MARCELLUS LOT 16 EX N 67 FT B1N-1E. ALSO, VIL MARCELLUS N 67 FT OF LOT 16 B1N-1E. PROPERTY COMBINATION: 01.26.2021 PARENTS: 14-051-501-014-00, 14
14-051-021-005-12	249C-2, T5S R13W, COM W 803 FT FRM NE COR SEC TH S0DEG2'15"E 200 FT TH E 140 FT TH S0DEG2'15"E 80.5 FT TH E 189.8 FT TH S 30.6 FT TH S87DEG39'W 514.23 FT TH N 332.185 FT TH E 184 FT TO BEG. 1.89 A. SEC 21. VILLAGE PROPERTY ANNEXATION: 04.13.2023 & UPDATE
14-051-531-009-00	. 100 B1S-1E VIL MARCELLUS LOTS 9 & 10 B1S-1E.





0 1,000  
Feet

Scale: 1" = 250'  
Author: Cass County GIS  
Date: 2024

## DDA Expansion

Information contained herein is provided for reference purposes only and should be confirmed with the appropriate local agency. Cass County assumes no responsibility for errors and/or omissions.

