

**RESOLUTION OF INTENT TO ESTABLISH A DOWNTOWN
DEVELOPMENT AUTHORITY AND DOWNTOWN DEVELOPMENT
AUTHORITY DISTRICT**

WHEREAS, the Village of Three Oaks (the “Village”) is authorized by the provisions of Act No. 197, Public Acts of Michigan, 1975, as amended (the “Act”), to establish a Downtown Development Authority and to designate a Downtown District within which the Downtown Development Authority shall exercise its powers; and

WHEREAS, the Act requires the Village to adopt a Resolution of Intent and hold a public hearing prior to the establishment of a Downtown Development Authority and designation of a Downtown Development Authority District; and

WHEREAS, the Village Council of the Village of Three Oaks (the “Village Council”) hereby finds and determines that it is necessary for the best interests of the public to halt the property value deterioration and increase property tax valuation where possible in its business district; to eliminate the causes of such deterioration and to promote economic growth in and surrounding the business district in the Village as described on Exhibit A attached hereto; and

WHEREAS, the Village must declare its intention to create a Downtown Development Authority and set a date for the holding of a public hearing on the adoption of a proposed ordinance creating such a Downtown Development Authority and designating the boundaries of a Downtown Development Authority District within which such an Authority shall exercise its powers.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF THREE OAKS AS FOLLOWS:

1. **THAT** the Village Council hereby declares its intention to create and provide for the operation of the Downtown Development Authority of the Village of Three Oaks, (the “Authority”); and
2. **THAT** the boundaries of the Downtown district within which the Authority shall exercise its powers (the “District”) are as set forth on Exhibit A attached hereto; and
3. **THAT** the Village Council shall conduct a public hearing on April 14, 2010 at 7:00 pm, at the Village of Three Oaks Hall, 14 Maple Street, Three Oaks, Michigan 49128, to consider the creation of the Authority and the designation of the boundaries of the District; and
4. **THAT** the Village Clerk shall cause notice of said hearing to be published twice in the *South County Gazette*, or a newspaper of general circulation in the Village. The two publications shall occur not less than twenty (20) nor more than forty (40) days before the date set for the public hearing. Notice shall also be mailed

not less than twenty (20) days before the hearing to property taxpayers of record within the proposed District and to the governing body of each jurisdiction levying taxes that would be subject to capture if the Authority is established and a tax increment financing plan is approved. Notice shall also be posted in at least twenty (20) conspicuous and public places in the proposed District not less than twenty (20) days before the public hearing.

5. **THAT** the notice of the hearing shall be in substantially the same form as Exhibit B attached hereto.
6. **THAT** all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be, and the same hereby are, rescinded.

At a regular meeting of the Village Council of the Village of Three Oaks, Michigan, held at the Village Hall on the 10th day of March, 2010, the following resolution of intent was offered by Council member Whittaker, and supported by Council member Capiak.

On roll call, the vote on the foregoing resolution of intent was as follows:

Ayes: Capiak, Graziano, Kramer, Pappa, Whittaker, Grosse


Nays: None

Abstain: None

Absent: None

Cynthia E. Moynihan
Cynthia E. Moynihan, Clerk
Village of Three Oaks

Attest:



David Grosse, President
Village of Three Oaks

EXHIBIT A:

A part of Sections 2, 3, 10, and 11, Township 8 South, Range 20 West, Three Oaks Township, also being a part of the Village of Three Oaks, Berrien County, Michigan, describe as: Beginning at a point on the centerline of U.S. Highway 12 and the North line of Section 10, 900.1 feet West of the North quarter post of Section 10; thence North 7E 40' East, 307 feet; thence North 29E 22' East 266.82 feet to the Southerly right of way line of the Amtrak Railroad; thence Easterly, along said right of way line 2031 feet; thence North 149.7 feet, more or less, to the Northerly line of said right of way; thence Easterly, along said Northerly right of way line, 113.41 feet; thence North 00E 02' East 358.28 feet; thence South 89° 58' 19" East 397.71 feet; thence North 278.88 feet, thence South 89E 18' East 156.78 feet; thence North, 124 feet, more or less, to the North line of Chicago Street; thence East, along the North line of said Chicago Street, 194.3 feet, more or less, to the West line of Featherbone Avenue; thence North, along said West line, 140 feet; thence East 284 feet; thence South 50 feet; thence East 166 feet to the centerline of Elm Street; thence continuing East 33 feet to the East line of said Elm Street; thence South, along said East line, 82 feet to the North line of Sycamore Street; thence East, along said North, line 132 feet; thence South 330 feet to the North line of Maple Street; thence East, along said North line, 528 feet; thence South 227 feet; thence East 264 feet to the East line of Hickory Street; thence South, along said East line, 208 feet to the centerline of the Amtrak Railroad; thence Westerly, along said centerline, 445.5 feet; thence South 446 feet to the South line of Linden Street; thence West, along said South line, 132 feet to the East line of Oak Street; thence South, along said East line, 330 feet to the South line of Ash Street; thence continuing South, along the East line of Oak Street, 198 feet; thence West 379.5 feet to the centerline of Elm Street; thence continuing West 165 feet; thence South 49.5 feet; thence West 132 feet; thence North 247.5 feet to the South line of Ash Street; thence Northeast 66 feet, more or less, to the Southeast corner of Lot 1, Friedle's Addition; thence North, along said East line of said Friedle's Addition, 330 feet to the South line of Linden Street; thence West, along said South line, 1003.5 feet to the East line of Memorial Drive; thence South, along said East, line 330 feet to the South line of Ash Street; thence West, along said South line, 18 feet; thence South 447.25 feet to the South line of Locust Street; thence West, along said South line, 1013 feet; thence South 200 feet; thence West 297 feet to the North and South Quarter line of said Section 10; thence North, on the North and South Quarter line of said Section, to a point 419.24 feet South to the North quarter post of said Section; thence West 415.6 feet; thence North 419.24 feet, more or less, to the centerline of U.S. Highway 12 and the North line of Section 10; thence West, on the centerline of U.S. Highway 12 and the North line of Section 10, to the place of beginning.

EXHIBIT B:

The Village Council of Three Oaks, MI shall conduct a public hearing on April 14, 2010 at 7:00 pm at the Village of Three Oaks Hall, 14 Maple Street, Three Oaks, Michigan to consider the creation of the Authority and the designation of the boundaries of the District with the Intention of establishing the DDA (Downtown Development Authority).