

**EMERGENCY MANAGER
CITY OF BENTON HARBOR
BERRIEN COUNTY MICHIGAN
ORDER NO.: 11-39**

**ORDER TO APPROVE ACTIONS OF THE
PLANNING COMMISSION**

I, **Joseph L. Harris**, the duly appointed Emergency Manager for the City of Benton Harbor, Michigan (the "City") by the power and authority conferred upon such Emergency Manager by Public Act 4 of 2011 ("Public Act 4"), and specifically by Section 19, MCL 141.1519, **do hereby order** as follows:

WHEREAS, Public Act 4 provides in Section 19(1)(dd) and (ee):

"(dd) Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provides in the following acts: (i) [t]he home rule city act, 1909 PA 279, MCL 117.1 to 117.38....

(ee) Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government."

WHEREAS, Public Act 4 provides in Section 19(2):

"(2) Except as otherwise provided in this act, during the pendency of the receivership, 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."

WHEREAS, the Emergency Manager has determined that it is in the best interest of the City to ratify and approve the actions taken by the Planning Commission at the meetings held on May 5, 2011, June 7, 2011, July 5, 2011, July 22, 2011, and October 11, 2011.

NOW, THEREFORE, BE IT ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF BENTON HARBOR, PURSUANT TO ACT 4:

1. That the following actions of the Planning Commission are hereby ratified and approved by the Emergency Manager acting as such Planning Commission (and Zoning Board of Appeals to the extent necessary):

May 5, 2011:

- The rezoning for 372 E. Empire Avenue
- The variance request for Louis Padnos Iron & Metal
- The site plan review instruction sheet
- The site plan review for Boys & Girls Club main campus
- The site plan review for a new 20,000 square foot facility for the Boys and Girls Club

June 7, 2011:

- The site plan review for 372 East Empire Avenue

July 5, 2011:

- The site plan review 372 Empire
- The variance request for Louis Padnos Iron & Metal
- The site plan review for a new 20,000 square foot facility for the Boys and Girls Club

July 22, 2011

- Site plan review for 372 Empire Avenue
- Formation of a zoning ordinance committee

October 11, 2011

- Site plan review for Harbor Shores Golf, LLC
- Site plan review for Harbor Shores BHBT, LLC

2. This Order shall become effective immediately.

SO ORDERED this 18th day of October, 2011.



Joseph L. Harris
Emergency Manager