



**RESOLUTION NO. R07-17  
TOWN OF BELVILLE,**

**A RESOLUTION DECLARING THE INTENT OF THE TOWN OF BELVILLE TO PURSUE THE REDEVELOPMENT OF ITS CENTRAL BUSINESS DISTRICT BY UTILIZING THE PROVISIONS OF THE URBAN REDEVELOPMENT LAW, TO FUND A PORTION OF THE EXPENSES OF SUCH REDEVELOPMENT AND DEVELOPMENT BY MEANS OF PROJECT DEVELOPMENT FINANCING AND ENTRY INTO ONE OR MORE AGREEMENTS WITH A DEVELOPER/REDEVELOPER TO ASSIST IN SUCH REDEVELOPMENT.**

WHEREAS, the Town of Belville, North Carolina (the "Town") has determined to pursue a plan for the redevelopment of its central business district and, in conjunction therewith the development of related properties all for the benefit of the citizens and residents of the Town (the "Plan"); and

WHEREAS, the Town has been approached by Urban Smart Growth, LLC, acting either directly or through one or more related entities (the "Developer") with a proposal to assist the Town in developing and implementing the Plan; and

WHEREAS, the Town is empowered under the provisions of Article 22 of Chapter 160 of the N.C. General Statutes (the "Urban Redevelopment Law") to exercise the powers provided in Section 160A-512 of the Urban Redevelopment Law which include the identification of a redevelopment area, the development of redevelopment plan, the undertaking of the redevelopment and the entry into contracts necessary or convenient for the exercise of its powers and to borrow money from any of a number of public and private sources for the purposes authorized under the Urban Redevelopment Law; and

WHEREAS, the Town is empowered under the provisions of Part 3D of Article 19 of Chapter 160A of the N.C. General Statutes (the "Municipal Development Agreement Act") to enter into a development agreement with a developer with respect to property of 25 acres or more to make provision for development uses and public facilities for the property so affected; and

WHEREAS, the Town is further empowered under the provisions of Article 6 of Chapter 159 of the N.C. General Statutes (the "Project Development Financing Act") to issue project development financing debt instruments and use the proceeds for the purposes specified therein for in a development financing district established under N.C. General Statutes Section 160A515.1 or 158-7.3 (the "PDF District Acts") to provide funding for redevelopment or development projects; and

WHEREAS, under the Urban Redevelopment Law, the Municipal Development Agreement Act and the PDF District Acts, certain actions must be taken, including the holding of public hearings, development of plans, description of areas affected and other actions prior to taking final action under any of said Acts; and

WHEREAS, the Town and the Developer desire that pending adoption of resolutions or ordinance approving the plans or the development agreement and related matters, that there be a formal understanding between them to establish the expectations of each party as to such matters; and

WHEREAS, the Board of Commissioners (the “Board”) of the Town has concluded that it is the best interests of the Town to make provision for public hearings, authorize staff of the Town to take such actions as are necessary to enable to the Board to adopt such ordinances and resolutions as are necessary to take action under the Urban Redevelopment Law, the Municipal Development Agreement Act, the Project Development Financing Act and the PDF District Acts; and

WHEREAS, the Board has determined that it is in the best interests of the Town to authorize the execution and delivery of a Memorandum of Understanding (the “MOU”) with the Developer;

**NOW, THEREFORE, BE IT RESOLVED** by Board in meeting duly assembled that:

**Section 1. Adoption of Findings.** It is hereby declared that the facts set forth in the preambles to this Resolution are in all respects true and correct.

**Section 2. Urban Redevelopment Law.** The Board hereby sets October 22 at 7:00 p.m. for the conduct of a public hearing under Section 160A-504 of the General Statutes regarding the designation of the Board to undertake to exercise the powers, duties, and responsibilities of a redevelopment commission and staff are hereby directed to arrange for publication of a notice of such public hearing. The Planning Board is hereby directed to undertake to define the redevelopment area as provided under the Urban Redevelopment Law. Staff is hereby directed to prepare for consideration by the Board a redevelopment plan under the Urban Redevelopment Law. In making such plan, staff is authorized to consult and work with the Developer to achieve the goals of the Town. Staff are further authorized and directed to proceed to negotiate such contracts for engineering, legal surveying, professional or other services and provide recommendations to the Board at the meeting on October 22 so that the Board acting under the provisions of Section 160A-514 of the General Statutes may authorize such contracts.

**Section 3. Municipal Development Agreement Act.** The Board hereby sets October 22 at 7:00 p.m. for the conduct of a public hearing under 160A-400.24 of the General Statutes regarding the approval of a development agreement with the Developer. Staff is hereby directed to arrange for the publication of notices regarding such public hearing. Staff is hereby directed to coordinate with the Developer to identify the property to be subject of the development agreement and to prepare the development agreement in time to make the draft available as required under the Municipal Development Agreement Act for consideration by the Board at the meeting on October 22.

**Section 4. Project Development Financing Act and PDF District Acts.** The Board hereby directs staff to work with the Developer to devise a project development financing plan and to define the boundaries of the project development financing district under the provisions of the PDF District Acts. The Board hereby authorizes staff to set the date of the public hearing required under the PDF District Acts as soon as the requirements therefor can be met but in no event later than the first available meeting of the board after October 22. The Board further authorizes staff to take such action as is necessary to initiate the process for approval of project development financing debt instruments under the Project Development Financing Act.

**Section 5. Memorandum of Understanding.** The Board hereby authorizes the execution and delivery of a memorandum of understanding in substantially the form before this meeting with the Developer.

**Section 6. Statement of Goals and Objectives.** As a means of providing staff with direction, the Board hereby determines that the goal of the Town is to redevelop the central business district so as to provide a town center for the Town to include a new Town Hall and other uses generally as set forth on the Master Plan provided by the Developer and before this meeting of the Board. The Town's objective is to provide for its citizens and residents a central business district, recreational facilities, residential properties and related municipal services. The Town also desires to have this process proceed as rapidly as possible.

**Section 7. Interpretation.** This Resolution is to be interpreted liberally to provide staff with all authorization needed to conduct such activities as are desirable to implement the goals and objectives hereof.

**AND IT IS SO RESOLVED this 2nd day of OCTOBER, 2007.**

**BOARD OF COMMISSIONERS OF THE TOWN OF BELVILLE,  
NORTH CAROLINA**

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Mayor

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ATTEST:

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TOWN ADMINISTRATOR/CLERK