

SPECIAL MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

December 21, 2009

The Council convened at 5:38 p.m., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Abraham, Darany, Hubbard, Sareini and President of the Council Tafelski. Absent: Councilmembers Shooshanian and Thomas. A quorum being present, the Council was declared in session.

DATE : December 11, 2009  
TO : City Clerk  
FROM : City Council  
SUBJECT : Special Council Meeting

You are hereby requested to call a Special Meeting of the City Council to be held on Monday, December 21, 2009 at 5:35 p.m. in the City Council Conference Room at City Hall for the following purposes:

1. To discuss and take action concerning the request by DVP, LLC to extend the Preferred Developer Agreement and the Parking Lot lease; and
2. To consider such other items of business that may properly come before the Council in relation to the above subject matters.

S/Robert A. Abraham  
Councilmember

S/George T. Darany  
Councilmember

Councilmember Shooshanian entered the Council Conference Room at 5:43 P.M.

By Sareini supported by Abraham.

12-852-09. WHEREAS: The Dearborn Village Partners (DVP)-North Preferred Developer Agreement (PDA) and Lease on City Parking Lot A expire on December 31, 2009, and

WHEREAS: The Dearborn Village Partners development team has been diligently pursuing project developers to move this mixed-use project forward, including pursuing a privately developed student housing project that would serve the University of Michigan - Dearborn campus, an Emagine theatre movie and bowling entertainment attraction, and a 100-125 room hotel on the former parking lot site, and

WHEREAS: Letters of interest have been provided by DVP regarding the student housing and the theatre complex indicating support for the project and requesting the opportunity to move these elements forward during 2010, and

WHEREAS: The package of incentives provided by the State of Michigan and the City of Dearborn (Michigan Business Tax Credit and Brownfield Plan #8 Reimbursement) assigned to this project are a substantial and important aspect of ensuring project financial feasibility for the DVP development to occur, and

WHEREAS: DVP has indicated a commitment to provide the City with the necessary insurance as required in the Parking Lot Lease for a one year extension, and

WHEREAS: DVP has agreed to cooperate with the City in taking three obsolete buildings through the demolition process to prepare the project area for redevelopment: the former Brothers Tuxedo shop, Guiliano's restaurant and Bally's fitness center, and

WHEREAS: DVP and the City agree that the Reimbursement Agreement for the Brownfield Plan #8 will be amended to recognize that the City is financing the demolition of these three buildings and is entitled to the first tax capture from the new development for complete reimbursement of the entire cost of the demolition and the demolition administrative process, as provided in the plan as an eligible project component; now therefore be it

RESOLVED: That the City Council authorizes the Mayor to sign an Amendment which extends the DVP-North Preferred Developer Agreement (PDA) and the Parking Lot Lease between DVP and the City of Dearborn for one year, beginning January 1, 2010 and ending December 31, 2010; be it further

RESOLVED: That prior to execution of the Amendment, DVP must provide the insurance required in the Parking Lot Lease; be it further

RESOLVED: That prior to execution of the Amendment, Corporation Counsel will review and provide an opinion regarding DVP's compliance with City Charter Section 6.12; be it further

RESOLVED: That as consideration for obtaining an extension of the PDA and Parking Lot Lease, DVP has agreed that neither DVP nor any of its associates or affiliates will object to the City commencing and completing demolition of the three buildings commonly known as Bally's, Brother's Tuxedo, and Guiliano's pursuant to MCL §125.538 et seq.; be it further

RESOLVED: That prior to demolition of three buildings commonly known as Bally's, Brother's Tuxedo, and Guiliano's, DVP will execute an Amendment to the Brownfield Plan #8 Reimbursement Agreement such that the City will receive full repayment for all its costs associated with demolition of the buildings prior to DVP or any other affiliated entity receiving any form of reimbursement for any other eligible costs; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Hubbard, Sareini, Shooshanian and Tafelski (5). Nays: Darany (1). Absent: Thomas (1).

There being no further business upon a motion duly made, seconded and adopted, the Council then adjourned at 7:09 P.M.

APPROVED:

THOMAS P. TAFELSKI  
President of the Council

ATTESTED:

KATHLEEN BUDA  
City Clerk