



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: May 17, 2012

ORDER NO. S-208

RE: Approval of Public Hearing on the Dissolution of the Amended Brownfield Plan for the Bloomfield Park Project

**TO: Sherikia Hawkins, City Clerk
John Naglick, Finance Director
Carl Johnson, Plante & Moran**

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **g)** Make, approve or disapprove any appropriation, contract, expenditure...; **(dd)** Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the local government of the chief administrative officer and governing body concerning the adoption, amendment and enforcement of ordinances or resolutions of the local government...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

Based upon the recommendations made by the City of Pontiac Brownfield Development Authority the Emergency Manager has concluded that it is in the best interest of the City of Pontiac to order a Public Hearing on the dissolution of the Amended Brownfield Plan for the Bloomfield Park Project for the reasons set forth in the Resolution below:

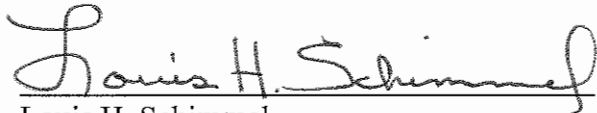
It is hereby ordered:

- (1) The Resolution attached is hereby adopted, (see ATTACHMENT A).
- (2) The City Clerk take all steps necessary to reflect the above Resolution on the City books and records, including publication of the Resolution.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

ATTACHMENT A

RESOLUTION SETTING PUBLIC HEARING
ON DISSOLUTION OF THE AMENDED BROWNFIELD PLAN
FOR BLOOMFIELD PARK PROJECT

WHEREAS, the City Council of the City of Pontiac (the "Governing Body") has met and approved an Amended Brownfield Plan (the "Amended Plan") submitted by Harbor Companies (the "Developer") for approximately 80 acres of property located on Telegraph Road between Square Lake and Orchard Lake Roads, commonly known as the "Bloomfield Park Development", Pontiac, MI (the "Property"), which was approved on December 16, 2004; and

WHEREAS, pursuant to the Amended Plan, the Authority entered into a Development and Reimbursement Agreement "made and entered into" as of December 16, 2004 (the "Development Agreement"); and

WHEREAS, the Developer has failed to comply with the obligations assumed by it in the Development Agreement including but not limited to:

- (1) Failure to develop the property;
- (2) Failure to pay taxes on the property;
- (3) Failure to reimburse the City for costs and expenses;
and
- (4) Failure to reply to the City on inquiries regarding the project.

NOW, THEREFORE, BE IT RESOLVED by the City of Pontiac as follows:

1. The City wishes to dissolve the Amended Plan and determine that it is null and void, in accordance with the Act and therefore does not constitute a public purpose and rescind effective immediately all provisions related to the capture of any taxes.

2. The Emergency Manager of the City of Pontiac shall hold a public hearing on the dissolution of the Amended Plan on June 5, 2012 at 11:00 a.m. Eastern Daylight Savings Time at the City Hall, City Council Chambers 47450 Woodward Avenue, in the City of Pontiac.

3. The City Clerk shall cause notice of the Public Hearing to be published in the Oakland County Legal News on May 21, 2012 and May 22, 2012 in the form attached hereto as Appendix A.

4. The City Clerk shall not less than 10 days before the Public Hearing, notify all Taxing Jurisdictions collecting taxes within the City of Pontiac subject to capture under the Act of the Hearing regarding the fiscal and economic implications of the Proposed Plan.

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