

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of February 25, 2008

**SUBJECT:** A BROWNFIELD REDEVELOPMENT PLAN FOR HOTEL HOLDINGS  
CINEMA, LLC

**RESOLUTION SUMMARY:** This resolution will set a public hearing for the purpose of considering the approval of a Brownfield Redevelopment Plan.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Brownfield Redevelopment Plan
3. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Jack Duso  
Assistant City Manager  
February 25, 2008



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.midland-mi.org](http://www.midland-mi.org)

February 21, 2008

Honorable Mayor and City Council  
City of Midland  
Midland, MI 48640

Dear Councilmen:

A request has been received from Hotel Holdings Cinema, LLC to consider the approval of a Brownfield Redevelopment Plan for the construction of a new mixed use hotel/retail building and associated parking on property located at 805 Cinema Boulevard, 810 Cinema Drive, and a small portion of 727 Cinema Boulevard. The first floor of the new five story building will house a conference and restaurant facility. The balance of the building will be a mid-market hotel with approximately 180 hotel rooms including amenities. The project will create construction jobs, new retail and hotel space and approximately 55 new full time jobs.

This project qualifies for a Brownfield Redevelopment Plan because it is situated on a contaminated parcel as a result of being the site of a brine disposal well. The developer has considered the following two options with respect to this project:

1. A lower investment project that would not involve disturbing the contaminated soil. This project would involve a \$9.5 million investment and a smaller structure consisting of wood construction, four stories, and 135 rooms.
2. A higher investment project that would involve disturbing the contaminated soil. This project involves a total investment of \$16 million and a larger structure consisting of concrete and steel construction, five stories, 180 rooms and a much larger conference and restaurant space than the smaller scale version.

In addition to seeking Michigan Business Tax (MBT) credits from the State of Michigan, the applicant is also seeking tax increment financing to offset the costs associated with mitigating contamination from a brine disposal well. This will be the first consideration of a Brownfield Redevelopment Plan that includes tax increment financing.


The developer is seeking reimbursement through tax increment financing for the costs associated with mitigating the contaminated soil that the larger project will disturb. The developer is committed to constructing a hotel on the site, but has indicated that without the tax increment financing, the larger project will likely not be built and the smaller hotel will be built instead.

Attached hereto is a spreadsheet representing a projected reimbursement schedule that shows full reimbursement to the developer in 2014. The total projected reimbursement over a seven year period by all taxing jurisdictions will be \$973,465. After year seven, the incremental taxable value will no longer be captured and the full investment will be applied to the millage rate of all taxing jurisdictions. It is estimated that the breakeven point for all taxing jurisdictions will occur in 2018.

The City of Midland Brownfield Redevelopment Financing Authority will be conducting a meeting in the next week to consider this request. A recommendation of the Authority will be provided to the City Council at the public hearing, which is scheduled for March 10, 2008.

The Plan has been reviewed by the City Attorney and the tax increment financing projection has been reviewed by the City Assessor and the Director of Fiscal Services. Attached for your consideration is a resolution that will set the public hearing. Please contact me if you have any questions.

Sincerely,

  
\_\_\_\_\_  
Jack Duse  
Assistant City Manager



**CITY OF MIDLAND BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN FOR  
HOTEL HOLDINGS CINEMA, LLC**

**Summary of Project**

Hotel Holdings Cinema, L.L.C. (“Hotel Holdings Cinema”) will construct a new mixed use hotel/retail building and associated parking on property in the City of Midland located at 805 Cinema Boulevard, 810 Cinema Drive and a small portion of 727 Cinema Boulevard (the “Property”) containing approximately 3.9 acres. The first floor of the new five story building will house a conference and restaurant facility. The balance of the building will be a mid-market hotel with approximately 180 hotel rooms including amenities. The project will require various site preparation activities, including clearing, grading, installation of a retaining wall and special pilings, removal and disposal of contaminated soils and public infrastructure improvements. The project will create construction jobs, new retail and hotel space and approximately 55 new full time jobs. The project will also result in a long-term increase to the City’s tax base, will generate hotel taxes and will redevelop a contaminated site.

**Basis of Eligibility**

The Property is contaminated with magnesium in the soil in excess of generic residential Part 201 criteria. Therefore, the Property is “eligible property” as defined in Part 201 of the Natural Resources and Environmental Protection Act (“NREPA”).

**Required Elements of Brownfield Plan**

**1. A description of costs intended to be paid for with tax increment revenues.  
(MCLA 125.2663(1)(a))**

Hotel Holdings Cinema will seek tax increment financing from local taxes, school operating taxes and state education tax millage for eligible activities at the property including site preparation, public infrastructure improvements and DEQ and MEDC work plan preparation and review totaling \$983,698, which includes interest at the rate of 7%.

Table 1 below presents estimated costs of the eligible activities for this project which qualify for reimbursement from tax increment financing.

Table 1 – Eligible Activities	
Task	Cost Estimate
1. Public infrastructure improvements	\$ 15,000
2. Site preparation	496,000
3. Additional response activities	106,310

Table 1 – Eligible Activities	
Task	Cost Estimate
4. Preparation and development of brownfield plan	10,000
5. DEQ/MEGA work plan preparation	10,000
6. DEQ/MEGA work plan review	2,000
7. Contingencies (15%)	92,597
8. Interest (7%)	251,791
<b>TOTAL</b>	<b>\$983,698</b>

**2. A brief summary of the eligible activities that are proposed for each eligible property. (MCLA 125.2663(1)(b))**

“Eligible activities” are defined in the Act as meaning one or more of the following: (i) baseline environmental assessment activities; (ii) due care activities; and (iii) additional response activities. In addition, in qualified local governmental units such as the City of Midland, the Act includes the following additional activities under the definition of “eligible activities”: (A) infrastructure improvements that directly benefit eligible property; (B) demolition of structures that is not response activity under Part 201 of NREPA; (C) lead or asbestos abatement; and (D) site preparation that is not response activity under Part 201 of NREPA.

The cost of eligible activities are estimated in Table 1 above and include the following:

1. Public Infrastructure Improvements. New sidewalks and curbs will be installed in connection with the construction of the new building.
2. Site Preparation. Various site preparation activities will be required including installation of special resistance pilings and retaining wall, site borings, grading and land balancing, etc., as well as related engineering, design, professional fees and costs.
3. Additional Response Activities. Contaminated soils will need to be properly disposed.
4. Contingency. A 15% contingency factor is included to accommodate unexpected conditions during the course of the project.

**3. An estimate of the captured taxable value and tax increment revenues for each year of the Plan from each parcel of eligible property and in the aggregate. (MCLA 125.2663(1)(c))**

An estimate of real property tax capture for tax increment financing is attached as Exhibit B.

**4. The method by which the costs of the Plan will be financed, including a description of any advances made or anticipated to be made for the costs of the Plan from the City. (MCLA 125.2663(1)(d))**

The cost of the plan will be financed by Hotel Holdings Cinema.

**5. The maximum amount of the note or bonded indebtedness to be incurred, if any. (MCLA 125.2663(1)(e))**

The City does not anticipate incurring new bond indebtedness for this project.

**6. The duration of the Plan, which shall not exceed the lesser of (1) the period required to pay for the eligible activities from tax increment revenues plus the period of capture authorized for the local site remediation revolving fund or (2) 30 years. (MCLA 125.2663(1)(f))**

The estimated duration of the brownfield plan for this project is fifteen years. It is estimated that redevelopment of the Property will be completed in approximately one to two years and that it could take up to ten years to recapture eligible costs through tax increment revenues.

**7. An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the Property is located. (MCLA 125.2663(1)(g))**

An estimate of real property tax capture is attached as Exhibit B.

**8. A legal description of each parcel of eligible property to which the Plan applies, a map showing the locations and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property and a statement of whether personal property is included as part of the eligible property. (MCLA 125.2663(1)(h))**

a. See legal description at Exhibit A.

b. See location and site map at Exhibit C.

c. Characteristics of Property: The property has been and is currently vacant but was previously the location of a brine disposal well from the mid-1950s to the mid-1970s.

d. Personal Property: Personal property is included as part of the eligible property.

**9. An estimate of the number of persons residing on each eligible property to which the Plan applies and the number of families and individuals to be displaced, if any. (MCLA 125.2663(1)(i))**

There are no persons residing on this Property and, therefore, no families or individuals will be displaced.

**10. A plan for establishing priority for the relocation of persons displaced by implementation of the Plan, if applicable. (MCLA 125.2663(1)(j))**

This Section is inapplicable to this site as there are no persons residing on this Property.

**11. Provision for the costs of relocating persons displaced by implementation of the Plan, and financial assistance and other reimbursement of expenses, if any. (MCLA 125.2663(1)(k))**

This Section is inapplicable to this site as there are no persons residing on this Property.

**12. A strategy for compliance with the Michigan Relocation Assistance Act, if applicable. (MCLA 125.2663(1)(l))**

This Section is inapplicable to this site as there are no persons residing on this Property.

**13. A description of the proposed use of the local site remediation revolving fund. (MCLA 125.2663(1)(m))**

No local site remediation revolving fund will be used for purposes authorized under the Act.

**14. Other material that the Authority or the City Council considers pertinent. (MCLA 125.2663(1)(n))**

The project involves the development of a contaminated parcel in the City of Midland. The parcel also has unstable soil, which substantially increases the cost of any development on this site. It will provide approximately 116,762 square feet of commercial/retail space, including approximately 180 hotel rooms, a restaurant and conference facilities, and will provide associated parking. The project will significantly increase the city's tax base, will provide additional retail and hotel rooms and will provide new jobs both during construction and at the conclusion of the project. The use of the Property is consistent with the City master plan and building and zoning requirements.

**Michigan Business Tax Credit**

It is the intention of the Michigan Legislature to encourage redevelopment of brownfields using the 10% Michigan Business Tax ("MBT") credit incentive permitted under Act 36 of the

Public Acts of Michigan of 2007. The Michigan Business Tax credit can be applied against any “eligible investment” at the Property. The Michigan Business Tax credit will be applied against any eligible investment or part thereof made by a qualified taxpayer after approval of this Brownfield Redevelopment Plan by the City of Midland and receipt of a preapproval letter from the State of Michigan.

“Eligible investment” means demolition, construction, restoration, alteration, renovation, or improvement of buildings on eligible property and the addition of machinery, equipment, and fixtures to the Property after the date of the preapproval letter.

Hotel Holdings Cinema intends to apply for a Michigan Business Tax credit for the project pursuant to Act 36 of the Public Acts of Michigan of 2007. The project is expected to be complete by the end of 2009.

1491978

## Exhibit A

### Property Description

Property Address: 810 Cinema Drive  
Midland, Michigan

Tax Parcel No.: 11-33-40-400

Legal Description: BEG 528 FT N OF S ¼ COR SEC 33 TH E 330 FT N 330 FT W 330 FT  
TO BEG

Property Address: 805 Cinema Boulevard  
Midland, Michigan

Tax Parcel No.: 11-33-40-306

Legal Description: LOT 4 CINEMA ESTATES SITE CONDOMINIUM

Property Address: 727 Cinema Boulevard (part)  
Midland, Michigan

Tax Parcel No.: 11-33-40-308 (part)

Legal Description: The West 27.00 feet of Unit No. 5, Cinema Estates Site Condominium according to the Master Deed recorded in Liber 809, Page 1155, as amended, and designated as Midland County Condominium Subdivision Plan No. 34, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended, except the South 75.00 feet thereof.



Exhibit B  
TIF Schedule (Personal Property)

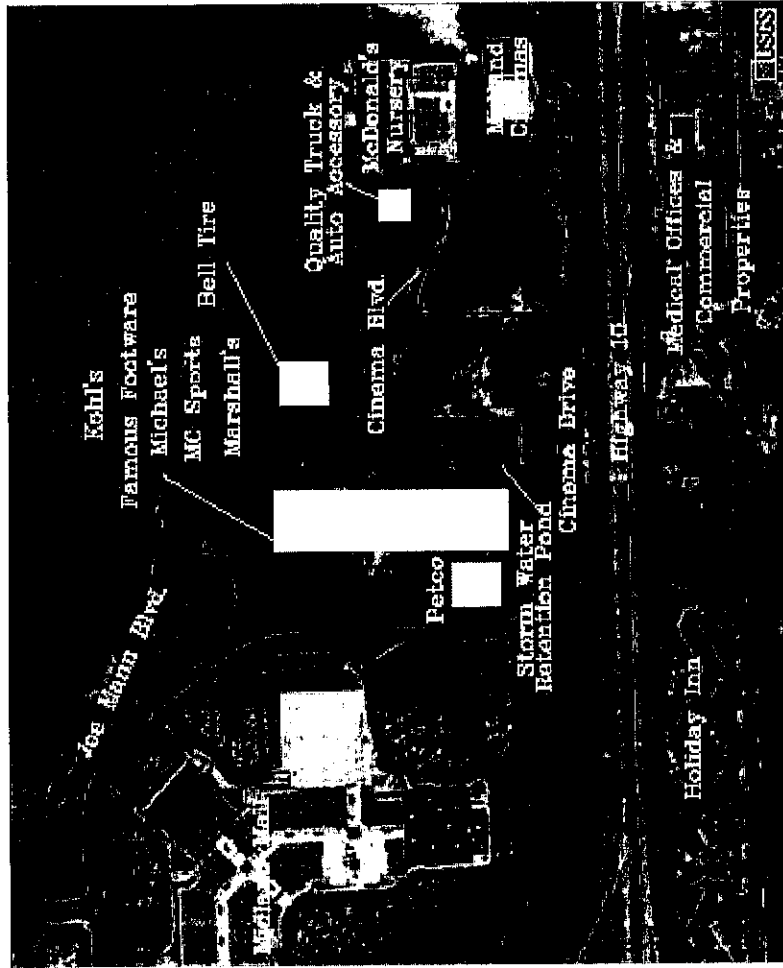
# 1492014

AD VALOREM TAX - Personal Property		Local Increment				State/School Increment				Total Tax Capture				
		Midland County	City	Intermediate School	MPS Sinking Fund	Delta College	Total Local Capture	Cumulative Local Capture	MPS	State Education	Total School Capture	Cumulative School Capture	Annual Tax Capture	Cumulative Tax Capture
Operating Mills <sup>1</sup>		8.5555	12.0000	1.1756	2.0000	2.0427	25.7738		6.0000	6.0000	12.0000		37.7738	
Base TV:	\$0													
	Increase in New TV <sup>2</sup>													
2008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2009	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2010	\$1,000,000	\$8,556	\$12,000	\$1,176	\$2,000	\$2,043	\$25,774	\$25,774	\$6,000	\$6,000	\$12,000	\$12,000	\$37,774	\$37,774
2011	\$980,000	\$8,384	\$11,760	\$1,152	\$1,980	\$2,002	\$25,258	\$51,032	\$5,880	\$5,880	\$11,760	\$23,760	\$37,018	\$74,792
2012	\$960,400	\$8,217	\$11,525	\$1,129	\$1,921	\$1,962	\$24,753	\$75,785	\$5,762	\$5,762	\$11,525	\$35,285	\$36,278	\$111,070
2013	\$941,192	\$8,052	\$11,294	\$1,106	\$1,882	\$1,923	\$24,258	\$100,043	\$5,647	\$5,647	\$11,294	\$46,579	\$35,552	\$146,622
2014	\$922,368	\$7,891	\$11,068	\$1,084	\$1,845	\$1,884	\$23,773	\$123,816	\$5,534	\$5,534	\$11,068	\$57,648	\$34,841	\$181,464
2015	\$903,921	\$7,733	\$10,847	\$1,063	\$1,808	\$1,846	\$23,297	\$147,114	\$5,424	\$5,424	\$10,847	\$68,495	\$34,145	\$215,608
2016	\$885,842	\$7,579	\$10,630	\$1,041	\$1,772	\$1,810	\$22,832	\$169,945	\$5,315	\$5,315	\$10,630	\$79,125	\$33,462	\$249,070
2017	\$868,126	\$7,427	\$10,418	\$1,021	\$1,736	\$1,773	\$22,375	\$192,320	\$5,209	\$5,209	\$10,418	\$89,542	\$32,792	\$281,862
2018	\$850,763	\$7,279	\$10,209	\$1,000	\$1,702	\$1,738	\$21,927	\$214,248	\$5,105	\$5,105	\$10,209	\$99,751	\$32,137	\$313,999
2019	\$833,748	\$7,133	\$10,005	\$980	\$1,667	\$1,703	\$21,489	\$235,736	\$5,002	\$5,002	\$10,005	\$109,756	\$31,494	\$345,493
2020	\$817,073	\$6,990	\$9,805	\$961	\$1,634	\$1,669	\$21,059	\$256,796	\$4,902	\$4,902	\$9,805	\$119,561	\$30,864	\$376,357
2021	\$800,731	\$6,851	\$9,609	\$941	\$1,601	\$1,636	\$20,638	\$277,433	\$4,804	\$4,804	\$9,609	\$129,170	\$30,247	\$406,603
2022	\$784,717	\$6,714	\$9,417	\$923	\$1,569	\$1,603	\$20,225	\$297,659	\$4,708	\$4,708	\$9,417	\$138,587	\$29,642	\$436,245
2023	\$769,022	\$6,579	\$9,228	\$904	\$1,538	\$1,571	\$19,821	\$317,479	\$4,614	\$4,614	\$9,228	\$147,815	\$29,049	\$465,294
2024	\$753,642	\$6,448	\$9,044	\$886	\$1,507	\$1,539	\$19,424	\$336,903	\$4,522	\$4,522	\$9,044	\$156,859	\$28,468	\$493,762
2025	\$738,569	\$6,319	\$8,863	\$868	\$1,477	\$1,509	\$19,036	\$355,939	\$4,431	\$4,431	\$8,863	\$165,721	\$27,899	\$521,660
2026	\$723,798	\$6,192	\$8,686	\$851	\$1,448	\$1,479	\$18,655	\$374,594	\$4,343	\$4,343	\$8,686	\$174,407	\$27,341	\$549,001
2027	\$709,322	\$6,069	\$8,512	\$834	\$1,419	\$1,449	\$18,282	\$392,876	\$4,256	\$4,256	\$8,512	\$182,919	\$26,794	\$575,795
2028	\$695,135	\$5,947	\$8,342	\$817	\$1,390	\$1,420	\$17,916	\$410,792	\$4,171	\$4,171	\$8,342	\$191,260	\$26,258	\$602,053
2029	\$681,233	\$5,828	\$8,175	\$801	\$1,362	\$1,392	\$17,558	\$428,350	\$4,087	\$4,087	\$8,175	\$199,435	\$25,733	\$627,785
2030	\$667,608	\$5,712	\$8,011	\$785	\$1,335	\$1,364	\$17,207	\$445,557	\$4,006	\$4,006	\$8,011	\$207,447	\$25,218	\$653,004
2031	\$654,256	\$5,597	\$7,851	\$769	\$1,309	\$1,336	\$16,863	\$462,420	\$3,926	\$3,926	\$7,851	\$215,298	\$24,714	\$677,717
2032	\$641,171	\$5,486	\$7,694	\$754	\$1,282	\$1,310	\$16,525	\$478,945	\$3,847	\$3,847	\$7,694	\$222,992	\$24,219	\$701,937
2033	\$628,347	\$5,376	\$7,540	\$739	\$1,257	\$1,284	\$16,195	\$495,140	\$3,770	\$3,770	\$7,540	\$230,532	\$23,735	\$725,672
2034	\$615,780	\$5,268	\$7,389	\$724	\$1,232	\$1,258	\$15,871	\$511,011	\$3,695	\$3,695	\$7,389	\$237,921	\$23,260	\$748,932
2035	\$603,465	\$5,163	\$7,242	\$709	\$1,207	\$1,233	\$15,554	\$526,565	\$3,621	\$3,621	\$7,242	\$245,163	\$22,795	\$771,727
2036	\$591,395	\$5,060	\$7,097	\$695	\$1,183	\$1,208	\$15,243	\$541,807	\$3,548	\$3,548	\$7,097	\$252,259	\$22,339	\$794,067
2037	\$579,568	\$4,958	\$6,955	\$681	\$1,159	\$1,184	\$14,938	\$556,745	\$3,477	\$3,477	\$6,955	\$259,214	\$21,892	\$815,959
2038	\$567,976	\$4,859	\$6,816	\$668	\$1,136	\$1,160	\$14,639	\$571,384	\$3,408	\$3,408	\$6,816	\$266,030	\$21,455	\$837,414

<sup>1)</sup> The taxable value is projected to depreciate at a rate of 2% annually.

<sup>2)</sup> Taxable value is estimated based on planned improvements in 2009.

Exhibit C





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BY COUNCILMAN

WHEREAS, the City Council of the City of Midland has received and reviewed testimony that there are or may be certain environmentally distressed, blighted, or economically distressed areas in the City of Midland and that the continued existence of such areas can limit, hinder, or delay the redevelopment or revitalization of identifiable zones within the City, and, accordingly, that it is in the best interests of the public to facilitate the implementation of plans relating to the identification and treatment of environmentally distressed areas so as to promote revitalization within the City of Midland (the “Brownfield Redevelopment Zone”); and

WHEREAS, in order to further such interests, it is appropriate for the City Council to approve a Brownfield Redevelopment Authority within the City of Midland pursuant to and in accord with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”); and

WHEREAS, pursuant to the Act, this Council is required (a) to hold a public hearing on the approval of a proposed Brownfield Redevelopment Plan under the Act (the “Plan”) and (b) to publish notice of said public hearing to be published in the Midland Daily News, a newspaper of general circulation in the City of Midland, all in accord with Section 4(2) of the Act; now therefore

RESOLVED, that:

1. The City Council hereby determines that it is in the best interests of the public to promote the redevelopment of environmentally distressed, blighted, or economically distressed areas of the City of Midland, and in order to do so, to facilitate the implementation of brownfield plans relating to the designation and treatment of such areas within brownfield redevelopment zones.
2. The City Council hereby declares its intention to implement a Brownfield Redevelopment Plan within the City of Midland pursuant to and in accord with the provisions of the Act.
3. A public hearing shall be held before the City Council on Monday, the 10<sup>th</sup> day of March, 2008, at 7:00 p.m., in the City Hall in the City of Midland on the proposed approval of a Brownfield Redevelopment Plan.

4. In accordance with the provisions of Act 381, the City Clerk shall give notice of the public hearing to each of the taxing jurisdictions that levy taxes on property included in the project subject to capture under Act 381.
5. The City Clerk shall give notice to the public of the public hearing by causing notice to be published in the form attached hereto as Exhibit A, in the Midland Daily News, a newspaper of general circulation in the City of Midland and by posting notice of the public hearing, in the form attached hereto as Exhibit B, pursuant to the practice of the City Clerk.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 25, 2008.

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Selina Tisdale  
City Clerk



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## EXHIBIT A

NOTICE OF PUBLIC HEARING  
ON THE ADOPTION OF A BROWNFIELD PLAN  
FOR THE CITY OF MIDLAND  
PURSUANT TO AND IN ACCORDANCE WITH ACT 381 OF THE  
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

PLEASE TAKE NOTICE that a Public Hearing shall be held before the City Council of the City of Midland on the 10<sup>th</sup> day of March, 2008, at 7:00 p.m., in the Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, on the adoption of The Hotel Holdings Cinema, LLC Brownfield Redevelopment Plan for the City of Midland, within which the Authority shall exercise its powers, all pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended. The description of the proposed brownfield plan is:

### Property Description

Property Address: 810 Cinema Drive  
Midland, Michigan

Tax Parcel No.: 11-33-40-400

Legal Description: BEG 528 FT N OF S ¼ COR SEC 33 TH E 330 FT N 330 FT W 330 FT  
TO BEG

Property Address: 805 Cinema Boulevard  
Midland, Michigan

Tax Parcel No.: 11-33-40-306

Legal Description: LOT 4 CINEMA ESTATES SITE CONDOMINIUM

Property Address: 727 Cinema Boulevard (part)  
Midland, Michigan

Tax Parcel No.: 11-33-40-308 (part)

Legal Description: The West 27.00 feet of Unit No. 5, Cinema Estates Site Condominium according to the Master Deed recorded in Liber 809, Page 1155, as amended, and designated as Midland County Condominium Subdivision Plan No. 34, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended, except the South 75.00 feet thereof.

This description of the property along with any maps and a description of the Brownfield Plan are available for public inspection at the City Clerk's office, City Hall, 333 West Ellsworth Street, Midland, Michigan.

Please note that all aspects of the Brownfield Plan are open for discussion at the public hearing.



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## **EXHIBIT B**

**NOTICE OF PUBLIC HEARING  
ON THE ADOPTION OF A PROPOSED  
BROWNFIELD REDEVELOPMENT PLAN FOR  
THE CITY OF MIDLAND  
PURSUANT TO AND IN ACCORDANCE WITH ACT 381 OF THE  
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

PLEASE TAKE NOTICE that a Public Hearing shall be held before the City Council of the City of Midland, Michigan, on the 10<sup>th</sup> day of March, 2008, at 7:00 p.m., in the Council Chambers in the City Hall, 333 West Ellsworth Street, Midland Michigan, on the proposed Hotel Holdings Cinema, LLC Brownfield Redevelopment Plan for the City of Midland pursuant to and in accord with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996 as amended.