

**TO:** Downtown Development Authority Board of Directors

**FROM:** Andrew Haan, Executive Director

**DATE:** August 30, 2017

**RE:** Special Meeting, August 31, 2017

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The next regular meeting of the Kalamazoo Downtown Development Authority is scheduled to take place on Monday, August 31, 2017 at 4:00 p.m. in City Commission Chambers, City Hall - 241 West South Street.

AH

Attachments

pc: Michael O'Connor  
City Clerk

[Type text]

**The Downtown Development Authority** exists to correct and prevent deterioration in the downtown district; to encourage historical preservation; to create and implement development plans in the district; and to promote the economic growth of the district.

**DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS  
SPECIAL MEETING AGENDA**

**DATE:** Monday, August 31, 2017

**TIME:** 3:00 p.m.

**PLACE:** City Commission Chambers, City Hall

- I. CALL TO ORDER
- II. ROLL CALL
- III. ACTION ITEMS
  - A. Arcadia Creek Skywalk Easement
  - B. Resolution to call public hearing on DDA Liquor License
- IX. DIRECTOR COMMENTS
- X. PUBLIC COMMENTS
- XI. ADJOURNMENT

DOWNTOWN DEVELOPMENT AUTHORITY  
MEETING PROCEDURES

1. A person may speak on “Action or Discussion” items on the Downtown Development Authority’s agenda. The Chairperson will ask for people’s comments as each of these agenda items are discussed.
2. To address the Downtown Development Authority, please clearly state your name and business or home address for the record so that a response to your inquiry can be completed if necessary. Please limit your comments to four minutes.
3. Comments on non-agenda items are reserved for “Public Comments” agenda item prior to adjournment of the meeting.

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## ACW 1, LLC

Air Rights Easement. The DDA hereby grants to ACW, its successors and assigns, and all future owners of the ACW Parcels, and all of their invitees, tenants, visitors, agents, employees, contractors and representatives, an exclusive perpetual easement for air rights (the “**Air Rights Easement**”) over the Creek Parcel for the purpose of construction, maintenance and use of (i) one or more footbridges connecting the Northern Parcels and the Southern Parcels over the Creek Parcel (the “**Footbridges**”), provided the Footbridges shall not materially impede or interfere with pedestrian traffic through public walkways that may be located on the ACW Parcels from time to time, as well as (ii) one or more skywalks, overhead walkways and/or other above-ground improvements over and above the Arcadia Creek Channel including those that may provide passage from buildings or improvements on the Northern Parcels and the Southern Parcels (the “**Above-Ground Improvements**”); provided, however, no such Above-Ground Improvements shall be constructed at an elevation lower than ten feet above, the existing grade of the ACW Parcels. The foregoing easement shall also include rights of ingress and egress on, over, and across any such Above-Ground Improvements that may be constructed above the Creek Parcel from time to time. ACW shall maintain and keep in good condition the Footbridges and any Above-Ground Improvements located within the Air Rights Easement.

## ACW 2, LLC

Air Rights Easement. The DDA hereby grants to ACW, its successors and assigns, and all future owners of the ACW Parcels, and all of their invitees, tenants, visitors, agents, employees, contractors and representatives, an exclusive perpetual easement for air rights (the “**Air Rights Easement**”) over the Creek Parcel for the purpose of construction, maintenance and use of (i) one or more footbridges connecting the Northern Parcels and the Southern Parcels over the Creek Parcel (the “**Footbridges**”), provided the Footbridges shall not materially impede or interfere with pedestrian traffic through public walkways that may be located on the ACW Parcels from time to time, as well as (ii) one or more skywalks, overhead walkways and/or other above-ground improvements over and above the Arcadia Creek Channel including those that may provide passage from buildings or improvements on the Northern Parcels and the Southern Parcels (the “**Above-Ground Improvements**”); provided, however, no such Above-Ground Improvements shall be constructed at an elevation lower than ten feet above, the existing grade of the ACW Parcels. The foregoing easement shall also include rights of ingress and egress on, over, and across any such Above-Ground Improvements that may be constructed above the Creek Parcel from time to time. ACW shall maintain and keep in good condition the Footbridges and any Above-Ground Improvements located within the Air Rights Easement.

**DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF KALAMAZOO  
RESOLUTION NO. 17-03**

**A RESOLUTION TO CALL A PUBLIC HEARING  
ON THE ISSUANCE OF A NEW CLASS C LIQUOR LICENSE**

**WHEREAS**, the Downtown Development Authority (DDA) Board of the City of Kalamazoo must review requests for new Downtown District (Redevelopment) Class C liquor licenses to include Sunday sales and outdoor service permits under P.A. 2006, No. 501, MLC 436.1521 a(1)(b); and

**WHEREAS**, the DDA requires the holding of a public hearing on any new Class C liquor license application per the criteria set forth within aforementioned application; and

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held on a new Downtown District (Redevelopment) Class C liquor license by the Downtown Development Authority of the City of Kalamazoo at the City Hall Community Room, 241 West South Street at 3:00 o'clock p.m. local time on Monday, September 18, 2017.

**BE IT FURTHER RESOLVED**, that the Secretary publish a Notice of said hearing once in the Kalamazoo Gazette at least six (6) days prior to such hearing in the following form:

DOWNTOWN DEVELOPMENT AUTHORITY  
OF THE CITY OF KALAMAZOO, MICHIGAN

**NOTICE OF HEARING**

Notice is hereby given that the Downtown Development Authority of the City of Kalamazoo will conduct a public hearing on said application in the City Hall Community Room, City Hall, 241 West South Street, on Monday, September 18, 2017 at 3:00 o'clock p.m. local time. A copy of said application is available for inspection at the DDA office, 141 E. Michigan Ave., Suite 501.

The above Resolution was offered by Director Brown and supported by Director Owens.

AYES, DIRECTORS:

NAYS, DIRECTORS:

ABSTENTIONS, DIRECTORS:

**CERTIFICATE**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Downtown Development Authority of the City of Kalamazoo at a regular meeting held on August 31, 2017 and that said meeting was conducted and a public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267 of the Public Acts of 1976, and the minutes of said meeting were kept and will be and have been made available as required by said Act.

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Derek Wissner, Secretary