

A RESOLUTION AUTHORIZING THE WASHTENAW COUNTY TREASURER AS THE FORECLOSING GOVERNMENTAL UNIT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF MICHIGAN LAND BANK FAST TRACK AUTHORITY FOR THE PUPOSE OF ESTABLISHING A WASHTENAW COUNTY LAND BANK AUTHORITY AND APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE MICHIGAN LAND BANK FAST TRACK AUTHORITY AND THE TREASURER OF THE COUNTY OF WASHTENAW, MICHIGAN

WASHTENAW COUNTY BOARD OF COMMISSIONERS

JULY 8, 2009

WHEREAS, land banks have been established in 20 other Counties to date ranging in size and geographic location from Arenac to Wayne; and

WHEREAS, land banks provide an opportunity for partnerships and collaborations among agencies, private and non-profit, and partnerships have been a successful model in reducing costs and providing more effective programming in Washtenaw County; and

WHEREAS, land banks serve as a depository or “bank” for property until it is “withdrawn” after “interest” has been added to its value and it can be returned to productive use; and

WHEREAS, the Washtenaw County Treasurer has prevented tax foreclosure in 99% of the cases, but the County is experiencing increasing numbers of mortgage foreclosures that cannot be mitigated or cured though workout agreements with the lenders because of increased unemployment, decreased median incomes, and decreased property values; and

WHEREAS, the extraordinarily poor economic conditions in the nation and in Michigan specifically have increased the need for Washtenaw County to bank blighted, hazardous, or crime-ridden property and a Land Bank provides a mechanism to do this until the property can be put back to productive use; and

WHEREAS, the Washtenaw County Land Bank Authority has been modeled on Genesee County's Land Bank, which was the first Land Bank, and which has established best practices; and

WHEREAS, the Washtenaw County Treasurer has been awarded a technical assistance grant from the Genesee Institute to implement the Washtenaw County Land Bank Authority, to coordinate communication and information to all the stakeholders, and to establish best practices and policies for property acquisition and disposition; and

WHEREAS, the Washtenaw County Land Bank Authority will focus on eradicating blight, hazards, and crime to preserve residential neighborhoods and remedy pollution in commercial properties, with the goal of returning properties to private sector, productive use; and

WHEREAS, the Washtenaw County Land Bank Authority will work in partnership offering complementary services to those of existing agencies currently providing affordable housing and supportive services for affordable housing residents; and

WHEREAS, it is anticipated that the Land Bank will receive money from the Neighborhood Stabilization Program (NSP) for initial start-up and for some demolition work; and

WHEREAS, the Washtenaw County Land Bank Authority is eligible for NSP II funds and in the future could seek grants from HUD, MSHDA, and private charities as well as economic development funds, and it is not anticipated that General Fund money would be appropriated for this Authority, unless authorized by a future Board of Commissioners in better economic times; and

WHEREAS, the Michigan Land Bank Fast Track Authority was created as a public body corporate and politic within the Michigan Department of Labor and Economic Growth, a principal department of the executive branch of the state government, under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and is authorized to enter into an Intergovernmental Agreement with a Foreclosing Governmental Unit providing for the creation of a County Authority to exercise the powers, duties, functions, and responsibilities of an authority under that act; and

WHEREAS, the Treasurer of the County of Washtenaw, Michigan is a Foreclosing Governmental Unit under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and Section 78 of The General Property Tax Act, 1893 PA 206, MCL 211.78; and

WHEREAS, the Michigan Land Bank Fast Track Authority and the Treasurer and the Board of Commissioners of Washtenaw County seek to establish a Washtenaw County Land Bank Authority as a separate legal entity and as a public body to exercise within Washtenaw County the powers, duties, functions, and responsibilities of an authority under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes the Washtenaw County Treasurer as the Foreclosing Government Unit to enter into an Intergovernmental Agreement with the State of Michigan Land Bank Fast Track Authority for the purpose of establishing a Washtenaw County Land Bank Authority.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners hereby approves the Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Washtenaw, Michigan creating the Washtenaw County Land Bank Authority, subject if necessary, to technical, typographical, or non-substantive modifications approved by the Board of Directors or the Executive Director of, or legal counsel for, the Michigan Land Bank Fast Track Authority before the effective date of the Intergovernmental Agreement.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the County Administrator to negotiate a contract with the Washtenaw County Land Bank Authority Board to permit the Land Bank Authority to operate, in part, using County resources, provided such resources are fully reimbursed back to the County from Land Bank Authority funds, upon the review and approval of Corporation Counsel and approval of the Board of Commissioners.

BE IT FURTHER RESOLVED that the by-laws, articles of incorporation, and the strategies and policies for acquisition, maintenance and disposition of assets to be under the control of the Washtenaw County Land Bank Authority will be presented for approval to the Board of Commissioners by December 31, 2009.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet	X			Schwartz	X		
Gunn	X			Peterson	X			Sizemore	X		
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

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STATE OF MICHIGAN)

COUNTY OF WASHTENAW)^{SS}

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on July 8, 2009, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 9th day of July, 2009.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____ Deputy Clerk



Res. No. 09-0124