

Agenda

Planning Commission

City of Kalamazoo



Monday, October 9, 2023

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of Minutes from the Planning Commission meeting on September 7, 2023

D. COMMUNICATIONS AND ANNOUNCEMENTS

E. PUBLIC HEARINGS

1. PC #2023.06: Vacate Cooley Street. Vacation of Cooley Street between Eleanor Street & W. Kalamazoo Ave.
2. PC 2023.07: Vacate Eleanor Street. Vacation of Eleanor Street between N. Park Street & N. Westnedge Avenue

F. DISCUSSION/ACTION ITEMS

G. REPORTS

1. City Planner's Report
2. Site Plan Review List

H. PUBLIC COMMENTS

I. CITY COMMISSION LIASON COMMENTS

J. PLANNING COMMISSIONER COMMENTS

K. ADJOURNMENT

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
September 07, 2023
DRAFT

Members Present: Brian Pittelko; David Burgess; Jennifer Swan; Christine Dascenzo; Shardae Chambers; Gregory Milliken, Chair; Mitchell Curtiss; *Michael Harrison

Members Excused: James Pitts

City Staff: Christina Anderson, City Planner; Bobby Durkee, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Charlie Bear, Assistant City Attorney

A. CALL TO ORDER/ROLL CALL

Commissioner Milliken called the meeting to order at 7:00 p.m.

Planner Durkee proceeded with roll call and determined there was a quorum.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Pittelko, moved approval of the September 7, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Curtiss, seconded by Commissioner Burgess, moved approval of the July 20, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

Commissioner Burgess, seconded by Commissioner Swan, moved approval of the August 3, 2023, minutes as presented. With a voice vote, the motion was carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee announced that all communications were included in the packet.

Commissioner Milliken gave instructions on how to give in-person and call-in comments.

E. PUBLIC HEARINGS

1. PC 2023.05 A Recommendation to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map.

Planner Anderson shared that the public hearing was a culmination of months of work and engagement on the commercial zoning code. She said that zoning and the Master Plan were intended to align with each other. The zoning code should implement the Master Plan vision at least as it relates to land use and

some transportation tasks. Planner Anderson shared that staff took on the task of updating the zoning code because the Master Plan specifically listed it as an action. She explained the five Strategic Visions relating to zoning work: 1. Good Governance, 2. Complete Neighborhoods, 3. Connected City, 4. Economic Vitality, 5. Environmental Responsibility. Planner Anderson outlined the incremental manner in which they had been revising the zoning code.

*Commissioner Harrison entered the meeting at this time.

Planner Anderson spoke about the process used to revise the commercial zoning code. She explained staff use of the Public Participation Policy (PPP) which helped choose the level of engagement and activities. These activities included: online interactive zoning map and drafts; outreach meetings across the City; presentations and discussions with Boards (Natural Features Protection, Planning Commission, City Commission, and Committee Of the Whole); property owner/occupant mailings; 1:1s with property owners/occupants. Outreach and engagement was done between March and May. Multiple drafts were created based on feedback from meetings and staff research - draft three was presented at the August Planning Commission meeting. Planner Anderson stated that Draft four had just a few things updated since August. She explained that the Planning Commission was asked to recommend approval to the City Commission. The City Commission would then have a first reading and then a public hearing.

Planner Anderson reviewed the five review criteria the Planning Commission uses when reviewing a map change or text change to the zoning code.

1. Are the amendments consistent with 2025 Master Plan and Strategic Vision?
 - a. Overhaul of code aligns with 2025 MP and is called for in the MP.
 - b. Future Land Use Plan helped guide map changes.
 - c. Public Participation Policy guided outreach and engagement.
2. Have conditions changed that require zoning changes?
 - a. Approval of the 2025 MP was the change in condition.
 - b. Variance requests indicated a needed change.
 - c. Board comments and directions indicated a needed change.
3. Do changes address a community need?
 - a. Changes were indicated through identified community needs and vision.
 - b. Zoning can serve as a barrier to projects going forward.
4. Are the proposed changes compatible with surrounding properties?
 - a. Changes created through parcel-by-parcel review.
 - b. Zoning standards were tested on existing lots.
5. Will changes result in logical and orderly pattern?
 - a. Changes were rooted in the 2025 MP and Strategic Vision.
 - b. Changes were rooted in the size, scale, and context of Kalamazoo.

Planner Anderson went on to review and explain the proposed changes to the commercial zoning code.

Pre-Code Pages:

Added the reference of seeing if the property is located in the NFP Overlay District.

General requirements:

Updated and renumbered definitions, updated street types, updated language of Nonconformance Standards.

Zoning Districts:

Removing some base districts (CO & CNO, CN-1 & CN-2, CMU & RMU).

Removing some overlay districts (NC-O, THD-O, HP-O, and RF-O).

Adding new Commercial districts (CC2 & C-Node).

Updating Zoning Map.

Moving Institutional Campus (IC) from Appendix A.

Uses:

Updated Use Table and Standards with the new districts and for clarity.

Updated Accessory Use and Structure Table with new districts and the keeping of chickens and rabbits.

Added Microbusiness Class A license for cannabis.

Added restrictions to prevent intense uses on residential streets.

Updates to Vehicle Service (SUP) – car washes will remain a Special Use.

Outdoor Sales & Services- clarified the type of materials that can be stored.

Clarified In-Home Day Care (home occupation) is an accessory use vs. a Daycare Center.

Zoning District Standards: Form-based vs. Dimensional Standards

Reviewed characteristics of form-based vs. dimensional standards.

Reviewed Mixed-use Districts (LW1 & LW2, N-Node) and Downtown Districts (D1, D2, D3).

Districts that are not form-based are CC, CC2, and C-Node.

Zoning District Standards: Overlay Districts

Planned Unit Development was brought over to Chapter 50.

NFP Overlay districts – made some updates.

Intent language was changed.

Wellhead protection was moved out of the zoning code.

Lot Coverage - removed all requirements except guidance of where to put pervious areas on site.

Parking

Removed minimum requirements for parking.

Set two maximum requirements for parking.

Reviewed and adjusted parking standards by use.

Landscaping & Screening:

Updated section to align with Community Sustainability Plan (CSP) and Natural Features Protection (NFP) – tree canopy and construction fencing.

Section was reviewed by Landscape Architects.

Added requirements for sight distances at driveways and intersections.

Signs:

Updated temporary signage based on Supreme Court Case (Reed v Town of Gilbert).
Updated code based on variances.
Updated height and area of signs based on street types.

Lighting:

Cleaned up and moved from Appendix A.
Sustainability Planner will research and make future updates.

Commissioner Curtiss asked about the NFP and change to pervious surface requirements. He wondered if areas smaller than 20% would be counted towards pervious surface or if they wouldn't be allowed. Planner Anderson said that one could choose not to have those count, or they could go above 20%. If a person can't meet the requirements, then they would either need to redesign the site or go to the ZBA to have that discussion. Commissioner Curtiss thought it sounded like small green space areas would not be allowed. Planner Anderson assured him that they are allowed. She explained that there would still be landscaping standards that would require landscape islands and perimeter landscaping around a parking lot. Anything above this required amount can be divided among the site to meet other requirements.

Commissioner Milliken opened the public comment portion of the public hearing.

Mr. Richard Stewart stated that staff were using LW-1 and LW-2 as a way of misleading the public with terms. He said that CC already allows living and working in the same property and zone. As a realtor, he felt that LW-1 and LW-2 are in oversupply with no market demand whereas CC has a high demand and high value. Mr. Stewart suggested that Commissioner Milliken should abstain from the vote because he was aware of the nine parcels between Lake and Stockbridge that Southtown has opposed rezoning. They were confident they would stop the funding for Lift, but rezoning these parcels paves the way for the next developer to take over. They would like them removed from the rezoning. Mr. Stewart indicated a racist component in the rezoning saying that it disproportionately effects minority and disabled property owners. He stated that before the rezoning on the Northside, the area was thriving with property sales. Afterwards, he said the sales stopped and the value went down. He felt that staff were not recognizing the existing diversity in this area now. Mr. Stewart said his FOIA was denied. He had requested the list of 2000 properties and property owners to give them the demographic data as proof. He said he was referred to a color coded map on the website which does not give that data. Mr. Stewart ended by asking why City staff do not use MLS data.

Mr. Bruce Schuur came forward and gave information about three parcels that were rezoned in 1952 to accommodate a dairy, a restaurant, and a catering service. He said those parcels are now CC. Mr. Schuur felt it caused irreparable harm to the neighborhood. The street was loaded with cars, trucks, semis, and there is now commercial blight on that street. He requested they put the parcels back to residential.

Mr. August Krymis said he read the zoning code on the signs. He asked about the grandfathering of signs. He also wondered if he had a property with a CC designation that was converted to a

medical/dental office, would he lose the CC zoning designation. Mr. Krymis asked when the revisions would be finalized. He added that the presentation font is too small to see from the back of the room.

Ms. Alice Wright talked about people hanging out in front of her house. She then has no place for company to park. Ms. Wright said there used to be a sign that said no parking after 2, no standing. She would like someone to come to her house and talk to her in front of them. Ms. Wright said they end up fighting and shooting. She indicated there was a code book talking about jaywalking/loitering and she requested someone find that book for her.

Ms. Barbara Fields stated that she lives in a new home built on Church Street. She was told she couldn't have a back screen door due to zoning. She wanted to know why.

Mr. David Nesius, President of the Oakwood Neighborhood Association, brought up the property at 2130 Parkview Ave. He said it is owned and maintained by the Neighborhood Association and is for private use by all Oakwood Neighborhood property owners. Mr. Nesius said the zoning was currently split between commercial and RS-5. After some discussions, City Planners decided it could be rezoned RM-15 instead of commercial. Mr. Nesius said that much of the area surrounding this property is RS-5 and they would like that to be the zoning designation for this parcel.

Ms. Tina McClinton thought the zoning they were doing would only benefit developers. She said they don't listen to residents of Kalamazoo, especially in poor neighborhoods. Ms. McClinton said she has been trying to save their neighborhood green space for seven years. The new zoning on their last green space was going to let an apartment complex be built in a flood plain. She shared that only one day of rain will flood them for four days.

Call-in Comments:

Ms. Karen Larsen read a passage from the Community Sustainability Plan. She indicated that they shouldn't weaken the NFP, and there should be greater protection for green areas. Ms. Larsen said that none of the public green areas should be zoned residential. She thought it was time to have a green zone. Ms. Larsen asked them to refrain from lessening the language of the NFP.

Commissioner Milliken closed the public comment portion of the public hearing.

Commissioner Milliken asked for more information about the rezoning of Conant Street. Planner Anderson explained that Conant Street is a residential street in size and for the vast majority of uses. The three properties Mr. Schuur spoke of are zoned CC. They are proposing to return those properties to residential.

Planner Anderson answered questions voiced by Mr. Krymis. If a sign exists today, they are allowed to exist. There are provisions in the code regarding changes made that would trigger compliance. If a district goes away, the standards associated with it will go away. However, anything created under previous standards continues to exist in perpetuity unless changes are made to drastically increase the size

or intensity of the use. As far as timeline of when the changes would take effect, Planning Commission makes a recommendation to City Commission. The City Commission has a first reading, then a public hearing and action. Planner Anderson thought it could be October or November before it went to City Commission.

Planner Anderson said there was discussion about properties at Stockbridge and Lake. She said those properties at Lake, Stadium, and John Street are a mix of manufacturing and commercial right now. John Street use is residential and is proposed to return to residential zoning. Many of the properties on Lake Street will be put back to residential as well. Planner Anderson stated that the development project referenced has nothing to do with the rezoning. It is a project that has been in the pipeline for a while and is in site plan, the final step in the development process. It is being developed under current zoning standards.

Planner Anderson brought up the property on Parkview and Oakland. She said it was currently split-zoned CN-1 along Oakland and Parkview and RS-5 in the back along the Woods Lake. The area is designated as Commercial Node in the Future Land Use Plan in the Master Plan. Planner Anderson said they don't do the split zoning they used to do in 2005. After conversations with residents in Oakwood, they proposed to make the property RM-15. She said that was chosen because that is what adjacent frontage is as opposed to what exists behind. RM-15 allows single-family homes, multi-family, and parks. She said that was the rationale why RM-15 was chosen instead of RS-5 which exists at the back of the lot.

Commissioner Milliken asked to make sure someone from Public Safety goes to speak with Ms. Wright.

Commissioner Dascenzo asked about the anticipated effective date of the regulations if they are approved. Planner Anderson stated that ordinances take effect 10 days after they are approved. Commissioner Milliken thought it was 30 days for rezoning, but Planner Anderson thought that 30 days was for appeals.

Commissioner Harrison asked if all parks were zoned residential and if a neighborhood community could attach an NFP Overlay to property. Planner Anderson believed that nearly all parks were zoned residential. She added that the vast majority of the City is zoned single-family residential. It wouldn't be unexpected to have schools and parks zoned as the property around it is zoned. Planner Anderson said that the NFP Overlay can be mapped on a parcel if it has existing natural features. The intention of the Overlay is to provide protection around those features.

Commissioner Pittelko, seconded by Commissioner Burgess, moved to recommend to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map.

Commissioner Pittelko said he appreciated staff efforts in regard to public outreach, meetings, and revisions. He noted that public input was incorporated into the drafts regarding auto related uses. Commissioner Pittelko thought staff did a good job of bringing changes forward slowly and deliberately to give people time to voice concerns.

Commissioner Curtiss said that the response from the community gave him further confidence in the rezoning and the ordinance itself. He knew the ordinance had been evaluated by those who would be living with it on a daily basis.

Commissioner Burgess added that it was clear that the proposed zoning changes were consistent with the Master Plan.

Commissioner Dascenzo appreciated the work of the Board. She liked the way the presentations and information would go back to the Strategic Plan and the criteria. Where there were gaps in knowledge, those gaps were filled with outside expertise. Commissioner Dascenzo thought that all went into making a really good document.

Commissioner Curtiss noted that some of the concerns they heard border on the extent of the power of the Planning Commission and the zoning code to protect the environment. There are extents where a zoning code can and should address environmental safety, but being a developmental code, the power of canon should be limited in some of those situations. He thought they should make sure that they are staying within the limit of their powers as a board and the zoning code as a ruling document.

Commissioner Milliken agreed that zoning was there to regulate development and not prohibit development. He thanked staff for listening, organizing, and managing the process. Most communities would hire a consultant to do that at great expense. Commissioner Milliken thanked the other commissioners. This is not easy work, but this is the real work of the Planning Commission. He also thanked the community for being engaged. He felt the engagement was critical to get a refined product. Commissioner Milliken admitted that the product is not what everyone wants, and is not perfect for every person, but that is an impossible goal. He was proud of the process, proud of the work, and proud of the final product. Commissioner Milliken indicated he was confident in the process and noted that staff did what they said they would do as far as engagement and incorporating feedback into the drafts. He stated that the amendments were consistent with Imagine Kalamazoo which served as a framework and catalyst for the amendments. Commissioner Milliken said it met the standards for approval. He welcomed the City Commission to contact them if they had any questions.

A roll call vote was taken, and the motion passed unanimously.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report

2. Site Plan Reports

H. PUBLIC COMMENTS:

Ms. Tina McClinton came forward and asked why she got a postcard in the mail when they were not rezoning her area. She also wondered why they would destroy a natural green space to create a green space on a parking lot at the old DHS building.

Ms. Judy Huxmann stated that she really liked her sidewalks. She feels she can safely walk on those at night. It had uplifted the quality of the neighborhood, and people were enjoying them.

Mr. Tom Howes said he read through the zoning districts, and it didn't specifically say that residential included parks. He spoke about keeping green spaces on the radar for future zoning code changes. Mr. Howes hoped the examples he provided at previous meetings could guide future conversations. He also spoke about the stench and toxicity from GPI and the Water Treatment Plant. He asked staff to think about wind patterns and not only geographic proximity when it comes to GPI. Mr. Howes felt that ongoing issues could be addressed in the manufacturing district talks.

No call-in comments.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel welcomed Commissioner Curtiss to the Planning Commission. He noted that the commercial zoning was a culmination of a year's efforts. Commissioner Praedel thanked everyone for their work. He spoke about a survey that was done for how to use the Covid ARPA dollars. One of the major priorities was housing. Commissioner Praedel reviewed what the City Commission had approved in the past month related to housing. He noted that the View from the Curb was out and shared some of the contents. Commissioner Praedel encouraged people to slow down and watch out for young people now that school was back in session.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken said that passing the commercial zoning revisions that night was a big deal. He congratulated everyone and thanked them for their hard work.

Planner Anderson reminded the Planning Commissioners that they had to reschedule the October meeting for Monday, October 9. Staff would be in training on the usual Planning Commission meeting day, so they were not available that day. She said it was already posted online and applicants were aware of the change in deadline. Planner Anderson clarified that the City was open on October 9 – Indigenous People's Day.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:37 pm.



Planning Commission Staff Report

Date: **10/9/2023**

Item: **E.1.**

City of Kalamazoo

TO: City of Kalamazoo Planning Commission

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Bobby Durkee, AICP, Assistant City Planner

DATE: October 9, 2023

SUBJECT: PC #2023.06: Vacate Cooley Street. Vacation of Cooley Street between Eleanor Street & W. Kalamazoo Ave.

BACKGROUND:

This segment of Cooley Street under consideration for vacation (abandoning) is a one-block-long north/ south street between Kalamazoo Ave. and Eleanor St. in the northwest corner of Downtown. CD Arena, LLC is seeking to vacate this one block of Cooley Street to assemble land for a proposed arena. CD, Arena, LLC owns the land on both sides of this street. The segments of Cooley Street north and south of this segment have been previously vacated in 2018 (North of Kalamazoo Ave) and to the south in 2022 (South of Eleanor St). If this segment is vacated, the land would be combined with adjacent properties to assemble land for a Downtown arena within the blocks bounded by N Park Street on the east, W Kalamazoo Avenue on the north, N Westnedge Avenue on the west, and on W Water Street on the south.

According to the City of Kalamazoo Street Design Manual, this segment of Cooley Street is a local neighborhood street. The uses adjacent to this segment of Cooley are parking lots and a staging area for the Courthouse building materials for the nearby construction. There is little traffic on this stretch and there will not be impacts on traffic patterns through the removal of this segment of road. This consideration from the City Traffic Engineer has also been made with the current plans to convert the downtown streets to two-way in the years ahead. Public water, stormwater, and sanitary lines run underneath this stretch of right-of-way; CD Arena is working with the City on plans to remove and/or relocate these utilities in order to prepare the sites for arena construction. Beyond the public infrastructure, there are private gas, electric, and telephone lines within the right-of-way.

Consumers Energy (Gas) has provided their support of the request and CD Arena, LLC has provided letters with information and the ability to respond to the request to Charter Communications, AT & T, and Consumers Energy (Electric). Copies of this letter are within this staff report. Since the utilities will most likely not be removed and out of service before a quit-claim deed for the land area is provided, the City requests that there be an easement the full width sixty-six (66) feet of the right-of-way. It is understood, that once utility lines are out of

service and relocated, these easements would then be terminated by the property owner ahead of future building construction. The City Assessor will determine the land's fair market value, which would be the fee at the time of taking title.

This street vacation, with the Eleanor Street request, is the first step in a process of creating a single parcel to accommodate the arena development. The request to vacate would advance with the recommendation from the Planning Commission to the City Commission for a final consideration and vote.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion: The process to vacate right-of way-applies to any portion of right of way within the City limits. The Public Participation Policy does not require additional outreach by an applicant if the request to vacate will not change traffic patterns. There is very little traffic in these streets. It was determined, based on current and planned two-way conversion changes the request to vacate this remaining portion of Cooley and Eleanor Street would not change traffic patterns, according to the City Traffic Engineer.

A public notice letter was sent to properties within 300 feet of the street land area and a notice was published in the September 24th Kalamazoo Gazette. In addition, letters were mailed to private utilities that have infrastructure within the right-of-way.

Engagement/Communication Tools

A public notice letter was mailed out on September 20th to properties within 300 feet of the street land area and a notice was published in the September 24th Kalamazoo Gazette. In addition, letters were mailed to private utilities that have infrastructure in the right-of-way on September 20th.

FINDINGS:

The City of Kalamazoo Street Vacation Policy outlines the following minimum criteria required to request a street vacation:

A The right-of-way is unimproved.

Not applicable, the right-of-way in this location is improved as a street.

B. The right-of-way is improved but is not publicly used or sees limited use by the public and, if there is limited use by the public, a parallel route in close proximity exists.

The first streets to the east and west of Cooley are major north-south corridors and with sufficient capacity to accommodate traffic. This segment of Cooley Street is one block in length. Closing off this portion will not impede traffic or restrict access along the street network. N Park and N Westnedge provide north-south capacity and access to be able to support the north-south thoroughfare after a two-way conversion.

C. Vacation of the right-of-way would not impede the access of any adjacent property owner to their property.

The properties have access to other adjacent streets and the intent of the street vacation is to start the initiative to combine the parcels into one for the planned arena. The parking lot at 411 W Kalamazoo Ave. has a purchase agreement with CD Arena, LLC which stipulates that the parking shall be maintained, with access using the existing entry points until such time, replacement parking is obtained. A copy of the agreement has been provided to the City of Kalamazoo. The applicant has said they can include surface access to the lot within the easement language with the utilities to address access until development is underway.

D. All adjacent property owners to the ROW must indicate their support of the vacation request in writing.

CD Arena, LLC owns all of the adjacent properties adjacent to the Cooley Street right-of-way.

E. Vacation will not impede the City in meeting its transportation goals.

The current and future transportation goals for the City will not be impeded. The streets proposed for vacation in the block proposed for the arena have alternative routes with sufficient capacity. This consideration includes the goals related to the two-way conversion which will be occurring in the upcoming years in the vicinity of this street vacation.

F. Vacation will not impact existing and planned utilities in right-of-way.

The developers' tentative utility relocation plan is feasible and they will develop the final utility relocation plan in coordination with City of Kalamazoo staff ahead of permitting. The relocation and impacts are working to coordinate so that the underground work is completed ahead of any final two-way conversion work.

G. Vacation will not impede the work of the Kalamazoo Department of Public Safety or Public Services Department.

The street closure request has been evaluated by the Department of Public Safety and the street closures will not impede their ability to do the work.

Fiscal Impact:

The City Assessor has determined a range of assessed values. The difference in range is based on if CD Arena, LLC takes title with the utilities and easements in place, it's the lower value; whereas if the City were to remove everything at its expense prior to closing, then it would be the higher value.

Cooley Street portion

Value with easements and utilities in place \$86,000

Value without easements, utilities removed prior to vacation - \$574,000

Eleanor Street portion

Value with easements and utilities in place \$201,000

Value without easements, utilities removed prior to vacation - \$1,340,000

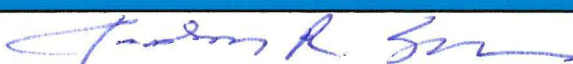
RECOMMENDATION:

It is recommended the Planning Commission provide a favorable recommendation to the City Commission for the street vacation with the condition that easements for public and private utilities be provided and that they include surface access to be maintained to other public rights-of-way to the County staff parking lot at 411 W Kalamazoo Ave.



09-11-2023

PLANNING COMMISSION APPLICATION
(Cooley Street)

APPLICANT INFORMATION			
Name: CD Arena, LLC, c/o Jordan Schau		Mailing Address: 350 E. Michigan Suite 500	
City: Kalamazoo		State: MI	ZIP Code: 49007
Phone: 269-382-5300	Email: Jordan@kzoolawfirm.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY OWNER INFORMATION			
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>			
Name: N/A		Mailing Address:	
City:		State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): 415 Eleanor; 452 Eleanor; 455 Eleanor; 235 Cooley; 411 & 431 W. Kalamazoo Ave.			
Parcel Identification Number(s): See Attached		Zone District (kalamazoocity.org/maps):	
TYPE OF REQUEST			
☐ Rezoning		☐ Planned Unit Development (PUD)	
☐ Text Amendment (Chapter(s) _____, Section(s) _____)		☐ Preliminary Subdivision	
☐ Special Use Permit		☒ Right of Way Vacation	
Description: CD Arena, LLC requests that Cooley Street from Eleanor Street on the south to Kalamazoo Avenue on the north be vacated.			
ATTACHMENTS			
☐ \$ _____ Fee		☐ Completed Review Sheet	
☐ Other documents or engagement information <i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant: 		Date: 9/1/23	
Signature of Owner (if different than applicant):		Date:	

PLANNING COMMISSION

VACATING OF A PUBLIC RIGHT OF WAY REVIEW SHEET

Please reach out to staff if you have any questions.

Location of request for public right of way to be vacated: (may also provide on a separate sheet):

CD Arena, LLC requests that Eleanor Street between Park Street on the east and N. Westnedge Ave. on the west be vacated, and that Cooley Street from Eleanor Street on the south to Kalamazoo Avenue on the north be vacated. In addition, we are requesting that the alley in Block 1 between Cooley and Westnedge be vacated.

Reasons for the request:

The purpose of the requested vacation is to create a single parcel for the construction of the proposed event center.

Provide a text description which includes the length and width of the right of way in linear feet (include map):

See attachment

Please list property owners who have property directly next to the right of way (please include letters of support or petition of support from property owners):

CD Arena is the only property owner that owns property adjacent to the sections of Eleanor St. and Cooley St. that are subject to this request to vacate. Note: CD Arena, LLC currently has 440 W. Water Street under contract and expected to close on its purchase within 90 days. Title work indicates that the DDA holds title to the Arcadia Creek channel, although title to a portion of the former alley is also held by CD Arena.

Please identify any properties that have ingress/egress easements which may be connected to this right of way (or provide map):

The only properties that require the subject sections of Eleanor Street or Cooley Street for access are those parcels owned by CD Arena, LLC. All other properties in the area have access via alternative routes, including but not limited to Water Street, Park Street, and N. Westnedge Ave.

Please include letter(s) of support from any easement holders within the right-of-way to be vacated, including easements for City utilities, electric, gas, and fiber. List entities you will obtain letters of support from here:

AT&T – Utilities in Eleanor and Cooley

Charter Communications – Utilities in Eleanor

City of Kalamazoo – Utilities in Eleanor, Cooley

Consumers Energy - Utilities in Eleanor and Cooley

Estimate of the fair market value for the land from the City Assessor?

TBD

Please provide description of how the vacated ROW will be split and paid for by adjacent property owners (if applicable).

The entirety of the vacated Eleanor Street and Cooley Street ROWs will be transferred to and paid for by CD Arena, LLC. The portion of the alley within CD Arena's property boundary will be transferred to and paid for by CD Arena, LLC. The disposition of the portion of the alley that is in the Arcadia Creek channel is to be determined.

If the proposed vacation is for an improved right-of-way that has at least some public use beyond those requesting the vacation, the applicant(s) are required to use the City's Public Participation Plan for required outreach and engagement before the request is reviewed by the Planning Commission. Please describe elements of public outreach (if applicable).

N/A. Advised by City Staff that City Traffic Engineer concluded that requested street vacations would not result in change in traffic patterns.

Property Information

Tax Parcel Numbers

Address of Parcel:

Tax Parcel Number

411 W. Kalamazoo Ave.

06-15-311-002

431 W. Kalamazoo Ave.

06-15-310-103

NOTES PERTAINING TO BOUNDARY SURVEY

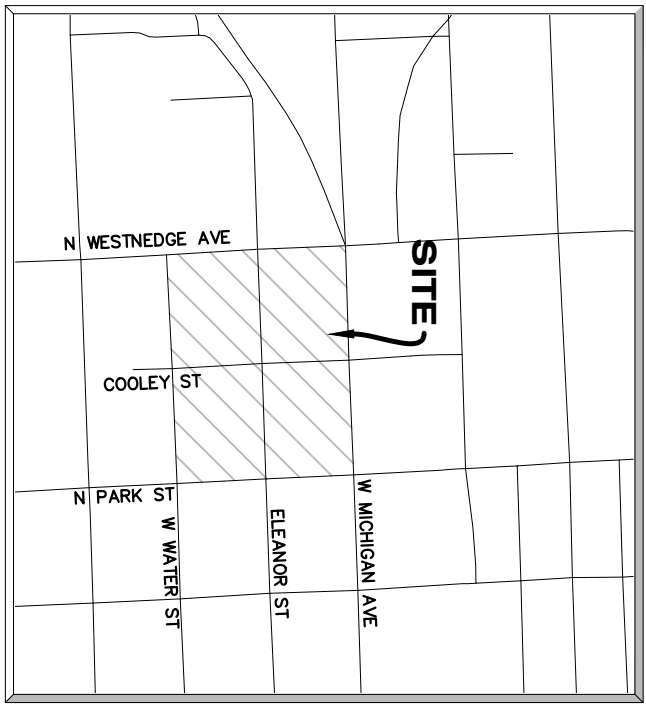
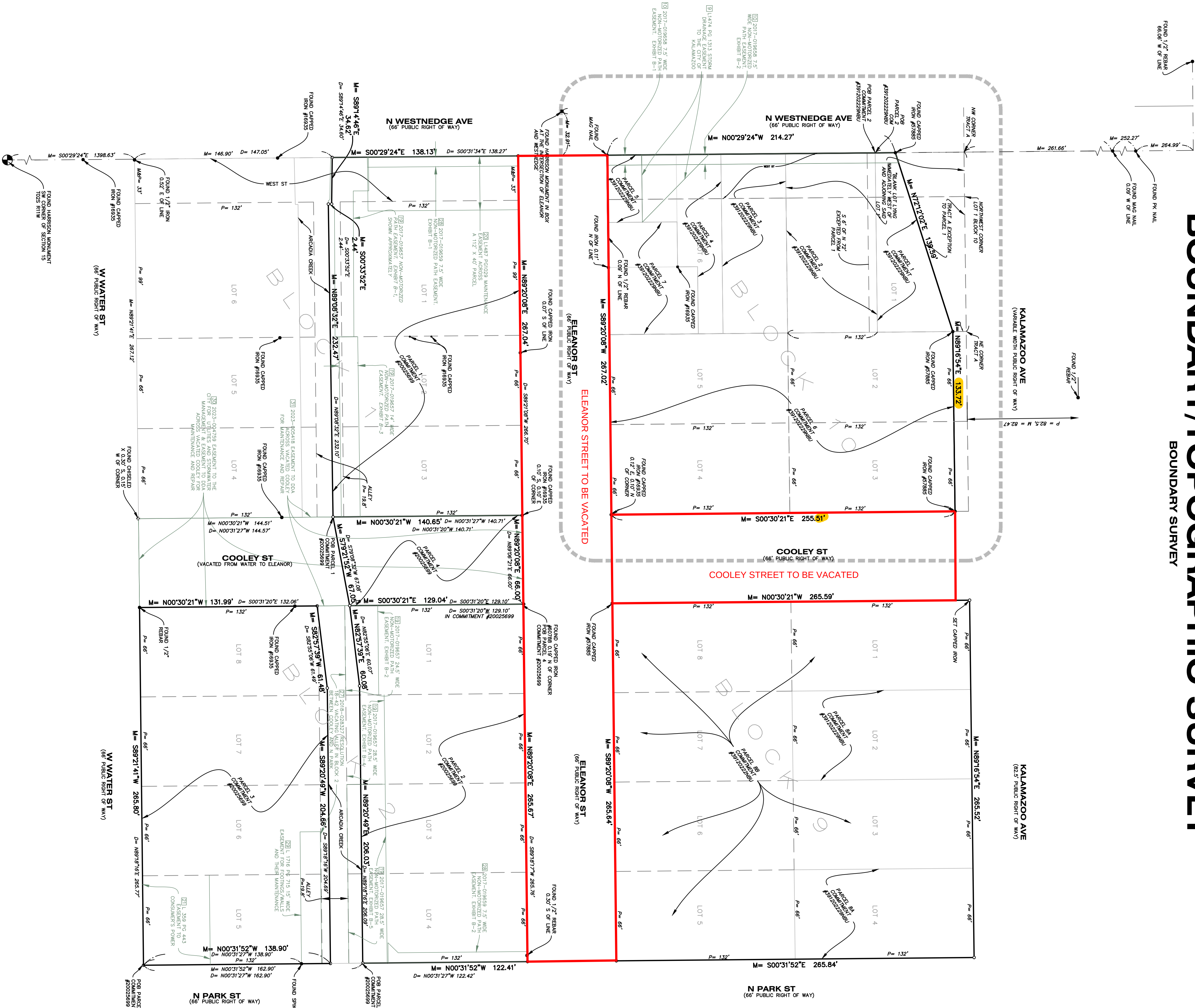
1. DOC #202-04-02227 IS CITY RESOLUTION 18-2 WHICH VACATES THE ALLEY IN BLOCK 1, LOT 1, COOLEY STREET, AND THE ALLEY IN BLOCK 1, LOT 2, COOLEY STREET. NO DOCUMENTATION HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS ALLEY IS UNCLEAR.
2. DOC #2023-004729 IS CITY RESOLUTION 22-57 WHICH VACATES COOLEY STREET BETWEEN W. WATER AND ELEANOR STREET. NO DOCUMENTATION HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS PORTION OF COOLEY STREET IS UNCLEAR.
3. NO DOCUMENTATION VACATING THE ALLEY IN BLOCK 1 BETWEEN WEST AND COOLEY STREET HAS BEEN PROVIDED. TITLE TO THIS ALLEY IS UNCLEAR.
4. NO DOCUMENTATION VACATING WEST STREET BETWEEN KALAMAZOO AVENUE AND 15 UNCLER.
5. WEST LINE OF PARCEL 2, COMMENT #20025699 IS DESCRIBED AS S00°31'20"W, S00°31'20"E. THE DESCRIPTION WOULD CLOSE.
6. PARCEL 1 COMMENT #3912022298BU CONTAINS 0.11 ACRES (4,731 SFT)
- PARCEL 2 COMMENT #3912022298BU CONTAINS 0.20 ACRES (8,684 SFT)
- PARCEL 3 COMMENT #3912022298BU CONTAINS 0.10 ACRES (4,362 SFT)
- PARCEL 4 COMMENT #3912022298BU CONTAINS 0.11 ACRES (4,971 SFT)
- PARCEL 5 COMMENT #3912022298BU CONTAINS 0.03 ACRES (1,287 SFT)
- PARCEL 6 COMMENT #3912022298BU CONTAINS 0.78 ACRES (34,188 SFT)
- PARCEL 7 COMMENT #3912022298BU CONTAINS 0.71 ACRES (31,233 SFT)
- PARCEL 8A COMMENT #3912022298BU CONTAINS 0.14 ACRES (6,125 SFT)
- PARCEL 8B COMMENT #3912022298BU CONTAINS 1.22 ACRES (52,926 SFT)
- PARCEL 1 COMMENT #20025699 CONTAINS 0.86 ACRES (37,573 SFT)
- PARCEL 1 COMMENT #20025699 CONTAINS 0.75 ACRES (32,716 SFT)
- PARCEL 2 COMMENT #20025699 CONTAINS 0.21 ACRES (9,097 SFT)
- PARCEL 4 COMMENT #20025699 CONTAINS 0.21 ACRES (9,097 SFT)

LEGEND

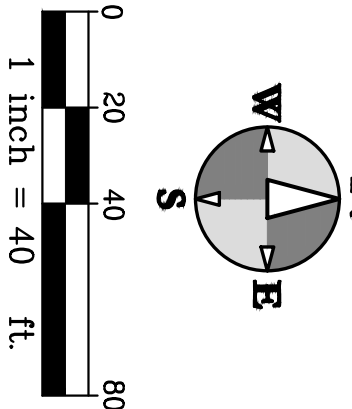
- BM=XXX BENCH MARK
- SET MONUMENT
 - SET CAPPED IRON LUG # 57885
 - SET CHISELED "X"
 - FOUND CHISELED "X"
 - ▲ CP # CONTROL POINT
 - P= FLATTED
 - D= DESCRIBED
 - M= MEASURED
 - R= RECORD
 - C= CALCULATED

BOUNDARY/TOPOGRAPHIC SURVEY

BOUNDARY SURVEY



SECTION 15, TOWN 11W, RANGE 02S,
CITY OF KALAMAZOO, KALAMAZOO COUNTY,
MICHIGAN.
N WESTNEDGE, W MICHIGAN AVE,
N PARK ST, AND W WATER ST



Job No.: 23-056D	P.M.:TAK	Dft: BDE	QA/QC: 08/16/23
ISSUED FOR/REVISIONS:			
#1	BOUNDARY/TOPOGRAPHIC SURVEY	08/09/23	
#2	ADDITIONAL CONTOUR LABELS	08/16/23	

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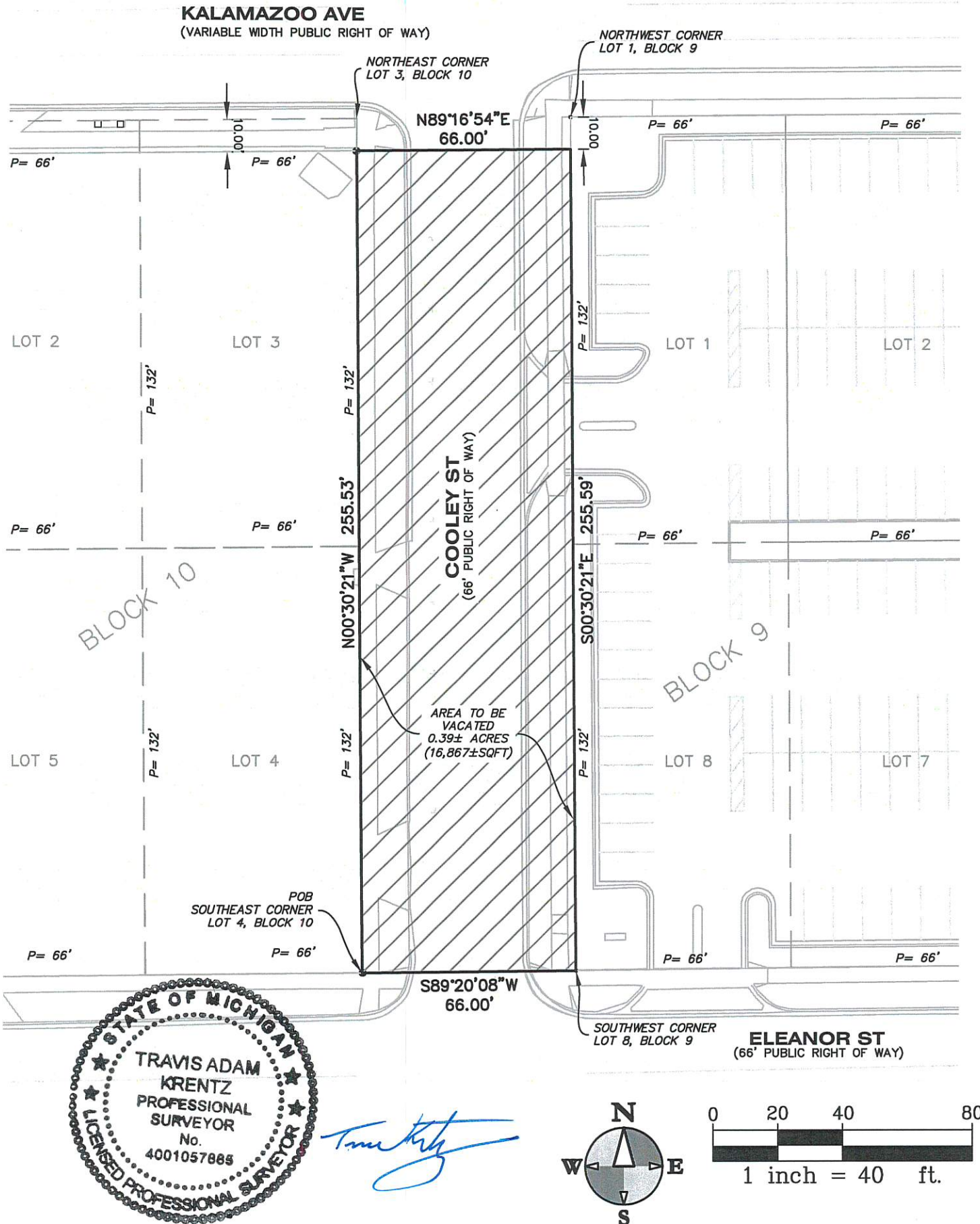
BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

Sheet Title:
Project:
Client:

08/16/23
Sheet
S-7



STREET VACATION EXHIBIT



DESCRIPTION OF COOLEY STREET TO BE VACATED

PART OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 10 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE WEST LINE OF LOTS 4 AND 3, BLOCK 10 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, NORTH 00 DEGREES 30 MINUTES 21 SECONDS WEST 255.53 FEET TO THE SOUTH LINE OF KALAMAZOO AVENUE AND A POINT LYING 10.00 FEET SOUTH OF THE OF THE NORTHEAST CORNER OF LOT 3, BLOCK 10 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE NORTH 89 DEGREES 16 MINUTES 54 SECONDS EAST 66.00 FEET TO THE WEST LINE OF LOT 1, BLOCK 9 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, AND A POINT LYING 10.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 1, BLOCK 9 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE WEST LINE OF LOTS 1 AND 8, BLOCK 9 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, SOUTH 00 DEGREES 30 MINUTES 21 SECONDS EAST 255.59 FEET TO THE NORTH LINE OF ELEANOR STREET AND THE SOUTHWEST CORNER OF LOT 8, BLOCK 9 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE NORTH LINE OF ELEANOR STREET, SOUTH 89 DEGREES 20 MINUTES 08 SECONDS WEST 66.00 FEET TO THE POINT OF BEGINNING.

Drawing No.
1
1 OF 1

Title:
STREET VACATION EXHIBIT
Project:
KALAMAZOO EVENT CENTER
Client:
CD ARENA LLC

Job No.: 23-056D
Date: 08/23/23
Scale: AS NOTED
P.M.: TAK
Dft: BDE
QA/QC: 08/23/23

hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Sample Letter Sent to Utility

September 1, 2023

Kevin Schiele
Consumers Energy
2500 E. Cork Street
Kalamazoo, MI 49001

Re: CD Arena, LLC; Application with City of Kalamazoo to Vacate Portions of Cooley
and Eleanor Streets

Dear Mr. Schiele,

My name is Jordan Schau and I am an attorney with Howell Parfet Schau, PLC in Kalamazoo, Michigan. We are working with CD Arena, LLC on the development of an Event Center/Arena in downtown Kalamazoo. The Event Center/Arena will be located between Park Street on the east, Westnedge Avenue on the west, Kalamazoo Avenue on the north, and Water Street on the south.

In connection with the Project, CD Arena, LLC has filed an application with the City of Kalamazoo seeking the vacation of Eleanor Street between Park Street and Westnedge Avenue, and of Cooley Street between Eleanor Street and W. Kalamazoo Avenue (see attached drawing).

As part of our application to vacate, CD Arena, LLC is required to reach out to any entity that has utility services located within the subject right-of-way and seek its support for our application. As the development of the new Event Center/Arena progresses, CD Arena, LLC will be working closely with the City of Kalamazoo and all utility providers, including Consumers Energy, in connection with the location/relocation of existing and/or new utility easements.

Please feel free to reach out to me with any questions you may have about the Project or CD Arena's application to vacate the stated sections of Cooley Street and Eleanor Street.

Oliver S. Howell Sydney E. Parfet Jordan R. Schau

Accordingly, CD Arena, LLC respectfully asks for Consumers Energy's support of our application to vacate the stated portions of Cooley and Eleanor Streets.

Please indicate your support for our application by signing in the designated space below and returning a copy of this letter to me at 350 E. Michigan Avenue, Suite 500, Kalamazoo, MI 49007. Or you may contact me at (269) 382-5300, or by email at Jordan@Kzoolawfirm.com.

I appreciate your attention to this matter.

Yours Truly,



Jordan R. Schau

Howell Parfet Schau
jordan@kzoolawfirm.com

cc: Enclosure

On behalf of Consumers Energy, I hereby indicate support for CD Arena, LLC's application to vacate the state sections of Cooley Street and Eleanor Street.

Dated: _____, 2023

Print Name: _____



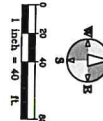
BOUNDARY SURVEY

[illegible]

- FOUND WORKPOINT
- SET CAPTED FROM LOC. # 57825
- FOUND FROM
- SET ORIGINED "X"
- ◇ FOUND ORIGINED "X"
- ADP # CONTROL POINT
- P= PLANTED
- D= DISCOVERED
- M= MEASURED
- R= RECORD
- C= CALCULATED



CITY OF KALAMAZOO, KALAMAZOO COUNTY
MICHIGAN,
N WESTNEDGE, W MICHIGAN AVE,
N PARK ST, AND W WATER ST
N



Job No.: 23-056D P.M.-TAK Dtl: BOE QA/QC: 08/16/23

ISSUED FOR/REVISIONS:

#1 BOUNDARY/TOPOGRAPHIC SURVEY	09/09/23
#2 ADDITIONAL CONTOUR LABELS	08/16/23

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**BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC**

Sheet
S-7

(Between W. Kalamazoo Avenue & Eleanor Street)



Aerial View

Subject
Property

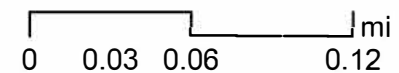
☐ Other Property

2018

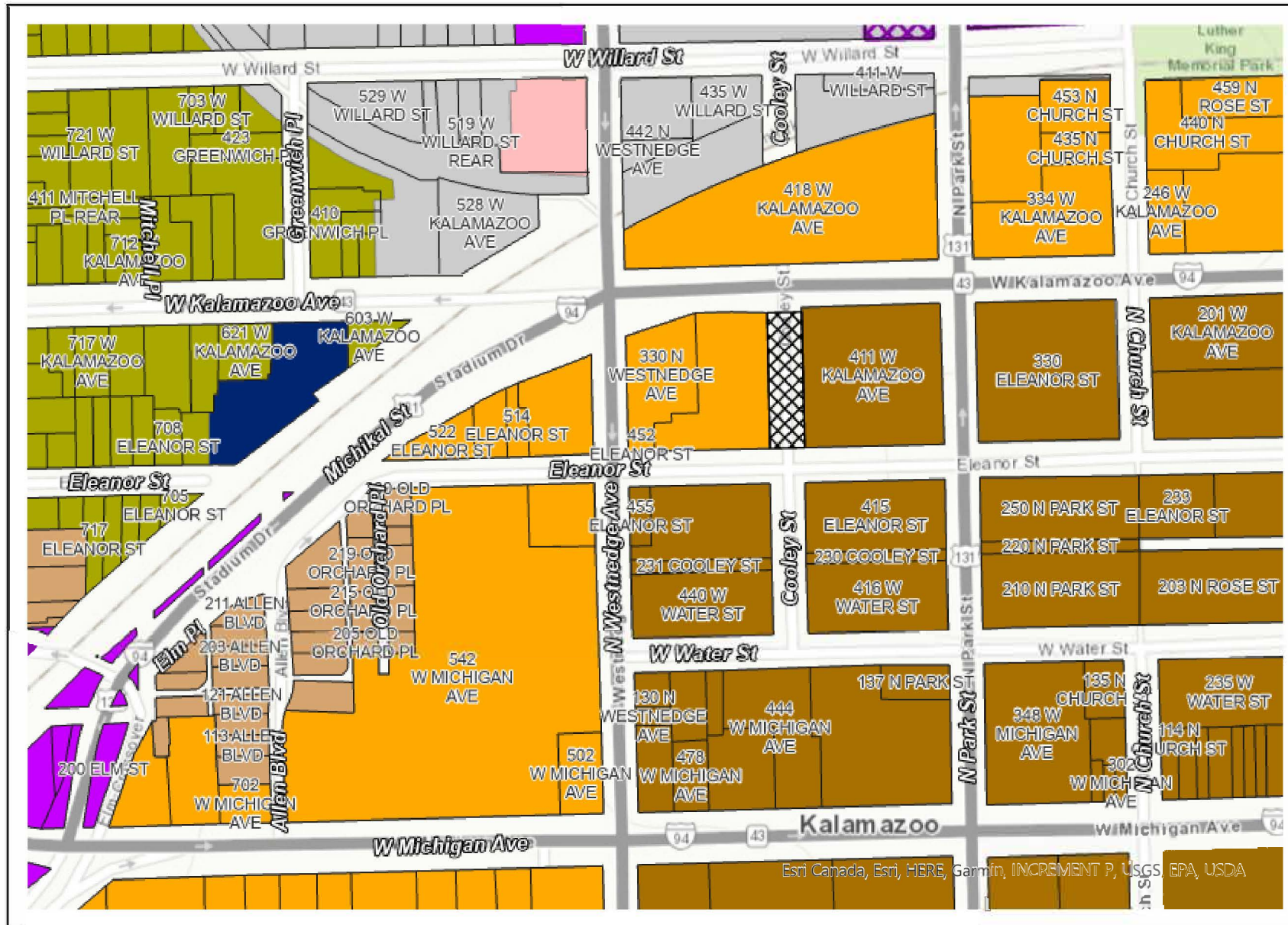
 Red: Band_1

 Green: Band_2

Blue: Band_3



P.C. #2023.06 - Vacation of Cooley Street (Between W. Kalamazoo Avenue & Eleanor Street)



Current Zoning

- Subject Property
- Other Property

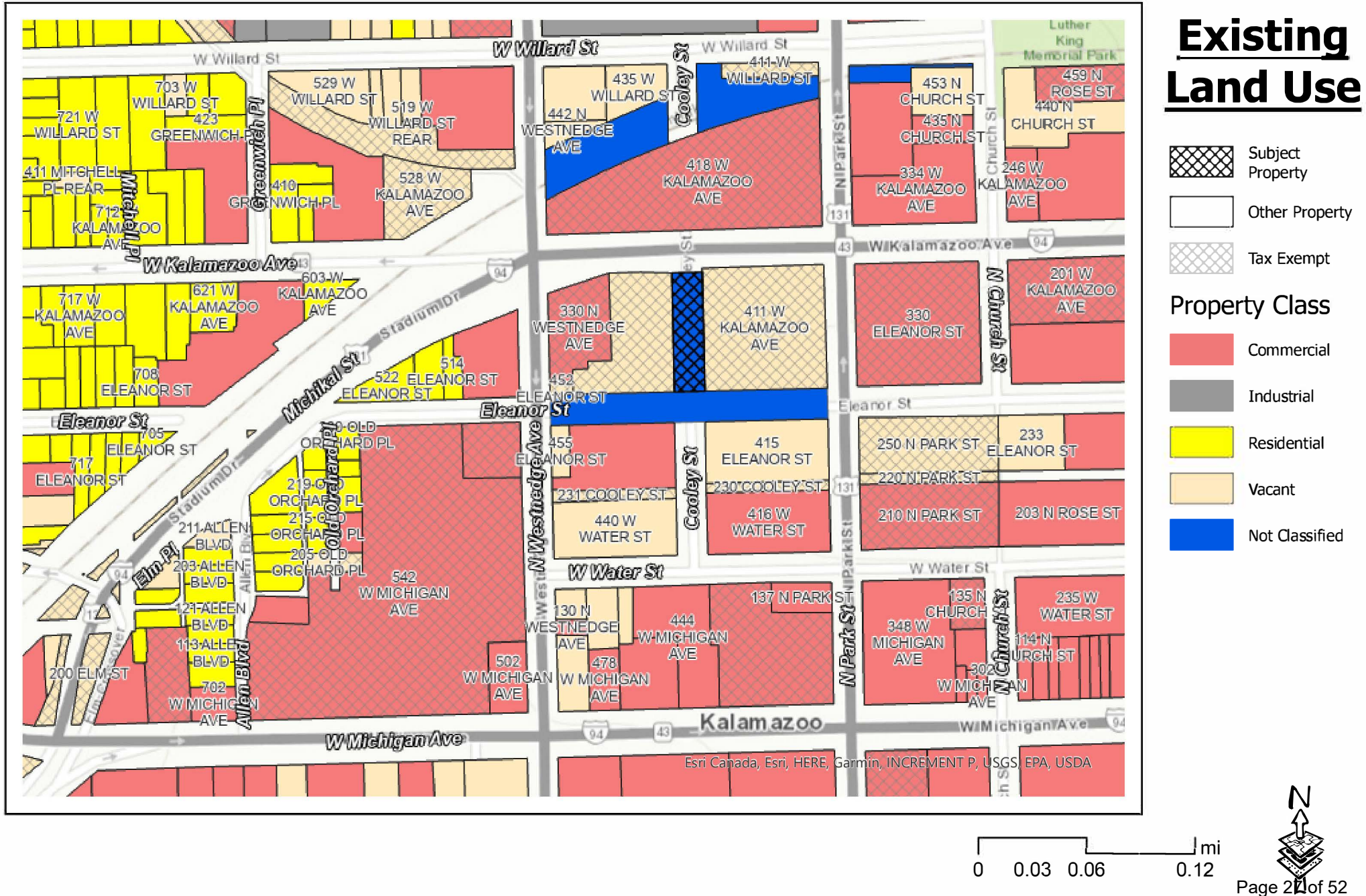
District

- CC
- CMU
- D-2
- D-3
- LW-1
- M-1
- NODE
- RD-19
- RM-15

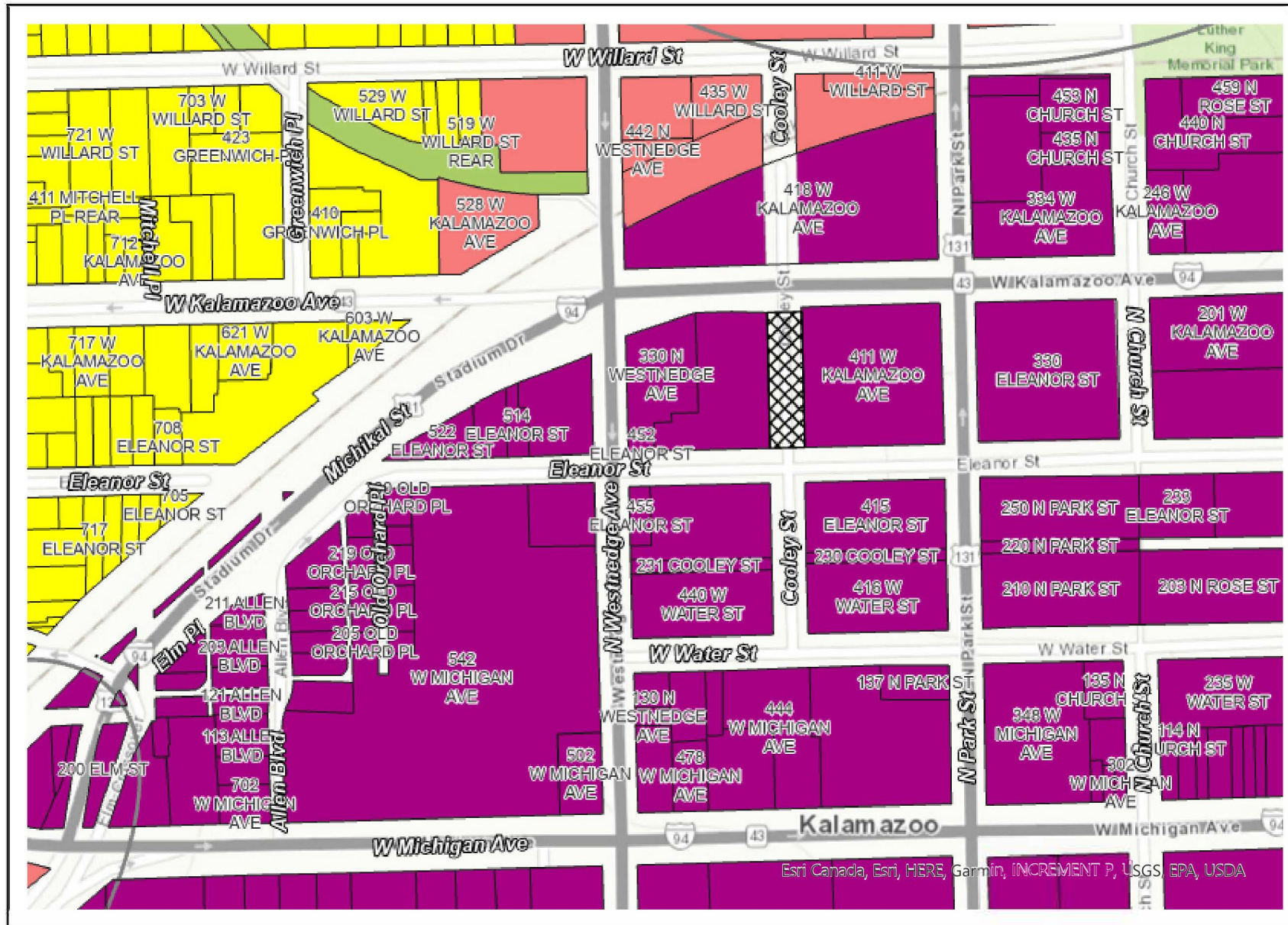
0 0.03 0.06 0.12 mi



P.C. #2023.06 - Vacation of Cooley Street
(Between W. Kalamazoo Avenue & Eleanor Street)



P.C. #2023.06 - Vacation of Cooley Street (Between W. Kalamazoo Avenue & Eleanor Street)



Future Land Use

-  Subject Property
-  Other Property
- Future Land Use**
-  Node
-  Commercial
-  Downtown
-  Open Space/Parks
-  R1-Residential

Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

0 0.03 0.06 0.12 mi



BLOCK 10 TOPOGRAPHIC SURVEY

1. BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83
2. CONTOUR INTERVAL = 1 FOOT
3. UTILITIES SHOWN ARE BASED ON FIELD LOCATION OF SURFACE EVIDENCE AND RECORDS PROVIDED BY OTHERS. UNDEGROUND UTILITY LOCATIONS ARE APPROXIMATE. ADDITIONAL UTILITIES MAY BE ENCOUNTERED. PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL CALL MISS DIG AT 1-800-482-7171.
4. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE LAND DEPICED IN THIS SURVEY LIES IN ZONE AE AND ZONE X. MAP 26077C0187D, EFFECTIVE DATE 02/17/2010.
5. NO WETLANDS ON SITE PER THE NATIONAL WETLANDS INVENTORY. A DELINEATION OF THE WETLANDS BY A QUALIFIED CONSULTANT WAS NOT PERFORMED AT THE TIME OF SURVEY.

[illegible]

CP 4000	N = 291526.39	E = 12792418.18	EL = 783.43
CP 4001	N = 291178.65	E = 12792479.48	EL = 786.62
CP 4002	N = 291189.51	E = 12792763.68	EL = 785.11
CP 4003	N = 291253.76	E = 12793137.16	EL = 782.31
CP 4004	N = 291939.39	E = 12793054.62	EL = 781.68
CP 4005	N = 290936.33	E = 12793080.48	EL = 786.90
CP 4006	N = 291202.28	E = 12793512.71	EL = 781.93
CP 4007	N = 291936.06	E = 12792736.46	EL = 783.06
CP 4008	N = 291883.67	E = 12793494.43	EL = 780.24
CP 4009	N = 291846.26	E = 12792416.11	EL = 784.09
CP 4010	N = 292377.22	E = 12792462.80	EL = 785.32
CP 4011	N = 291698.90	E = 12792121.19	EL = 785.79

ELEVATIONS OF THIS SURVEY ARE BASED ON NAVD 88
AS DERIVED FROM GPS

BM 1 EL = 782.96'
SPIKE ON SW SIDE OF UTILITY POLE ON THE SOUTHWEST
CORNER OF THE W KALAMAZOO AVE AND COOLEY ST
INTERSECTION.

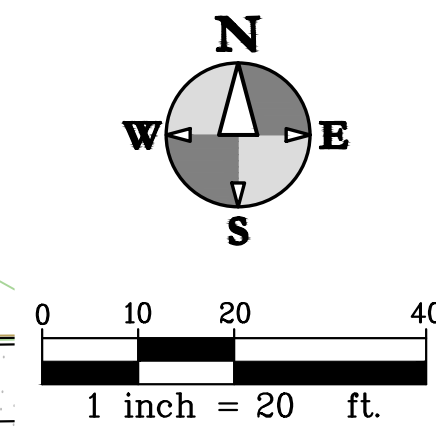
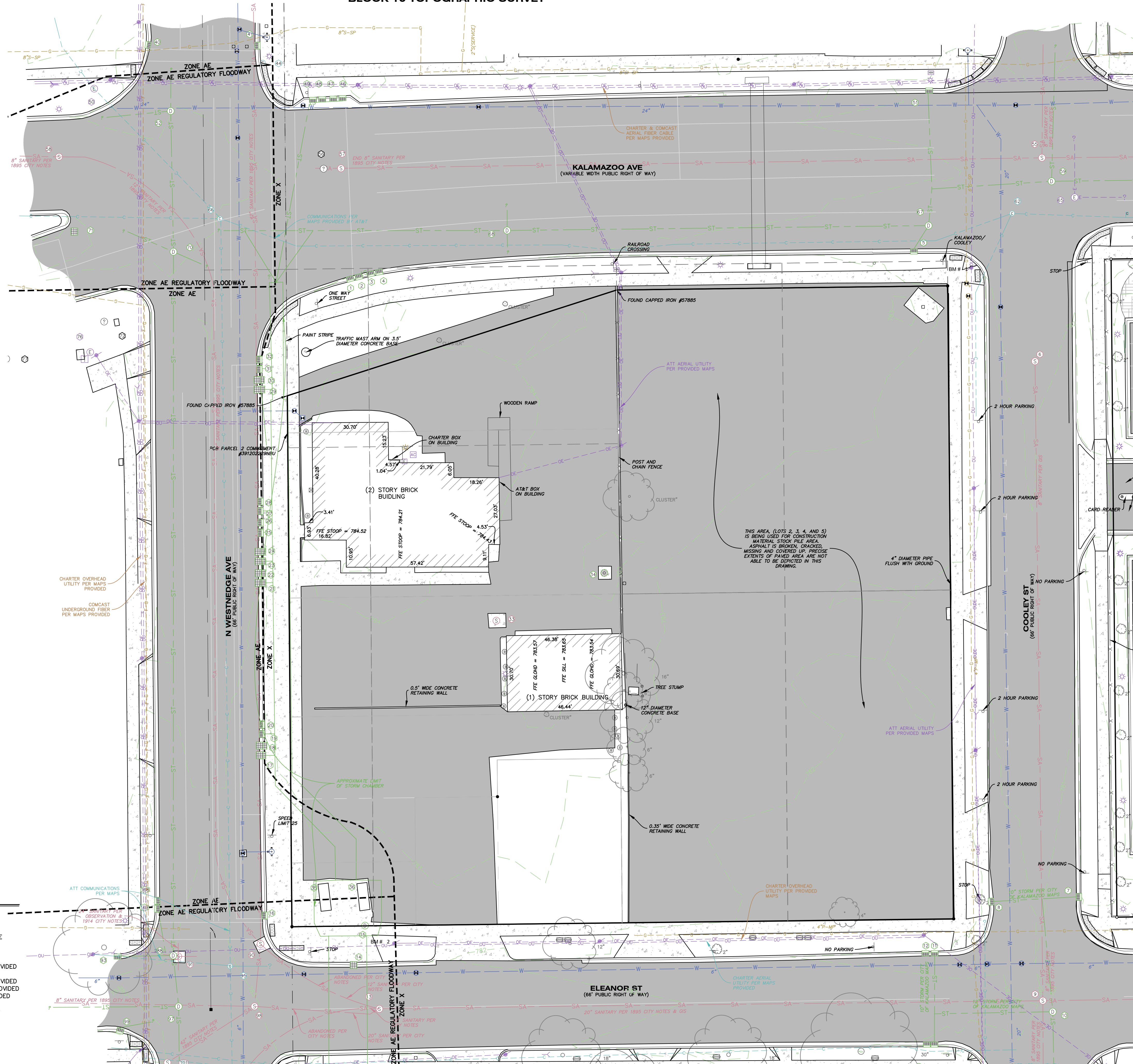
BM 2 EL = 783.36'
SPIKE ON NORTH SIDE OF UTILITY POLE ON THE NORTHEAST
CORNER OF THE N WESTNEDGE AVE AND ELEANOR ST
INTERSECTION.

BM 3 EL = 783.68'
RAILROAD SPIKE IN EAST FACE OF UTILITY POLE ON THE
SOUTHWEST CORNER OF THE N WESTNEDGE AVE AND
ELEANOR ST INTERSECTION.

BM 4 EL = 781.71'
CUT BOX IN NORTHEAST CORNER OF LIGHT POLE BASE AT
THE SOUTHEAST CORNER OF THE COOLEY ST AND ARCADIA
CREEK INTERSECTION.

BM 5 EL = 784.99'
SPIKE IN NORTHEAST FACE OF UTILITY POLE AT THE
SOUTHEAST CORNER OF THE W WATER ST AND N PARK ST
INTERSECTION.

* AT&T TELEPHONE - PHILIP BARDOZ 269-384-4476 - 04/20/22 - MAPS PROVIDED
 CHARTER COMMUNICATIONS CABLE TV - 800-778-9140 - 04/19/22 - MAPS PROVIDED
 CHARTER COMMUNICATIONS FIBER OPTICS - 800-778-9140 - 04/19/22 - MAPS PROVIDED
 CLIMAX TELEPHONE (CTS COMMUNICATIONS) FIBEROPTICS - 616-455-9840 - 05/09/22 - NO RESPONSE
 COMCAST CABLE TV - 855-962-8525 - 04/26/22 - MAPS PROVIDED
 COMCAST FIBEROPTICS - 855-962-8525 - 04/26/22 - MAPS PROVIDED
 CONSUMERS ENERGY ELECTRIC AND GAS - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
 CONSUMERS ENERGY ELECTRIC SUB METRO - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
 CONSUMERS ENERGY GAS - CONSUMERS ENERGY SIMS WEBSITE - 05/09/22 - MAPS PROVIDED
 KALAMAZOO CITY DPS POTABLE WATER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
 KALAMAZOO CITY DPS SANITARY SEWER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
 KALAMAZOO CITY DPS WASTEWATER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
 KALAMAZOO CITY DPS TRAFFIC - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
 ZAYOIM ZAYO BANDWIDTH MIDWEST, LLC FIBER OPTICS - 406-496-6510 - 04/13/22 - MAPS PROVIDED



**BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC**

Sheet Title:
Project:
Client:

08/09/23
Sheet
S-2

hurley & stewart, llc
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kalamazoo, michigan 49009
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www.hurleystewart.com



Job No.: 23-056D P.M.: TAK Dtd: BDE QA/QC: 08/09/23

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BLOCK 9 TOPOGRAPHIC SURVEY

1. BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83
2. CONTOUR INTERVAL = 1 FOOT
3. UTILITIES SHOWN ARE BASED ON FIELD LOCATION OF SURFACE EVIDENCE AND RECORDS PROVIDED BY OTHERS. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. ADDITIONAL UTILITIES MAY BE ENCOUNTERED PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL CALL MISS DIG AT 1-800-482-7171.
4. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE LAND DEPICTED IN THIS SURVEY LIES IN ZONE AE AND ZONE X. MAP 26077001870, EFFECTIVE DATE 02/17/2010.
5. NO WETLANDS ON SITE PER THE NATIONAL WETLANDS INVENTORY. A DELINEATION OF THE WETLANDS BY A QUALIFIED CONSULTANT WAS NOT PERFORMED AT THE TIME OF SURVEY.

BENCH MARK

- SET MONUMENT
- FOUND MONUMENT
- SET CAPPED IRON LIC. # 57885
- FOUND IRON
- SET CHISELED "X"
- FOUND CHISELED "X"

▲ CP # CONTROL POINT

- P= PLATTED
- D= DESCRIBED
- M= MEASURED
- R= RECORD
- C= CALCULATED

CURB CATCH BASIN

- SQUARE CATCH BASIN
- ROUND CATCH BASIN
- STORM MANHOLE

DOWN SPOUT

- YARD DRAIN
- FLARED END SECTION
- SANITARY MANHOLE
- SANITARY CLEANOUT
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER VALVE
- WATER METER
- WELL HEAD
- SPRINKLER CONTROL VALVE
- SPRINKLER HEAD
- MONITOR WELL
- POST INDICATOR VALVE
- SPIGOT
- TRANSFORMER
- YARD LIGHT
- HAND HOLE (ELECTRIC)
- LIGHT POLE (UTILITY, GUY, POWER) POLE
- GUY WIRE
- ELECTRIC METER
- ELECTRIC MANHOLE
- AIR CONDITIONER
- GAS METER
- GAS VALVE
- TELEPHONE MANHOLE
- COMMUNICATION MANHOLE

LEGEND

- RISER
- ★ PIPE MARKER COMMUNICATIONS
- ★ PIPE MARKER FIBEROPTICS
- ★ PIPE MARKER ELECTRIC
- ★ PIPE MARKER GAS
- SIGN
- MAILBOX
- PARKING METER (SINGLE/DOUBLE)
- POST
- SOIL BORING
- FLAG
- BOLLARD

CONTOUR HIGHLIGHTED

- 720 CONTOUR NORMAL
- 719 CONTOUR NORMAL
- 0E POWER LINE
- 0E OVERHEAD UTILITY
- F COMMUNICATION
- F-UE ELECTRIC
- F- FIBEROPTIC
- F- GAS
- F- SA SANITARY SEWER
- F- ST STORMWATER
- F- TELEPHONE
- F- W WATER
- W WETLAND MARKER
- PK UNKNOWN
- TREE LINE
- FENCE
- GUARD RAIL

DECIDUOUS TREE

CONIFEROUS TREE

BUSH

PAVEMENT

CONCRETE SURFACE

DETECTABLE WARNING

GRAVEL

LANDSCAPING

PAVERS

FEMA FLOODPLANE

TYPE OF CLASSIFICATION

CP 4000	N	=	291526.39	E	=	12792418.18	EL	=	783.43
CP 4001	N	=	291178.65	E	=	12792479.48	EL	=	786.62
CP 4002	N	=	291189.51	E	=	12792763.68	EL	=	785.11
CP 4003	N	=	291253.76	E	=	12793137.16	EL	=	782.31
CP 4004	N	=	291939.39	E	=	12793305.62	EL	=	781.68
CP 4005	N	=	290936.33	E	=	12793080.48	EL	=	786.90
CP 4006	N	=	291202.28	E	=	12793512.71	EL	=	781.93
CP 4007	N	=	291936.06	E	=	1279237.46	EL	=	783.06
CP 4008	N	=	291883.67	E	=	12793494.43	EL	=	780.24
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CP 4010	N	=	292377.22	E	=	12792462.80	EL	=	785.32
CP 4011	N	=	291698.90	E	=	12792121.19	EL	=	785.79

ELEVATIONS OF THIS SURVEY ARE BASED ON NAVD 88
AS DERIVED FROM GPS

BM 1 EL = 782.96'
SPIKE ON SW SIDE OF UTILITY POLE ON THE SOUTHWEST
CORNER OF THE W KALAMAZOO AVE AND COOLEY ST
INTERSECTION.

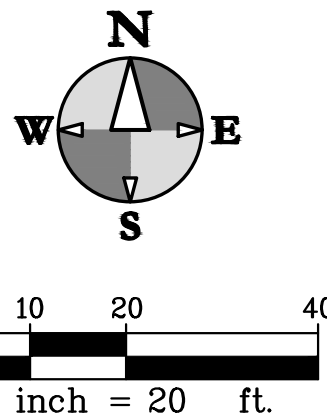
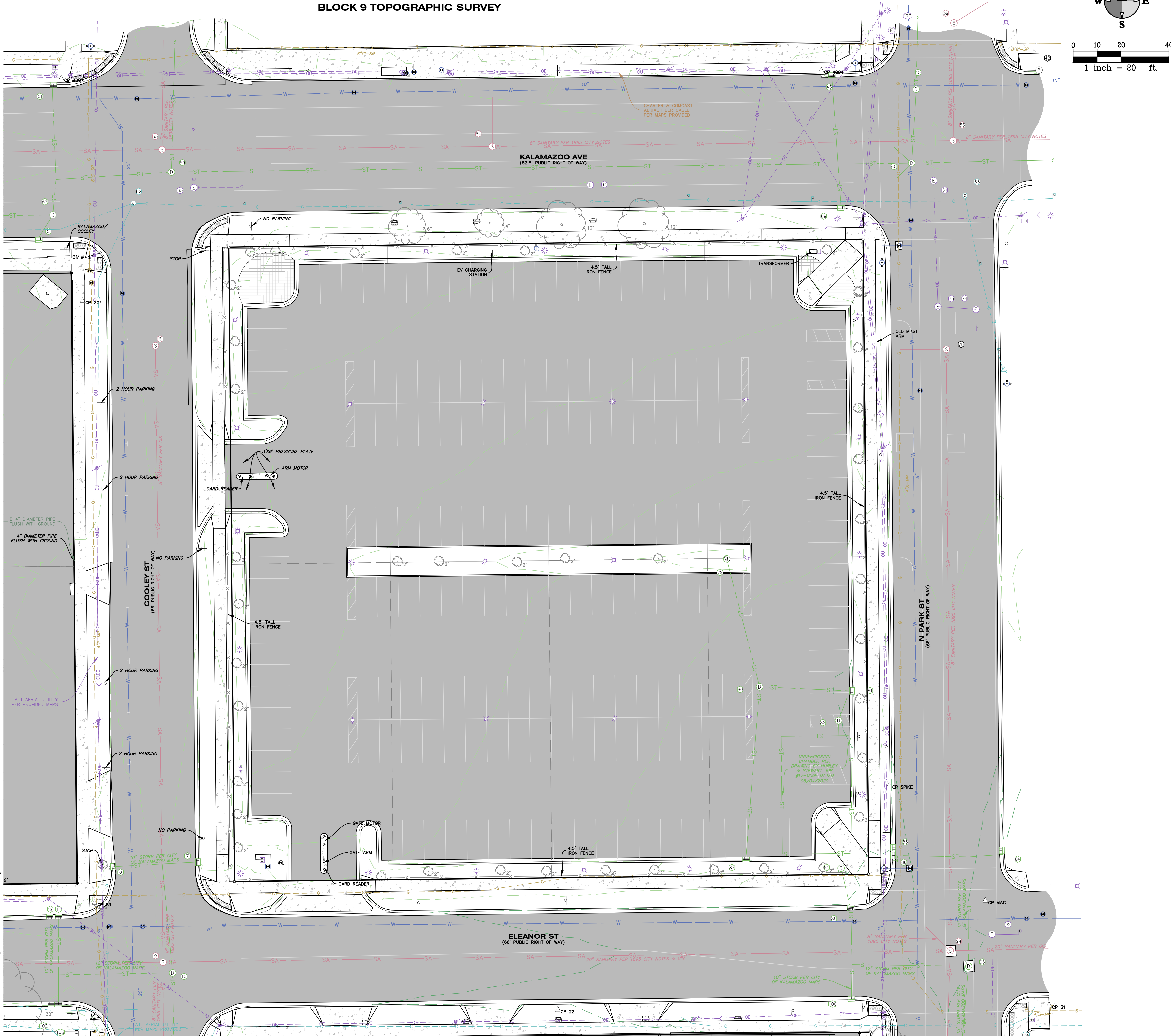
BM 2 EL = 783.36'
SPIKE ON NORTH SIDE OF UTILITY POLE ON THE NORTHEAST
CORNER OF THE N WESTNEDGE AVE AND ELEANOR ST
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BM 3 EL = 783.68'
CUTBOLT SPIKE IN EAST FACE OF UTILITY POLE ON THE
SOUTHWEST CORNER OF THE N WESTNEDGE AVE AND
ELEANOR ST INTERSECTION.

BM 4 EL = 781.71'
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SPIKE IN NORTHEAST FACE OF UTILITY POLE AT THE
SOUTHWEST CORNER OF THE W WATER ST AND N PARK ST
INTERSECTION.

AT&T TELEPHONE - PHILIP BARDOZZ 269-384-4476 - 4/20/22 - MAPS PROVIDED
CHARTER COMMUNICATIONS CABLE TV - 800-778-9140 - 04/19/22 - MAPS PROVIDED
CHARTER COMMUNICATIONS FIBER OPTICS - 800-778-9140 - 04/19/22 - MAPS PROVIDED
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COMCAST CABLE TV - 855-852-8522 - 04/26/22 - MAPS PROVIDED
COURT FIBEROPTICS - 855-862-8522 - 04/26/22 - MAPS PROVIDED
CONSUMERS ENERGY ELECTRIC - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
CONSUMERS ENERGY ELECTRIC SUB METRO - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
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KALAMAZOO CITY DPS SANITARY SEWER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
KALAMAZOO CITY DPS WASTEWATER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
KALAMAZOO CITY DPS TRAFFIC - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
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Job No.: 23-056D P.M.-TAK Dtd: BDE QA/QC: 08/09/23

ISSUED FOR/REVISIONS:

#1 BOUNDARY/TOPOGRAPHIC SURVEY 08/09/23

**BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC**

Sheet Title:
Project:
Client:
08/09/23
Sheet
S-3

BOUNDARY/TOPOGRAPHIC SURVEY

BLOCK 2 TOPOGRAPHIC SURVEY

NOTES PERTAINING TO TOPOGRAPHIC SURVEY

1. BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83
2. CONTOUR INTERVAL = 1 FOOT
3. UTILITIES SHOWN ARE BASED ON FIELD LOCATION OF SURFACE EVIDENCE AND RECORDS PROVIDED BY OTHERS. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. ADDITIONAL UTILITIES MAY BE ENCOUNTERED. PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL CALL MISS DIG AT 1-800-482-7171.
4. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE LAND DEPICTED IN THIS SURVEY LIES IN ZONE AE AND ZONE X. MAP 26077C0187D, EFFECTIVE DATE 02/17/2010.
5. NO WETLANDS ON SITE PER THE NATIONAL WETLANDS INVENTORY. A DELINEATION OF THE WETLANDS BY A QUALIFIED CONSULTANT WAS NOT PERFORMED AT THE TIME OF SURVEY.

LEGEND

BM #XX	BENCH MARK	CONTOUR HIGHLIGHTED	CONTOUR NORMAL
■	SET MONUMENT	—	—
●	FOUND MONUMENT	—	—
○	SET CAPPED IRON LIC. # 57885	—	—
●	FOUND IRON	—	—
●	SET CHISELED "X"	—	—
○	FOUND CHISELED "X"	—	—
▲	CONTROL POINT	—	—
P	PLATTED	—	—
D	DESCRIBED	—	—
M	MEASURED	—	—
R	RECORD	—	—
C	CALCULATED	—	—
■	CURB CATCH BASIN	—	—
■	SQUARE CATCH BASIN	—	—
■	ROUND CATCH BASIN	—	—
■	STORM MANHOLE	—	—
○	DOWN SPOUT	—	—
○	YARD DRAIN	—	—
○	FLARED END SECTION	—	—
○	SANITARY MANHOLE	—	—
○	SANITARY CLEANOUT	—	—
○	FIRE HYDRANT	—	—
○	FIRE DEPARTMENT CONNECTION	—	—
○	WATER VALVE	—	—
○	WATER METER	—	—
○	WELL HEAD	—	—
○	SPRINKLER CONTROL VALVE	—	—
○	SPRINKLER HEAD	—	—
○	MONITOR WELL	—	—
○	POST INDICATOR VALVE	—	—
○	SPIGOT	—	—
○	TRANSFORMER	—	—
○	YARD LIGHT	—	—
○	HAND HOLE (ELECTRIC)	—	—
○	LIGHT POLE	—	—
○	(UTILITY, GUY, POWER) POLE	—	—
○	GUY WIRE	—	—
○	ELECTRIC METER	—	—
○	ELECTRIC MANHOLE	—	—
○	AIR CONDITIONER	—	—
○	GAS METER	—	—
○	GAS VALVE	—	—
○	TELEPHONE MANHOLE	—	—
○	COMMUNICATION MANHOLE	—	—
○	PIPE MARKER COMMUNICATIONS	—	—
○	PIPE MARKER FIBEROPTICS	—	—
○	PIPE MARKER ELECTRIC	—	—
○	PIPE MARKER GAS	—	—
○	SIGN	—	—
○	MAILBOX	—	—
○	PARKING METER (SINGLE/DOUBLE)	—	—
○	POST	—	—
○	SOIL BORING	—	—
○	FLAG	—	—
○	BOLLARD	—	—
○	CONTOUR HIGHLIGHTED	—	—
○	CONTOUR NORMAL	—	—
○	OVERHEAD UTILITY	—	—
○	COMMUNICATION	—	—
○	ELECTRIC	—	—
○	FIBEROPTIC	—	—
○	GAS	—	—
○	SANITARY SEWER	—	—
○	STORMWATER	—	—
○	TELEPHONE	—	—
○	WATER	—	—
○	WETLAND MARKER	—	—
○	UNKNOWN	—	—
○	TREE LINE	—	—
○	FENCE	—	—
○	GUARD RAIL	—	—
○	DECIDUOUS TREE	—	—
○	CONIFEROUS TREE	—	—
○	BUSH	—	—
○	PAVEMENT	—	—
○	CONCRETE SURFACE	—	—
○	DETECTABLE WARNING	—	—
○	GRAVEL	—	—
○	LANDSCAPING	—	—
○	PAVERS	—	—
○	FEMA FLOODPLANE	—	—
○	EDGE OF CLASSIFICATION	—	—

SURVEY CONTROL

CP 4000	N = 291526.39	E = 12792418.18	EL = 783.43
CP 4001	N = 291178.55	E = 12792479.48	EL = 786.62
CP 4002	N = 291189.51	E = 12792763.68	EL = 785.11
CP 4003	N = 291253.76	E = 12793137.16	EL = 782.31
CP 4004	N = 291939.39	E = 12793054.62	EL = 781.68
CP 4005	N = 290936.33	E = 12793080.48	EL = 786.90
CP 4006	N = 291202.28	E = 12793512.71	EL = 781.93
CP 4007	N = 291936.06	E = 12792736.46	EL = 783.06
CP 4008	N = 291883.67	E = 12793494.43	EL = 780.24
CP 4009	N = 291846.26	E = 12792416.11	EL = 784.09
CP 4010	N = 292377.22	E = 12792462.80	EL = 785.32
CP 4011	N = 291698.90	E = 12792121.19	EL = 785.79

BENCHMARKS

ELEVATIONS OF THIS SURVEY ARE BASED ON NAVD 88 AS DERIVED FROM GPS

BM 1 EL = 782.96'
SPIKE ON SW SIDE OF UTILITY POLE ON THE SOUTHWEST CORNER OF THE W KALAMAZOO AVE AND COOLEY ST INTERSECTION.

BM 2 EL = 783.36'
SPIKE ON NORTH SIDE OF UTILITY POLE ON THE NORTHEAST CORNER OF THE N WESTEDGE AVE AND ELEANOR ST INTERSECTION.

BM 3 EL = 783.68'
RAILROAD SPIKE IN EAST FACE OF UTILITY POLE ON THE SOUTHWEST CORNER OF THE N WESTEDGE AVE AND ELEANOR ST INTERSECTION.

BM 4 EL = 781.71'
CUT BOX IN NORTHEAST CORNER OF LIGHT POLE BASE AT THE SOUTHEAST CORNER OF THE COOLEY ST AND ARCADIA CREEK INTERSECTION.

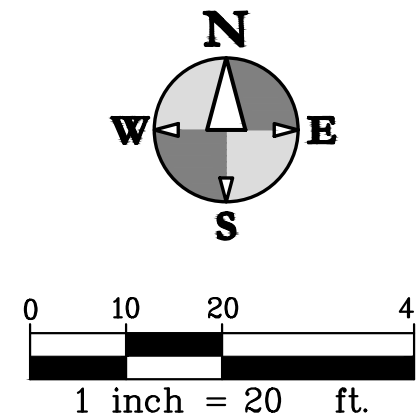
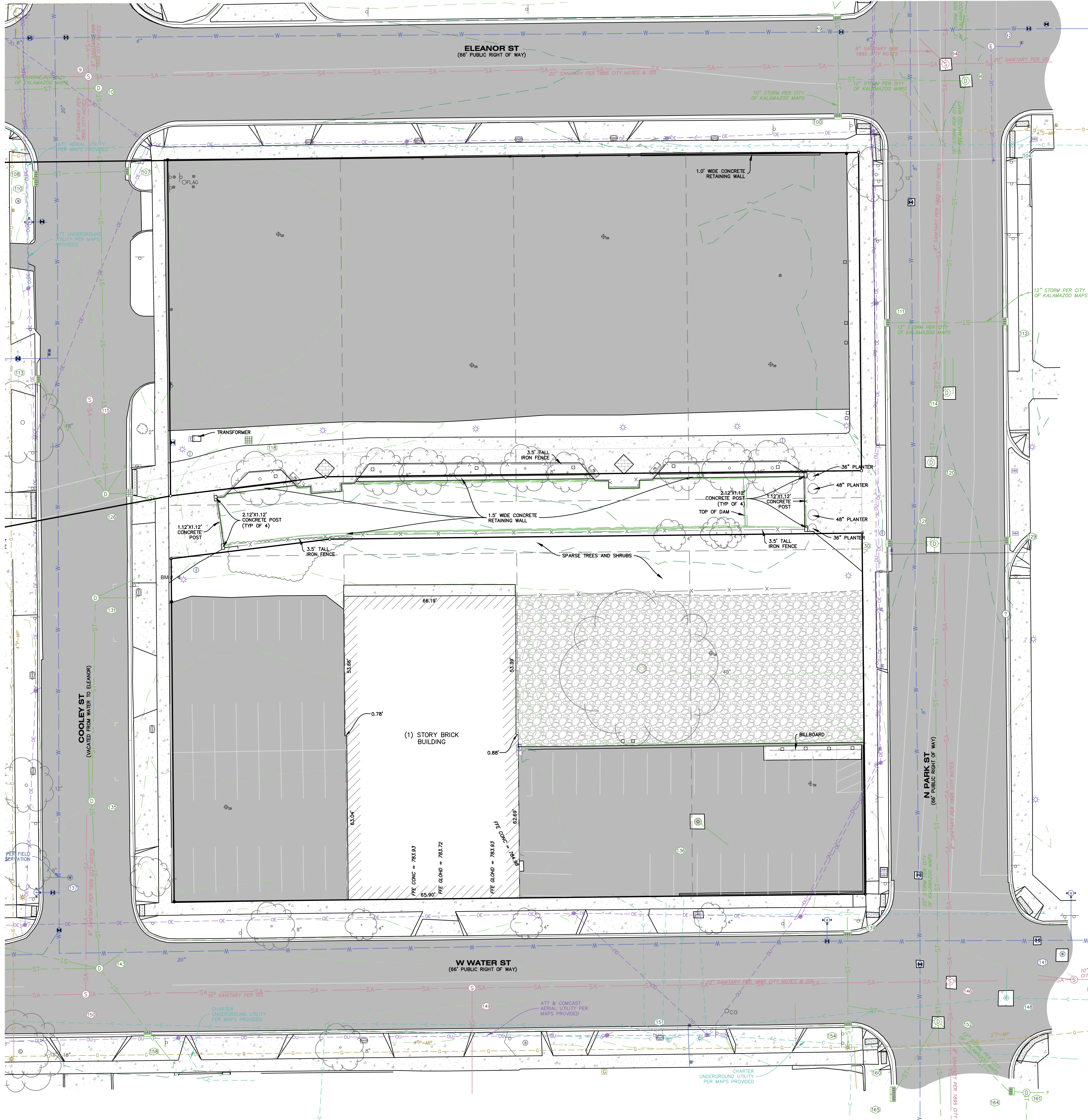
BM 5 EL = 784.99'
SPIKE IN NORTHEAST FACE OF UTILITY POLE AT THE SOUTHEAST CORNER OF THE W WATER ST AND N PARK ST INTERSECTION.

MISS DIG DESIGN TICKET DATA

AT&T TELEPHONE - PHILIP BARDOCK 269-384-4476 - 4/20/22 - MAPS PROVIDED
CHARTER COMMUNICATIONS CABLE TV - 800-778-9140 - 04/19/22 - MAPS PROVIDED
CHARTER COMMUNICATIONS FIBER OPTICS - 800-778-9140 - 04/19/22 - MAPS PROVIDED
CLIMAX TELEPHONE (CTS COMMUNICATIONS) FIBEROPTICS - 616-455-9840 - 05/09/22 - NO RESPONSE
COMCAST CABLE TV - 855-962-8525 - 04/26/22 - MAPS PROVIDED
COMCAST FIBEROPTICS - 855-962-8525 - 04/26/22 - MAPS PROVIDED
CONSUMERS ENERGY ELECTRIC - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
CONSUMERS ENERGY ELECTRIC SUB METRO - ANDRE D. TAYLOR 269-337-2245 05/07/22 - MAPS PROVIDED
CONSUMERS ENERGY GAS - CONSUMERS ENERGY SIMS WEBSITE - 05/09/22 - MAPS PROVIDED
KALAMAZOO CITY DPS POTABLE WATER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
KALAMAZOO CITY DPS SANITARY SEWER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
KALAMAZOO CITY DPS STORM SEWER - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
KALAMAZOO CITY DPS TRAFFIC - WILL EICHELBERGER 269-337-8727 - 04/21/22 - MAPS PROVIDED
ZAYOMI ZAYO BANDWIDTH MIDWEST, LLC FIBER OPTICS - 406-496-6510 - 04/13/22 - MAPS PROVIDED



Know what's below.
Call before you dig.



BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

Sheet Title:
Project:
Client:

08/09/23
Sheet
S-5

hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com



Job No: 23-056D P.M.TAK DTL BDE QA/QC 08/09/23
ISSUED FOR REVISIONS:
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NOTES PERTAINING TO BOUNDARY SURVEY

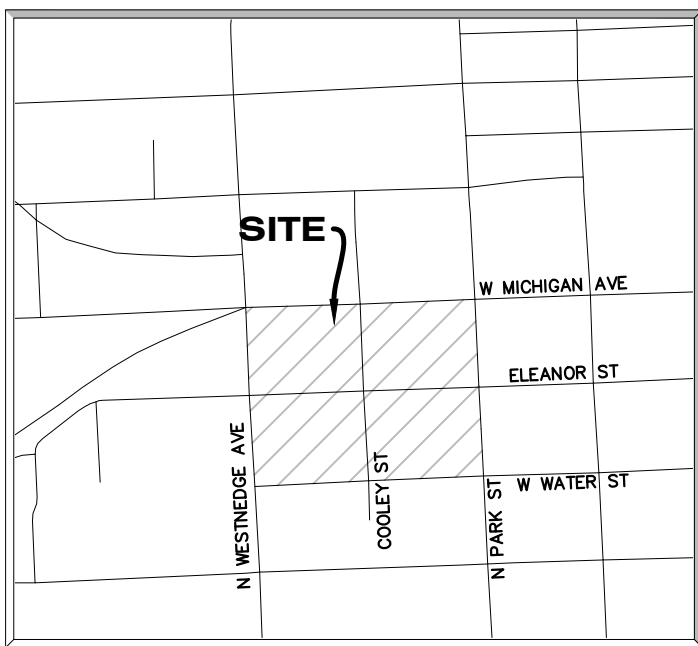
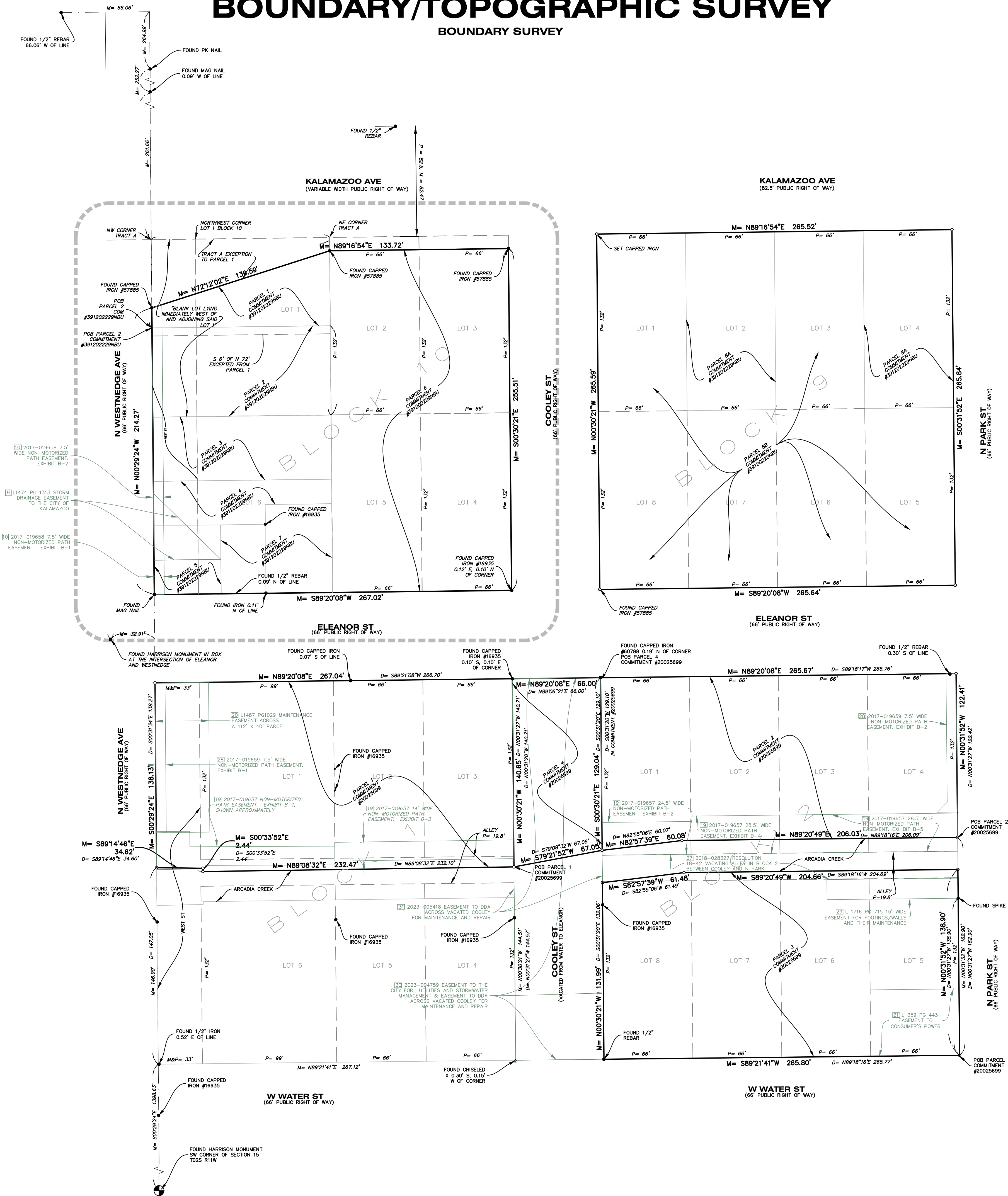
1. DOC #2018-028327 IS CITY RESOLUTION 18-42 WHICH VACATES THE ALLEY IN BLOCK 2 BETWEEN COOLEY AND N. PARK. NO DOCUMENT HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS ALLEY IS UNCLEAR.
2. DOC #2023-004759 IS CITY RESOLUTION 22-57 WHICH VACATES COOLEY STREET BETWEEN W. WATER AND ELEANOR STREET. NO DOCUMENTATION HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS PORTION OF COOLEY STREET IS UNCLEAR.
3. NO DOCUMENTATION VACATING THE ALLEY IN BLOCK 1 BETWEEN WEST AND COOLEY STREET HAS BEEN PROVIDED. TITLE TO THIS ALLEY IS UNCLEAR.
4. NO DOCUMENTATION VACATING WEST STREET BETWEEN KALAMAZOO AVENUE AND W. WATER STREET HAS BEEN PROVIDED. TITLE TO THIS PORTION OF WEST STREET IS UNCLEAR.
5. WEST LINE OF PARCEL 2, COMMITMENT #20025699 IS DESCRIBED AS S00°31'20"W. THIS APPEARS TO BE A TYPO AND CAUSES A MISCLOSEURE. IF DESCRIBED AS S00°31'20"E THE DESCRIPTION WOULD CLOSE.
6. PARCEL 1 COMMITMENT #391202229NBU CONTAINS 0.11 ACRES (4,731 SFT)
PARCEL 2 COMMITMENT #391202229NBU CONTAINS 0.20 ACRES (8,884 SFT)
PARCEL 3 COMMITMENT #391202229NBU CONTAINS 0.15 ACRES (6,400 SFT)
PARCEL 4 COMMITMENT #391202229NBU CONTAINS 0.11 ACRES (4,971 SFT)
PARCEL 5 COMMITMENT #391202229NBU CONTAINS 0.03 ACRES (1,287 SFT)
PARCEL 6 COMMITMENT #391202229NBU CONTAINS 0.78 ACRES (34,158 SFT)
PARCEL 7 COMMITMENT #391202229NBU CONTAINS 0.12 ACRES (5,033 SFT)
PARCEL 8A COMMITMENT #391202229NBU CONTAINS 0.41 ACRES (17,642 SFT)
PARCEL 8B COMMITMENT #391202229NBU CONTAINS 1.22 ACRES (52,926 SFT)
PARCEL 1 COMMITMENT #20025699 CONTAINS 0.86 ACRES (37,573 SFT)
PARCEL 2 COMMITMENT #20025699 CONTAINS 0.75 ACRES (32,715 SFT)
PARCEL 3 COMMITMENT #20025699 CONTAINS 0.84 ACRES (36,696 SFT)
PARCEL 4 COMMITMENT #20025699 CONTAINS 0.21 ACRES (8,907 SFT)

LEGEND

- BM#XX BENCH MARK
- SET MONUMENT
 - FOUND MONUMENT
 - SET CAPPED IRON LIC. # 57885
 - FOUND IRON
 - ✱ SET CHISELED "X"
 - ⊙ FOUND CHISELED "X"
- ▲CP # CONTROL POINT
- P= PLATTED
D= DESCRIBED
M= MEASURED
R= RECORD
C= CALCULATED

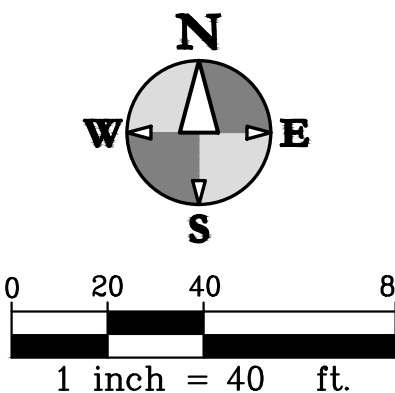
BOUNDARY/TOPOGRAPHIC SURVEY

BOUNDARY SURVEY



SITE LOCATION MAP

NOT TO SCALE
SECTION 15, TOWN 11W, RANGE 02S,
CITY OF KALAMAZOO, KALAMAZOO COUNTY,
MICHIGAN,
N WESTNEDGE, W MICHIGAN AVE,
N PARK ST, AND W WATER ST



BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

Sheet Title:
Project:
Client:

08/09/23
Sheet
S-7

Job No: 23-056D P.M.TAK DTL BDE QA/QC 08/09/23

ISSUED FOR REVISIONS:
#1 BOUNDARY/TOPOGRAPHIC SURVEY 08/09/23

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kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com



NOTES PERTAINING TO BOUNDARY SURVEY

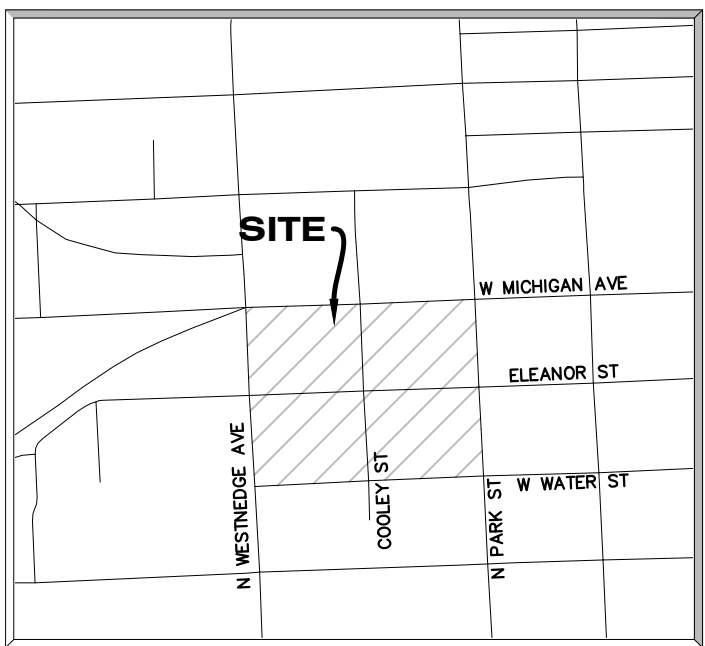
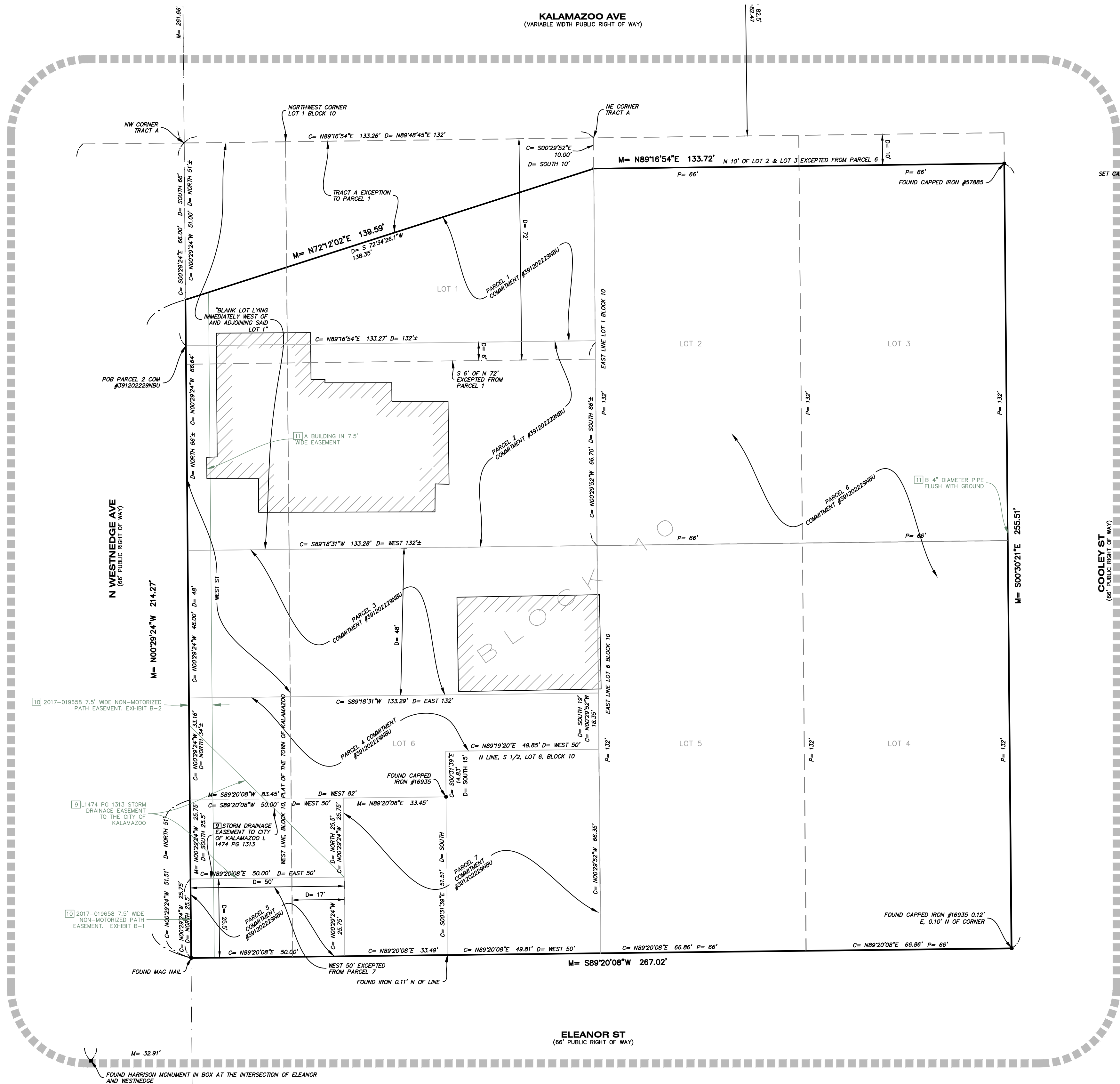
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- BM#XX BENCH MARK
- SET MONUMENT
 - FOUND MONUMENT
 - SET CAPPED IRON LIC. # 57885
 - FOUND IRON
 - SET CHISELED "X"
 - FOUND CHISELED "X"
- ▲CP # CONTROL POINT
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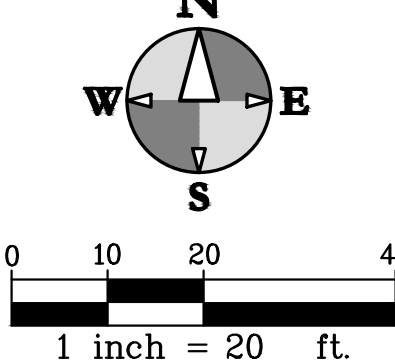
BOUNDARY/TOPOGRAPHIC SURVEY

BLOCK 10 BOUNDARY ENLARGEMENT



SITE LOCATION MAP

NOT TO SCALE
SECTION 15, TOWN 11W, RANGE 02S,
CITY OF KALAMAZOO, KALAMAZOO COUNTY,
MICHIGAN,
N WESTNEDGE, W MICHIGAN AVE,
N PARK ST, AND W WATER ST



BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

Sheet Title:
Project:
Client:

08/09/23
Sheet

S-8

Job No: 23-056D P.M.TAK DTL BDE QA/QC 08/09/23

ISSUED FOR REVISIONS:
#1 BOUNDARY/TOPOGRAPHIC SURVEY 08/09/23

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kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
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BOUNDARY/TOPOGRAPHIC SURVEY

LEGAL DESCRIPTIONS

SCHEDULE A LEGAL DESCRIPTION

TITLE CO: STEWART TITLE GUARANTY COMPANY
COMMITMENT NO: 20025699 EFFECTIVE DATE: 05/26/2023 AT 11:21AM

LAND SITUATED IN THE CITY OF KALAMAZOO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN DESCRIBED AS FOLLOWS

PARCEL 1:

PART OF BLOCK 1, ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS ALSO PART OF THE SOUTHWEST 1/4 OF SECTION 15 TOWN 2 SOUTH, RANGE 11 WEST, DESCRIBED AS ALL OF THE LAND LYING BETWEEN THE NORTH AND SOUTH LINES OF SAID BLOCK 1 EXTENDED WEST TO THE EAST RIGHT OF WAY OF WESTNEDGE AVENUE LYING NORTH OF THE RELOCATED ARCADIA CREEK, PARCEL IS MORE PRECISELY DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 1, THENCE NORTH 00°31'27" WEST 144.57 FEET ALONG THE EAST LINE OF BLOCK 1 TO NORTH LINE OF ARCADIA CREEK AND ALSO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 00°31'27" WEST 140.71 FEET ALONG THE EAST LINE OF BLOCK 1 TO THE NORTHEAST CORNER OF BLOCK 1: THENCE SOUTH 89°21'08" WEST 266.70 FEET ALONG THE NORTH LINE OF BLOCK 1 AND THE SOUTH LINE OF ELEANOR STREET TO THE EAST LINE OF WESTNEDGE AVENUE, THENCE SOUTH 00°31'34" EAST 138.27 FEET ALONG SAID EAST LINE TO THE NORTH LINE OF ARCADIA CREEK AT A POINT 147.05 FEET FROM THE NORTHEAST CORNER OF THE INTERSECTION OF WESTNEDGE AVENUE AND WATER STREET THENCE SOUTH 89°14'46" EAST 34.60 FEET ALONG THE NORTH LINE OF SAID CREEK, THENCE SOUTH 00°33'52" EAST 2.44 FEET ALONG SAID CREEK THENCE NORTH 89°08'32" EAST 232.10 FEET ALONG THE NORTH LINE OF SAID CREEK TO THE POINT OF BEGINNING

COMMONLY KNOWN AS: 235 COOLEY STREET & 455 ELEANOR STREET TAX ID# 06-15-315-505 AND 06-15-315-505

PARCEL 2

PART OF BLOCK 2, ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS, LYING NORTH OF THE RELOCATED ARCADIA CREEK, PARCEL IS MORE PRECISELY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 2, THENCE NORTH 00°31'27" WEST 182.90 FEET ALONG THE EAST LINE OF BLOCK 2 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°31'27" WEST 122.42 FEET ALONG THE EAST LINE OF BLOCK 2 TO THE NORTHEAST CORNER OF BLOCK 2, THENCE SOUTH 89°18'17" WEST 265.76 FEET ALONG THE NORTH LINE OF BLOCK 2 TO THE NORTHWEST CORNER OF BLOCK 2 THENCE SOUTH 00°31'20" WEST 129.10 FEET ALONG THE WEST LINE OF BLOCK 2 TO THE NORTH LINE OF ARCADIA CREEK THENCE NORTH 82°55'06" EAST 60.07 FEET ALONG THE NORTH LINE OF SAID CREEK, THENCE NORTH 89°18'16" EAST 208.09 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, TOGETHER WITH AND SUBJECT TO A CROSS-EASEMENT AGREEMENT DATED AUGUST 31, 2017 AND RECORDED IN DOCUMENT NO 2017-030916

COMMONLY KNOWN AS: 415 ELEANOR STREET TAX ID# 06-15-316-203

PARCEL 3

PART OF BLOCK 2, ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS LYING SOUTH OF THE RELOCATED ARCADIA CREEK PARCEL IS MORE PRECISELY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 2, THENCE NORTH 00°31'27" WEST 138.90 FEET ALONG THE EAST LINE OF BLOCK 2 TO THE SOUTH LINE OF ARCADIA CREEK THENCE SOUTH 89°18'16" WEST 204.69 FEET ALONG THE SOUTH LINE OF ARCADIA CREEK THENCE SOUTH 82°55'06" WEST 61.49 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF BLOCK 2, THENCE SOUTH 00°31'20" EAST 132.06 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF BLOCK 2, THENCE NORTH 89°18'16" EAST 265.77 FEET ALONG THE SOUTH LINE OF BLOCK 2 TO THE POINT OF BEGINNING TOGETHER WITH AND SUBJECT TO A CROSS-EASEMENT AGREEMENT DATED AUGUST 31, 2017 AND RECORDED IN DOCUMENT NO. 2017-030916

COMMONLY KNOWN AS: 416 WEST WATER STREET

TAX ID# 06-15-321-2111

PARCEL 4

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2, ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS, PAGE 8, KALAMAZOO COUNTY RECORDS, THENCE SOUTH 00°31'20" EAST ALONG THE EAST LINE OF COOLEY STREET, 129.10 FEET TO THE NORTH LINE OF ARCADIA CREEK, THENCE SOUTH 79°08'32" WEST ALONG THE NORTH LINE OF ARCADIA CREEK, 67.08 FEET TO THE WEST LINE OF COOLEY STREET; THENCE NORTH 00°31'20" WEST ALONG THE WEST LINE OF COOLEY STREET, 140.71 FEET TO THE SOUTH LINE OF ELEANOR STREET; THENCE NORTH 89°06'21" EAST, 66.00 FEET TO THE POINT OF BEGINNING.

SCHEDULE B SECTION II

TITLE CO: STEWART TITLE GUARANTY COMPANY
COMMITMENT NO: 20025699 EFFECTIVE DATE: 05/26/2023 AT 11:21AM

18 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN CROSS-EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 2017-030901 OF KALAMAZOO COUNTY RECORDS (AS TO PARCELS 1 AND 3) (NOT PLOTTABLE).

19 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN NON-MOTORIZED PATH EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 2017-019657 OF KALAMAZOO COUNTY RECORDS. (AS TO PARCELS 1 AND 2 AND 3) (SHOWN ACROSS PARCEL 1 & 2. EXHIBIT B1 DOES NOT ACCURATELY DEPICT OR DESCRIBE THE HANDRAIL THAT IT REFERENCES. THIS PORTION OF THE EASEMENT IS SHOWN APPROXIMATELY ON THIS SURVEY).

20 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN MAINTENANCE EASEMENT AGREEMENT RECORDED IN LIBER 1487, PAGE 1029-9 OF KALAMAZOO COUNTY RECORDS (AS TO PARCELS 1 AND 3) (BLANKET EASEMENT FOR SUBSURFACE COLLECTOR SYSTEM MAINTENANCE, ACROSS A PORTION OF PARCEL 1, SHOWN).

21 EASEMENT GRANTED TO CONSUMERS POWER COMPANY, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 359, PAGE 443, KALAMAZOO COUNTY RECORDS. (AS TO PARCELS 2 AND 3) (ACROSS A PORTION OF PARCEL 3, FULL DOCUMENT NOT LEGIBLE).

22 TERMS, CONDITIONS, COVENANTS, BUILDING AND USE RESTRICTIONS, CHARGES, ASSESSMENTS, LIENS AND OTHER MATTERS BUT OMITTING ANY SUCH COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS CONTAINED IN LIBER 295, PAGE 234, KALAMAZOO COUNTY RECORDS (AS TO PARCELS 2 AND 3) (PROHIBITS LOT 1 BLOCK 2 FROM BRIDGING OVER OR BUILDING ON ARCADIA CREEK WITHOUT PERMISSION BY LANDOWNER TO THE SOUTH. NOT PLOTTABLE).

23 RIGHTS, IF ANY, OF RIPARIAN OWNERS AND THE PUBLIC TO USE THE SURFACE, SUB-SURFACE AND BED OF ARCADIA CREEK FOR PURPOSES OF NAVIGATION AND RECREATION (AS TO PARCELS 2 AND 3) (NOT SURVEY MATTERS/NOT PLOTTABLE).

24 ANY ADVERSE CLAIMS BASED ON THE ASSERTION THAT THE BED OF ARCADIA CREEK HAS CHANGED LOCATION AS A RESULT OF OTHER THAN NATURAL CAUSES (AS TO PARCELS 2 AND 3) (NOT SURVEY MATTERS/NOT PLOTTABLE).

25 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AGREEMENT REGARDING RIPARIAN RIGHTS RECORDED IN LIBER 1478 PAGE 411 OF KALAMAZOO COUNTY RECORDS. (AS TO PARCELS 2 AND 3) (NOT SURVEY MATTERS/NOT PLOTTABLE).

26 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN CROSS-EASEMENT AGREEMENT RECORDED IN DOCUMENT NO 2017-030916, RATIFIED IN DOCUMENT NO. 2019-012888 OF KALAMAZOO COUNTY RECORDS (AS TO PARCELS 2 AND 3) (BLANKET EASEMENT OVER PARCEL 2&3, "AIR RIGHTS EASEMENT" OVER "CREEK PARCEL" NOT PLOTTABLE).

27 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN RESOLUTION RECORDED IN DOCUMENT NO. 2018-028327 OF KALAMAZOO COUNTY RECORDS. (AS TO PARCELS 2 AND 3) (RESOLUTION 18-42 VACATING ALLEY IN BLOCK 2 BETWEEN COOLEY & N PARK, SHOWN).

28 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN NON-MOTORIZED PATH EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 2017-019659 OF KALAMAZOO COUNTY RECORDS. (AS TO PARCELS 2 AND 3) (SHOWN, ACROSS PARCEL 1 & PARCEL 2).

29 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN EASEMENT RECORDED IN LIBER 1716, PAGE 715 OF KALAMAZOO COUNTY RECORDS (AS TO PARCEL 3) (SHOWN, ACROSS PARCEL 3).

30 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN RESOLUTION RECORDED IN DOCUMENT NO. 2023-004759 OF KALAMAZOO COUNTY RECORDS (DOCUMENT VACATES COOLEY FROM ELEANOR ST TO WATER ST & RESERVES EASEMENTS FOR UTILITIES & STORM WATER MAINTENANCE, SHOWN).

31 TERMS, CONDITIONS AND PROVISIONS CONTAINED IN EASEMENT RECORDED IN DOCUMENT NO. 2023-005418 OF KALAMAZOO COUNTY RECORDS (BLANKET EASEMENT TO THE DDA FOR REPAIR & MAINTENANCE OVER COOLEY ST FROM ELEANOR ST TO WATER ST, ACROSS PARCEL 4).

SCHEDULE A LEGAL DESCRIPTION

TITLE CO: CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO: 391202229NBU EFFECTIVE DATE: 04/07/2023 AT 08:00 AM

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, CITY OF KALAMAZOO.

PARCEL 1:
THE NORTH 72 FEET OF LOT 1, BLOCK 10 OF THE PLAT OF THE TOWN OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER DEEDS FOR SAID KALAMAZOO COUNTY, AND ALSO THE NORTH 72 FEET OF A BLANK LOT LYING IMMEDIATELY WEST OF AND ADJOINING SAID LOT 1 AND LYING BETWEEN SAID LOT AND THE PRESENT EAST LINE OF NORTH WEST STREET; EXCEPTING, HOWEVER, THE SOUTH 6 FEET OF THE ABOVE DESCRIBED LANDS AND PREMISES AND FURTHER EXCEPTING ALL THAT PART OF THE ABOVE DESCRIBED TRACT A DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF TRACT A; THENCE NORTH 89°48'45" EAST 132 FEET TO THE NORTHEAST CORNER OF TRACT A; THENCE SOUTH 10 FEET ON THE EAST LINE OF TRACT A; THENCE SOUTH 72°34'26.1" WEST 138.35 FEET TO THE WEST LINE OF SAID TRACT A; THENCE NORTH ON SAID WEST LINE 51 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:
COMMENCING AT A POINT ON THE EAST LINE OF NORTH WESTNEDGE AVENUE, SAID POINT BEING 66 FEET SOUTH OF THE SOUTH LINE OF KALAMAZOO AVENUE, CITY OF KALAMAZOO, MICHIGAN, RUNNING THENCE EAST PARALLEL WITH SAID SOUTH LINE OF KALAMAZOO AVENUE, 132 FEET MORE OR LESS TO LAND FORMERLY OWNED BY ANTHONY CREEK; THENCE SOUTH PARALLEL WITH THE EAST LINE OF NORTH WESTNEDGE AVENUE 66 FEET MORE OR LESS TO LAND FORMERLY OWNED BY CHARLES A. LAMBERTSON, THENCE WEST ALONG THE NORTH LINE OF LAND FORMERLY OWNED BY CHARLES A. LAMBERTSON, 132 FEET MORE OR LESS TO THE EAST LINE OF WEST STREET (NOW WESTNEDGE AVENUE); THENCE NORTH 66 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

PARCEL 3:
THE NORTH 48 FEET OF LOT 6, BLOCK 10 OF THE PLAT OF THE TOWN OF KALAMAZOO AND THE NORTH 48 FEET OF BLANK OR UNNUMBERED LOT LYING NEXT WEST OF THE ABOVE DESCRIBED PARCEL AND BETWEEN SAID ABOVE DESCRIBED PARCEL AND THE PRESENT LINE OF WEST STREET (NOW WESTNEDGE AVENUE).

PARCEL 4:
COMMENCING ON THE PRESENT EAST LINE OF WEST STREET (NOW WESTNEDGE AVENUE) IN THE CITY OF KALAMAZOO 51 FEET NORTH OF THE NORTH LINE OF ELEANOR STREET, THENCE NORTH ON THE EAST LINE OF WEST STREET 34 FEET MORE OR LESS TO A POINT 48 FEET SOUTH OF A WESTERLY EXTENSION OF THE NORTH LINE OF LOT 6 OF BLOCK 10, PLAT OF KALAMAZOO; THENCE EAST PARALLEL WITH THE NORTH LINE OF ELEANOR STREET 132 FEET TO THE EAST LINE OF SAID LOT 6; THENCE SOUTH 19 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF ELEANOR STREET 50 FEET; THENCE SOUTH 15 FEET; AND THENCE WEST 82 FEET TO THE PLACE OF BEGINNING. ALSO COMMENCING AT A POINT 25 1/2 FEET NORTH OF THE NORTHEAST CORNER OF WESTNEDGE ARID ELEANOR STREET AS NOW USED ON EAST LINE OF WESTNEDGE; THENCE EAST 50 FEET; THENCE NORTH 25 1/2 FEET; THENCE WEST 50 FEET TO EAST LINE OF WESTNEDGE AS NOW USED; SOUTH ON EAST LINE OF SAID WESTNEDGE 25 1/2 FEET TO POINT OF BEGINNING.

PARCEL 5:
THE WEST 17 FEET OF THE SOUTH 25 1/2 FEET OF LOT 6, BLOCK 10, VILLAGE (NOW CITY) OF KALAMAZOO, AND LAND LYING BETWEEN SAME AND THE WEST LINE OF SECTION 15, TOWN 2 SOUTH, RANGE 11 WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3 OF PLATS, PAGE 8, KALAMAZOO COUNTY RECORDS.

PARCEL 6:
LOTS 2 AND 3, BLOCK 10, EXCEPT THE NORTH 10 FEET OF BOTH, AND LOTS 4 AND 5, BLOCK 10, ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS ON PAGE 8, KALAMAZOO COUNTY RECORDS.

PARCEL 7:
COMMENCING ON THE SOUTH LINE OF LOT 6, BLOCK 10, OF THE PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS ON PAGE 8, KALAMAZOO COUNTY RECORDS, 50 FEET WEST OF THE EAST LINE OF SAID LOT 6 AND SAME EXTENDING WEST TO THE EAST LINE OF WEST STREET (NOW WESTNEDGE AVENUE) AS NOW USED; THENCE NORTH ON THE EAST LINE OF WEST STREET AS NOW USED 51 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 6 TO A POINT 50 FEET WEST OF THE EAST LINE OF SAID LOT 6; THENCE SOUTH TO THE PLACE OF BEGINNING, EXCEPT THE WEST 50 FEET THEREOF, ALSO, THE EAST 50 FEET OF THE SOUTH HALF OF LOT 6, BLOCK 10, PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS ON PAGE 8, KALAMAZOO COUNTY RECORDS.

PARCEL 8:

PARCEL A:
LOTS 2 AND 4, BLOCK 9, ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS ON PAGE 8, KALAMAZOO COUNTY RECORDS.

PARCEL B:
LOTS 1, 3, 5, 6, 7 AND 8, BLOCK 9, ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 6 OF PLATS ON PAGE 8, KALAMAZOO COUNTY RECORDS.

SCHEDULE B SECTION II

TITLE CO: CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO: 391202229NBU EFFECTIVE DATE: 04/07/2023 AT 08:00 AM

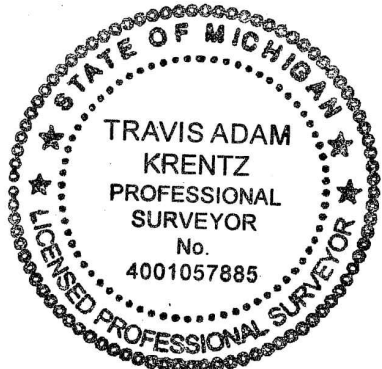
8 JOINT USE FOR DRIVEWAY PURPOSES AND THE TERMS AND CONDITIONS IN WARRANTY DEED RECORDED IN LIBER 192, PAGE 592 AND LIBER 1167, PAGE 1488 (NOT PLOTTABLE, RIGHT OF WAY FOR DRIVEWAY PURPOSES POSSIBLY ACROSS PARCELS 4, 5, & 7).

9 EASEMENT AGREEMENT IN FAVOR OF THE CITY OF KALAMAZOO RECORDED IN LIBER 1474, PAGE 1313 (SHOWN ACROSS PARCEL 4, TEMPORARY EASEMENT HAS EXPIRED & IS NOT SHOWN).

10 NON-MOTORIZED PATH EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2017-019658 (SHOWN ACROSS PARCELS 1, 2, 3, 4, & 5).

11 AS TO PARCELS 1, 2, 3, 4, 5, 6 AND 7:
ANY RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SURVEY, JOB #22-046D, DATED MAY 25, 2022, LAST REVISED JUNE 6, 2022, PREPARED BY HURLEY & STEWART. MATTERS SHOWN:

- A. BUILDING WITHIN 7.5' WIDE NON-MOTORIZED PATH EASEMENT RECORDED IN INSTRUMENT NO. 2017-019658 (EXCEPTION 10), (SHOWN ON SHEET 8, PARCEL 2)
- B. ZONE AE REGULATORY FLOODWAY ON THE WEST SIDE OF THE LAND. (SHOWN ON SHEET 2, PARCEL 4 & 5)
- C. 4" DIAMETER PIPE FLUSH WITH GROUND ON THE EAST SIDE OF THE LAND. (SHOWN ON SHEET 8, PARCEL 6)



Travis Krentz

TRAVIS A. KRENTZ PROFESSIONAL SURVEYOR # 57885

BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

Sheet Title:
Project:
Client:

08/09/23
Sheet

S-9

Job No: 23-056D P.M.TAK DTL BDE QA/QC 08/09/23
ISSUED FOR/REVISIONS:
#1 BOUNDARY/TOPOGRAPHIC SURVEY 08/09/23

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Planning Commission Staff Report

City of Kalamazoo

Date: **10/9/2023**

Item: **E.2.**

TO: City of Kalamazoo Planning Commission

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Bobby Durkee, AICP, Assistant City Planner

DATE: October 9, 2023

SUBJECT: PC 2023.07: Vacate Eleanor Street. Vacation of Eleanor Street between N. Park Street & N. Westnedge Avenue

BACKGROUND:

This segment of Eleanor Street under consideration for vacation (abandoning) is an east/west street between Westnedge Ave. and Park St. in the northwest corner of Downtown. CD Arena, LLC is seeking to vacate this two-block stretch of Eleanor Street to assemble land for a proposed arena. If this segment is vacated, the land would be combined to assemble land to develop an arena within the blocks bounded by N Park Street on the east, W Kalamazoo Avenue on the north, N Westnedge Avenue on the west, and W Water Street on the south.

According to the City of Kalamazoo Street Design Manual, this segment of Eleanor Street is a local neighborhood street and the adjacent parcels currently have parking lots and construction staging areas for the County Courthouse. There is little traffic on this stretch and there will not be impacts to traffic patterns through the removal of this segment of road. This consideration has also been made with the current plans to convert the downtown streets to two-way in the years ahead. There are public water, stormwater, and sanitary lines that run underneath this stretch of right-of-way which will eventually be decommissioned and removed. Beyond the public infrastructure, there are private gas, electric, and telephone lines within the right-of-way. Consumers Energy (Gas) has provided their support of the request and CD Arena, LLC has provided letters with information and the ability to respond to the request to Charter Communications, AT & T, and Consumers Energy (Electric). Copies of this letter are within this staff report. Since the utilities will most likely not be removed and out of service before a quit-claim deed for the land area is provided, the City requests that there be an easement the full width of sixty-six (66) feet of the right-of-way. It is understood, that once utility lines are out of service and relocated, these easements would then be to be terminated by the property owner ahead of future building construction. The City Assessor will determine the land's fair market value, which would be the fee at the time of deed transfer.

This street vacation, with the Cooley Street request, is the first step in a process of creating a

single parcel to accommodate the arena development. The request would advance to the City Commission for a final decision with the Planning Commission's recommendation.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion: The process to vacate right-of-way applies to any portion of right of way within the City limits. The Public Participation Policy does not require additional outreach by an applicant if the request to vacate will not change traffic patterns. There is very little traffic on these streets. It was determined by the City Traffic Engineer that with the current traffic and planned two-way conversion changes the request to vacate this remaining portion of Cooley and Eleanor Street would not change traffic patterns.

A public notice letter was sent to properties within 300 feet of the street land area and a notice was published in the September 24th Kalamazoo Gazettee. In addition, letters were mailed to private utilities who have infrastructure within the right-of-way.

Engagement/Communication Tools

A public notice letter was mailed out on September 20th to properties within 300 feet of the street land area and a notice was published in the September 24th Kalamazoo Gazettee. In addition, letters were mailed to private utilities on September 20th who have infrastructure within the right-of-way.

FINDINGS:

The City of Kalamazoo Street Vacation Policy outlines the following minimum criteria required to request a street vacation:

A The right-of-way is unimproved.

Not applicable.

B. The right-of-way is improved but is not publicly used or sees limited use by the public and if there is limited use by the public, a parallel route in close proximity exists.

Kalamazoo Ave. to the north and Michigan Ave. to the south can support traffic and east/west flow through the Downtown area with the current one-way set up and after the planned two-way conversion. The first block to the south, Water Street provides additional east-west access to the downtown street network. The stretch of Cooley has surface parking lots and construction staging.

C. Vacation of the right-of-way would not impede the access of any adjacent property owner to their property.

The properties have access to other adjacent streets and the intent of the street vacation is to start the initiative to combine the parcels into one parcel for an arena. The parking lot at 411 W Kalamazoo Ave has a purchase agreement with CD Arena, LLC which stipulates that the parking shall be maintained, with access using the existing entry points until such time, replacement parking is obtained. A copy of the agreement has been provided to the City of Kalamazoo. The applicant has said they can include surface access to the lot within the easement language with the utilities to address access until development is underway.

D. All adjacent property owners to the ROW must indicate their support of the vacation request in writing.

CD Arena, LLC owns all of the adjacent properties to this segment of the Eleanor Street right-of-way.

E. Vacation will not impede the City in meeting its transportation goals.

The current and future transportation goals for the City will not be impeded. The streets proposed for vacation in the block proposed for the arena have alternative routes with sufficient capacity. This consideration includes the goals related to the two-way conversion which will be occurring in the upcoming years in the vicinity of this street vacation.

F. Vacation will not impact existing and planned utilities in right-of-way.

The developers' tentative utility relocation plan is feasible and they will develop the final utility relocation plan in coordination with City of Kalamazoo staff ahead of permitting. The relocation and impacts are working to coordinate so that the underground work is completed ahead of any final two-way conversion work.

G. Vacation will not impede the work of the Kalamazoo Department of Public Safety or Public Services Department.

The street closure request has been evaluated by the Department of Public Safety and Public Services. The street closures will not impede their ability to do the work.

Fiscal Impact:

The City Assessor has determined a range of assessed values. The difference in range is based on if CD Arena, LLC takes title with the utilities and easements in place, it's the

lower value; whereas if the City were to remove everything at its expense prior to closing, then it would be the higher value.

Cooley Street portion

Value with easements and utilities in place \$86,000

Value without easements, utilities removed prior to vacation - \$574,000

Eleanor Street portion

Value with easements and utilities in place \$201,000

Value without easements, utilities removed prior to vacation - \$1,340,000

RECOMMENDATION:

It is recommended the Planning Commission provide a favorable recommendation to the City Commission for the street vacation with the condition that easements for public and private utilities be provided and that they include surface access to be maintained to other public rights-of-way to the County staff parking lot at 411 W Kalamazoo Ave.



Received
09-01-2023

PLANNING COMMISSION APPLICATION

APPLICANT INFORMATION			
Name: CD Arena, LLC, c/o Jordan Schau		Mailing Address: 350 E. Michigan Suite 500	
City: Kalamazoo		State: MI	ZIP Code: 49007
Phone: 269-382-5300	Email: Jordan@kzoolawfirm.com		Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION			
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>			
Name: N/A		Mailing Address:	
City:		State:	ZIP Code:
Phone:	Email:		Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION			
Property Address(s): 415 Eleanor; 452 Eleanor; 455 Eleanor; 235 Cooley; 411 & 431 W. Kalamazoo Ave.			
Parcel Identification Number(s): See Attached		Zone District (kalamazoocity.org/maps):	
TYPE OF REQUEST			
☐ Rezoning		☐ Planned Unit Development (PUD)	
☐ Text Amendment (Chapter(s) _____, Section(s) _____)		☐ Preliminary Subdivision	
☐ Special Use Permit		☒ Right of Way Vacation	
Description: CD Arena, LLC requests that Eleanor Street between Park Street on the east and N. Westnedge Ave. on the west be vacated, and that Cooley Street from Eleanor Street on the south to Kalamazoo Avenue on the north be vacated. In addition, we are requesting that the alley between Cooley and Westnedge in Block 1 be vacated.			
ATTACHMENTS			
☐ \$ _____ Fee		☐ Completed Review Sheet	
☐ Other documents or engagement information <i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant: 		Date: 9/1/23	
Signature of Owner (if different than applicant):		Date:	

PLANNING COMMISSION

VACATING OF A PUBLIC RIGHT OF WAY REVIEW SHEET

Please reach out to staff if you have any questions.

Location of request for public right of way to be vacated: (may also provide on a separate sheet):

CD Arena, LLC requests that Eleanor Street between Park Street on the east and N. Westnedge Ave. on the west be vacated, and that Cooley Street from Eleanor Street on the south to Kalamazoo Avenue on the north be vacated. In addition, we are requesting that the alley in Block 1 between Cooley and Westnedge be vacated.

Reasons for the request:

The purpose of the requested vacation is to create a single parcel for the construction of the proposed event center.

Provide a text description which includes the length and width of the right of way in linear feet (include map):

See attachment

Please list property owners who have property directly next to the right of way (please include letters of support or petition of support from property owners):

CD Arena is the only property owner that owns property adjacent to the sections of Eleanor St. and Cooley St. that are subject to this request to vacate. Note: CD Arena, LLC currently has 440 W. Water Street under contract and expected to close on its purchase within 90 days. Title work indicates that the DDA holds title to the Arcadia Creek channel, although title to a portion of the former alley is also held by CD Arena.

Please identify any properties that have ingress/egress easements which may be connected to this right of way (or provide map):

The only properties that require the subject sections of Eleanor Street or Cooley Street for access are those parcels owned by CD Arena, LLC. All other properties in the area have access via alternative routes, including but not limited to Water Street, Park Street, and N. Westnedge Ave.

Please include letter(s) of support from any easement holders within the right-of-way to be vacated, including easements for City utilities, electric, gas, and fiber. List entities you will obtain letters of support from here:

AT&T – Utilities in Eleanor and Cooley

Charter Communications – Utilities in Eleanor

City of Kalamazoo – Utilities in Eleanor, Cooley

Consumers Energy - Utilities in Eleanor and Cooley

Estimate of the fair market value for the land from the City Assessor?

TBD

Please provide description of how the vacated ROW will be split and paid for by adjacent property owners (if applicable).

The entirety of the vacated Eleanor Street and Cooley Street ROWs will be transferred to and paid for by CD Arena, LLC. The portion of the alley within CD Arena's property boundary will be transferred to and paid for by CD Arena, LLC. The disposition of the portion of the alley that is in the Arcadia Creek channel is to be determined.

If the proposed vacation is for an improved right-of-way that has at least some public use beyond those requesting the vacation, the applicant(s) are required to use the City's Public Participation Plan for required outreach and engagement before the request is reviewed by the Planning Commission. Please describe elements of public outreach (if applicable).

N/A. Advised by City Staff that City Traffic Engineer concluded that requested street vacations would not result in change in traffic patterns.

Property Information

Tax Parcel Numbers

<u>Address of Parcel:</u>	<u>Tax Parcel Number</u>
415 Eleanor	06-15-316-203
452 Eleanor	06-15-315-106
455 Eleanor	06-15-315-506
235 Cooley	06-15-315-505
411 W. Kalamazoo Ave.	06-15-311-002
431 W. Kalamazoo Ave.	06-15-310-103

NOTES PERTAINING TO BOUNDARY SURVEY

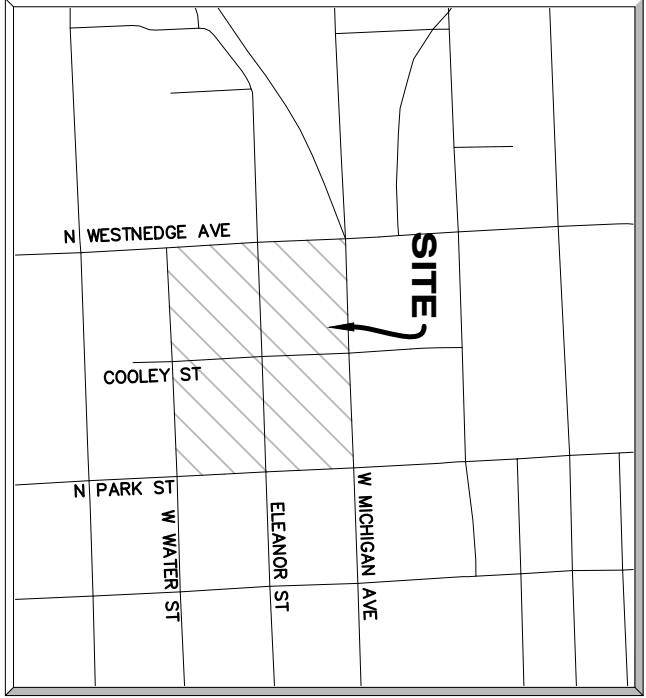
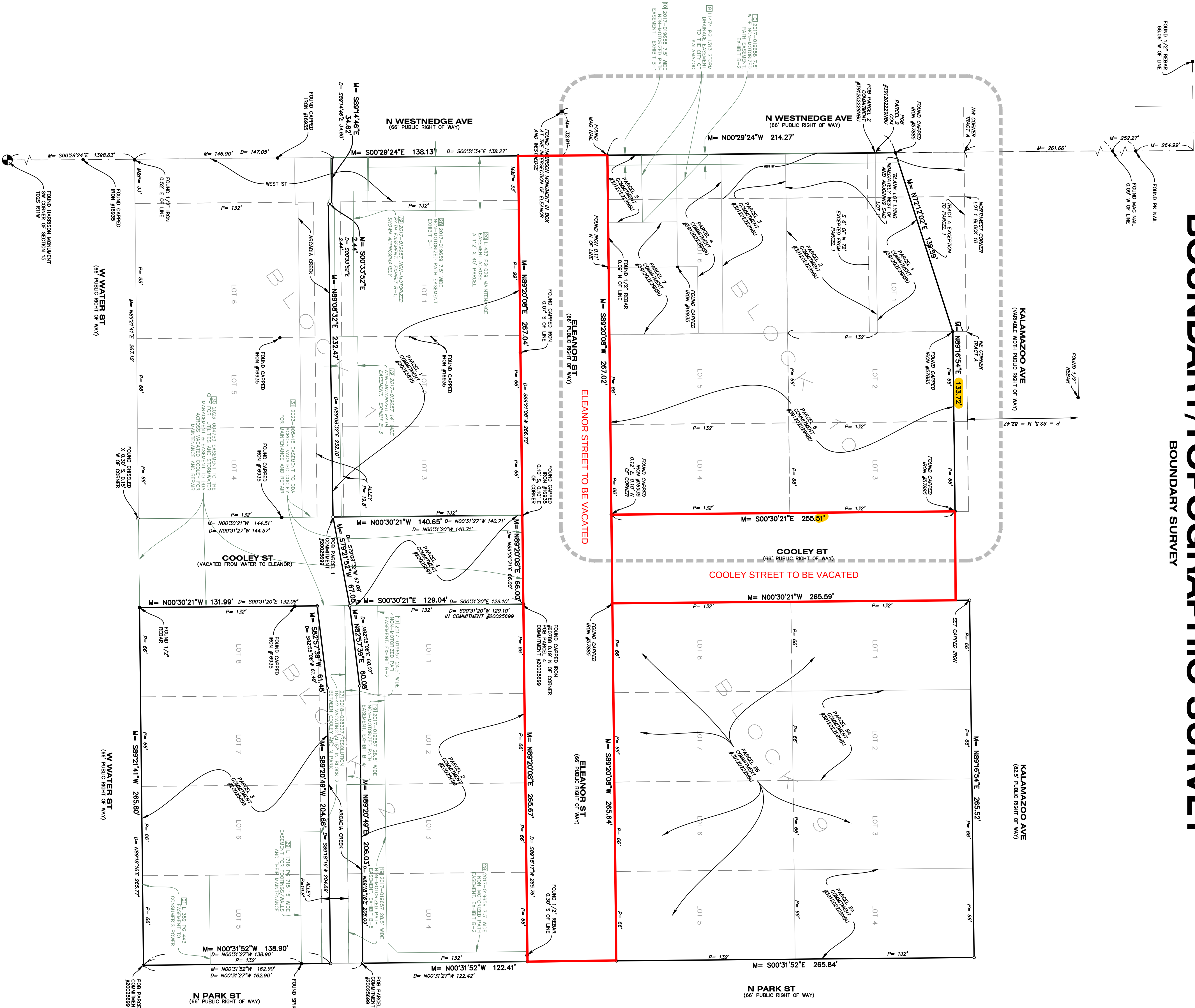
1. DOC #202-04-02227 IS CITY RESOLUTION 18-2 WHICH VACATES THE ALLEY IN BLOCK 11, TOWN 11W, RANGE 02S, COUNTY OF KALAMAZOO, MICHIGAN. NO DOCUMENTATION HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS ALLEY IS UNCLEAR.
2. DOC #2023-004729 IS CITY RESOLUTION 22-57 WHICH VACATES COOLEY STREET BETWEEN W. WATER AND ELEANOR STREET. NO DOCUMENTATION HAS BEEN PROVIDED SHOWING THAT THIS WAS APPROVED BY CIRCUIT COURT. TITLE TO THIS PORTION OF COOLEY STREET IS UNCLEAR.
3. NO DOCUMENTATION VACATING THE ALLEY IN BLOCK 1 BETWEEN WEST AND COOLEY STREET HAS BEEN PROVIDED. TITLE TO THIS ALLEY IS UNCLEAR.
4. NO DOCUMENTATION VACATING WEST STREET BETWEEN KALAMAZOO AVENUE AND 15 UNCLER.
5. WEST LINE OF PARCEL 2, COMMENT #20025699 IS DESCRIBED AS S00°31'20"W, S00°31'20"E. THE DESCRIPTION WOULD CLOSE.
6. PARCEL 1 COMMENT #3912022298BU CONTAINS 0.11 ACRES (4,731 SFT)
- PARCEL 2 COMMENT #3912022298BU CONTAINS 0.20 ACRES (8,684 SFT)
- PARCEL 3 COMMENT #3912022298BU CONTAINS 0.13 ACRES (5,663 SFT)
- PARCEL 4 COMMENT #3912022298BU CONTAINS 0.11 ACRES (4,971 SFT)
- PARCEL 5 COMMENT #3912022298BU CONTAINS 0.03 ACRES (1,287 SFT)
- PARCEL 6 COMMENT #3912022298BU CONTAINS 0.78 ACRES (34,188 SFT)
- PARCEL 7 COMMENT #3912022298BU CONTAINS 0.71 ACRES (31,233 SFT)
- PARCEL 8A COMMENT #3912022298BU CONTAINS 0.14 ACRES (6,052 SFT)
- PARCEL 8B COMMENT #3912022298BU CONTAINS 1.22 ACRES (52,926 SFT)
- PARCEL 1 COMMENT #20025699 CONTAINS 0.86 ACRES (37,573 SFT)
- PARCEL 2 COMMENT #20025699 CONTAINS 0.75 ACRES (32,716 SFT)
- PARCEL 3 COMMENT #20025699 CONTAINS 0.21 ACRES (9,097 SFT)
- PARCEL 4 COMMENT #20025699 CONTAINS 0.21 ACRES (9,097 SFT)

LEGEND

- BM=XXX BENCH MARK
- SET MONUMENT
 - SET CAPPED IRON LUG # 57885
 - SET CHISELED "X"
 - FOUND CHISELED "X"
 - ▲ CP # CONTROL POINT
 - P= FLATTED
 - D= DESCRIBED
 - M= MEASURED
 - R= RECORD
 - C= CALCULATED

BOUNDARY/TOPOGRAPHIC SURVEY

BOUNDARY SURVEY



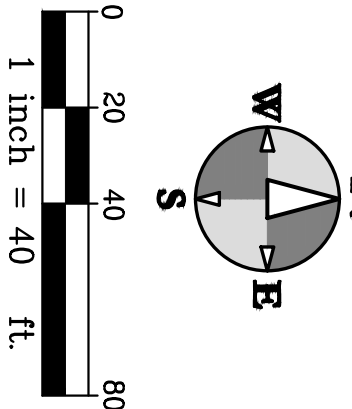
SITE LOCATION MAP

NOT TO SCALE

SECTION 15, TOWN 11W, RANGE 02S,
CITY OF KALAMAZOO, KALAMAZOO COUNTY,
MICHIGAN.
N WESTNEDGE, W MICHIGAN AVE,
N PARK ST, AND W WATER ST



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www.hurleystewart.com



Job No.: 23-056D	P.M.:TAK	Dft: BDE QA/QC	08/16/23
ISSUED FOR/REVISIONS:			
#1	BOUNDARY/TOPOGRAPHIC SURVEY		08/09/23
#2	ADDITIONAL CONTOUR LABELS		08/16/23

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BOUNDARY/TOPOGRAPHIC SURVEY
KALAMAZOO EVENT CENTER
CD ARENA LLC

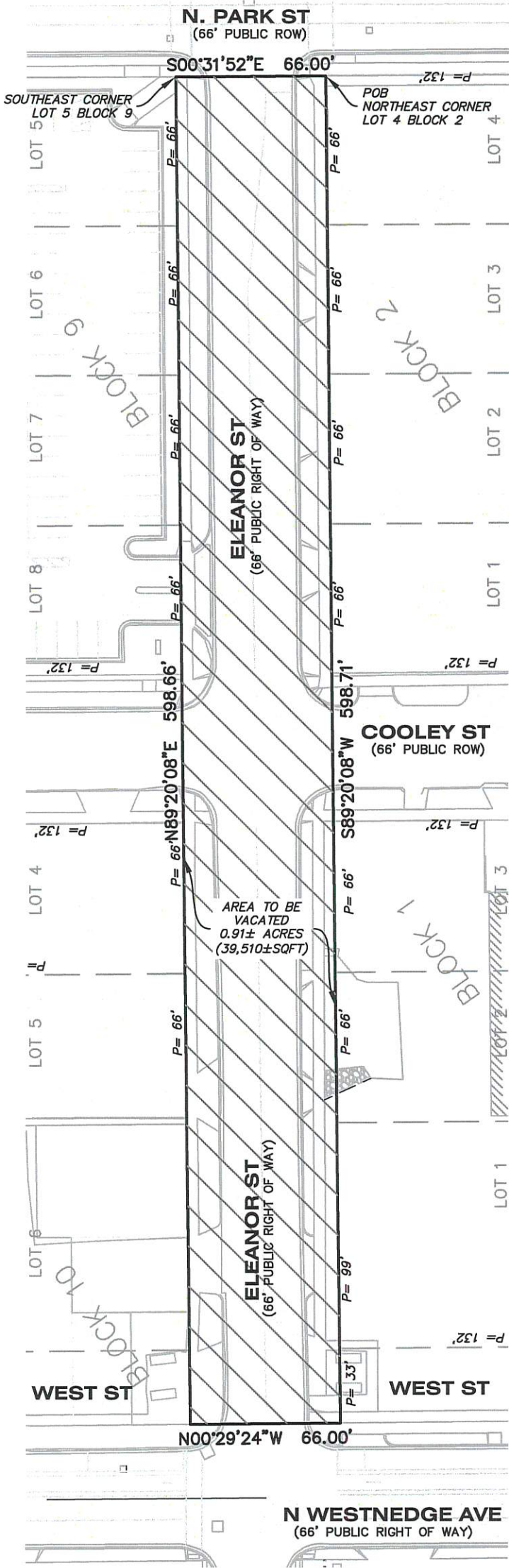
Sheet Title:
Project:
Client:

08/16/23
Sheet
S-7



STREET VACATION EXHIBIT

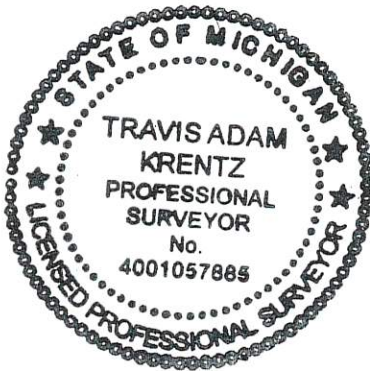
Received
09-11-2023



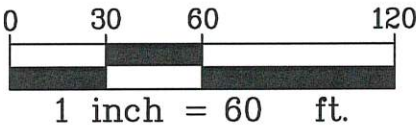
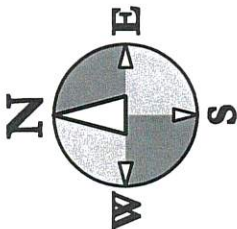
DESCRIPTION OF ELEANOR STREET TO BE VACATED

PART OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 2 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE NORTH LINE OF BLOCK 2, AND 1 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO AND THE WESTERLY EXTENSION THEREOF, SOUTH 89 DEGREES 20 MINUTES 08 SECONDS WEST 598.71 FEET TO THE EAST LINE OF NORTH WESTNEDGE AVENUE; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 29 MINUTES 24 SECONDS WEST 66.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 9 AND 10 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG SAID SOUTH LINE AND WESTERLY EXTENSION THEREOF, NORTH 89 DEGREES 20 MINUTES 08 SECONDS EAST 598.66 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 9 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO AND THE WEST LINE OF NORTH PARK STREET; THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 31 MINUTES 52 SECONDS EAST 66.00 FEET TO THE POINT OF BEGINNING.



Travis Adam Krentz



Drawing No.
1
1 OF 1

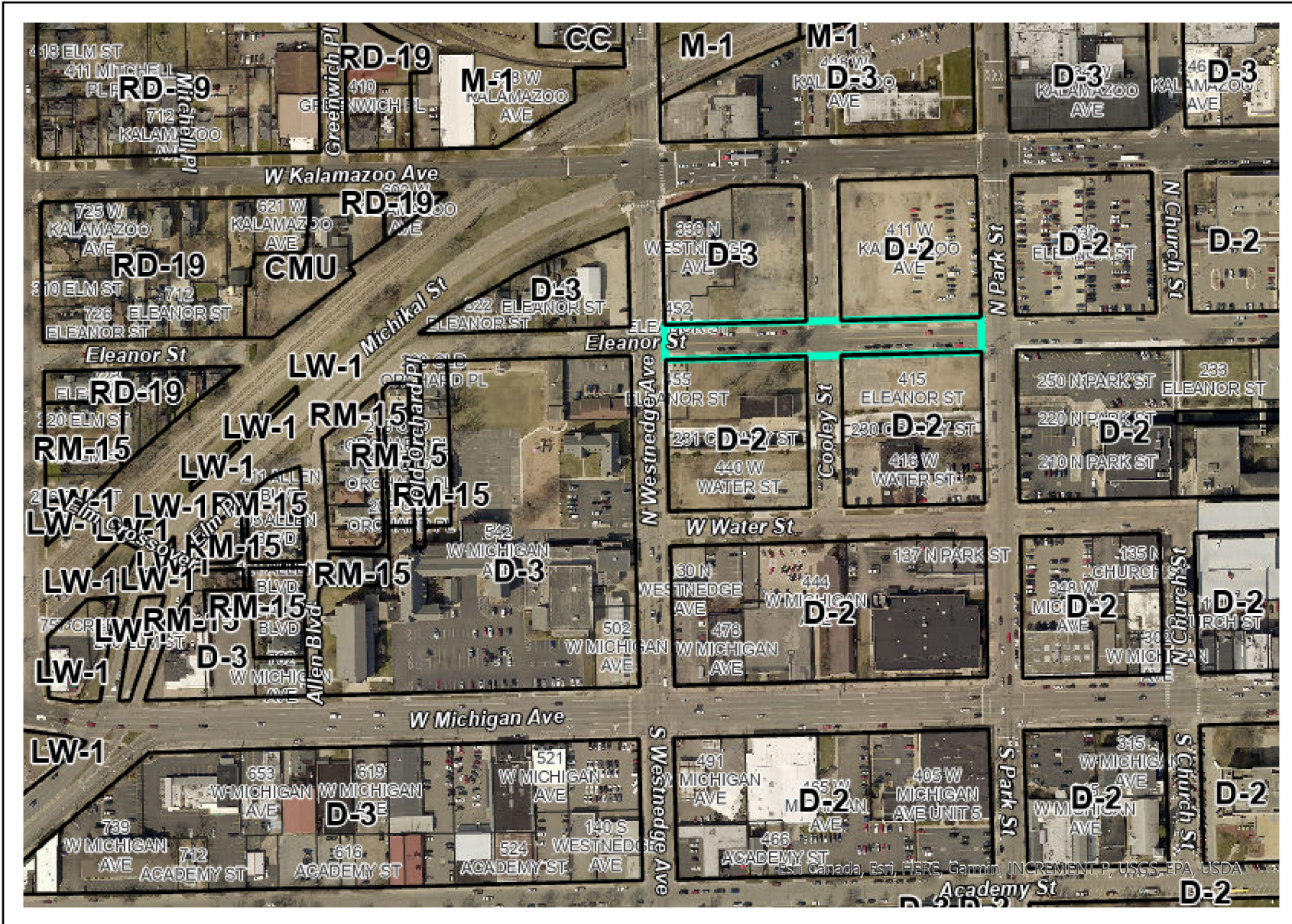
Title:
STREET VACATION EXHIBIT
Project:
KALAMAZOO EVENT CENTER
Client:
CD ARENA LLC

Job No.: 23-056D
Date: 08/23/23
Scale: AS NOTED
P.M.: TAK
Dft: BDE
QA/QC: 08/23/23



hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

P.C. #2023.07 - Vacation of Eleanor Street (Between N. Westnedge Avenue & N. Park Street)

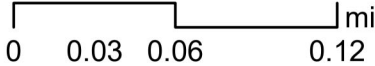


Aerial View

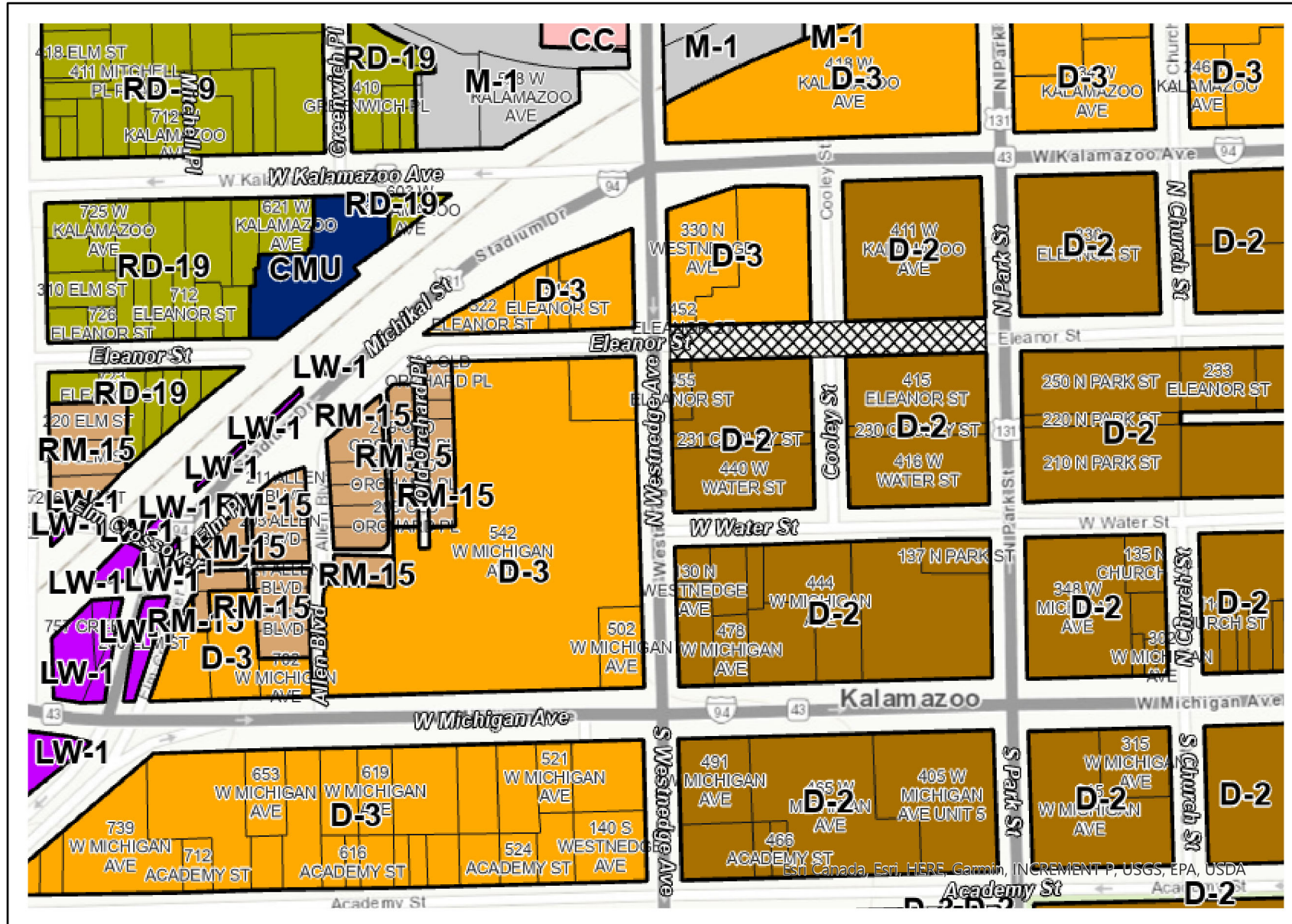
- Zoning
- Subject Property
- Other Property

2018

- Red: Band_1
- Green: Band_2
- Blue: Band_3



P.C. #2023.07 - Vacation of Eleanor Street (Between N. Westnedge Avenue & N. Park Street)



Current Zoning

-  Zoning
-  Subject Property
-  Other Property

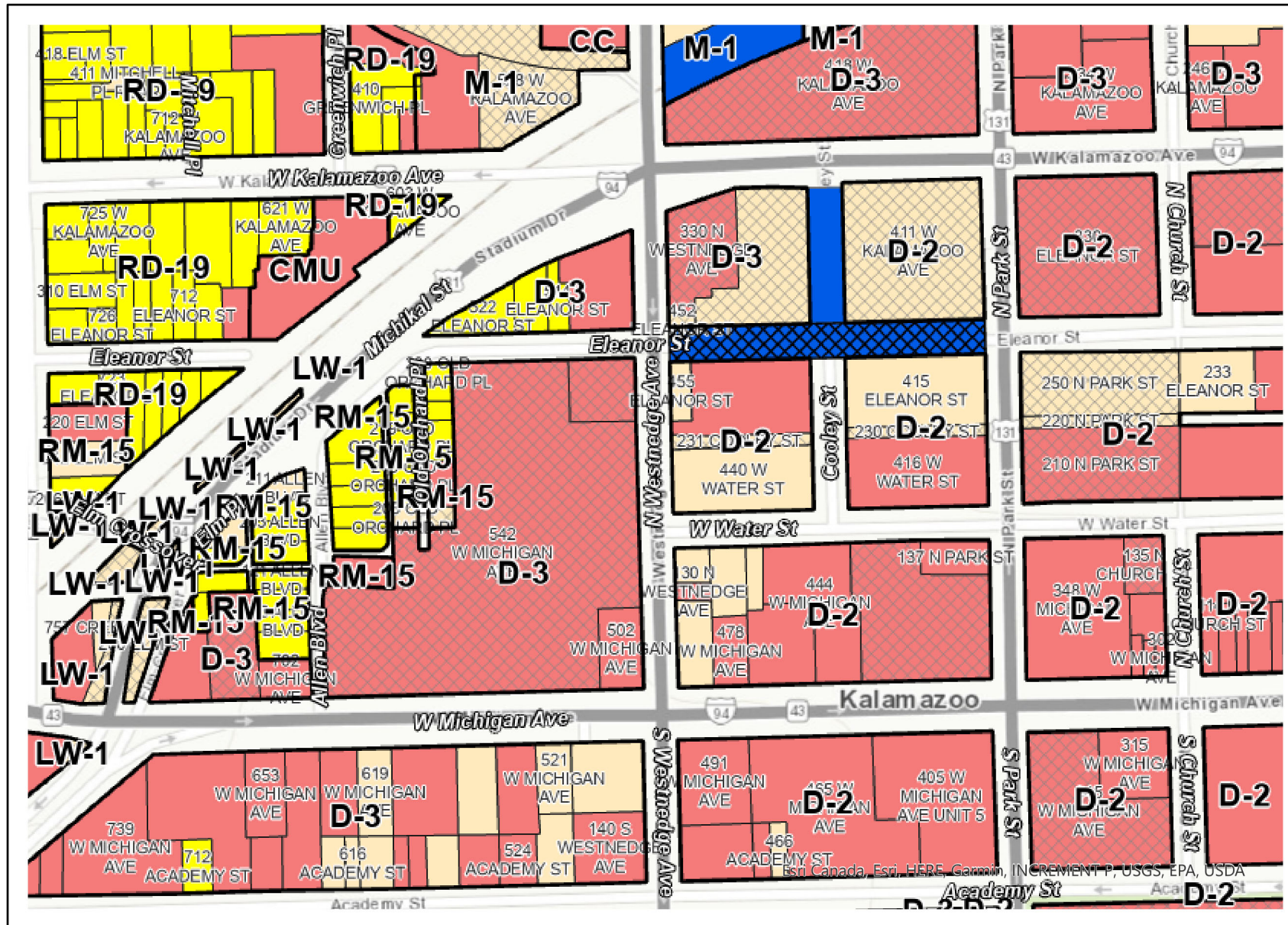
District

-  CC
-  CMU
-  D-2
-  D-3
-  LW-1
-  M-1
-  RD-19
-  RM-15

0 0.03 0.06 0.12 mi



P.C. #2023.07 - Vacation of Eleanor Street (Between N. Westnedge Avenue & N. Park Street)



Existing Land Use

- Zoning
- Subject Property
- Other Property
- Tax Exempt

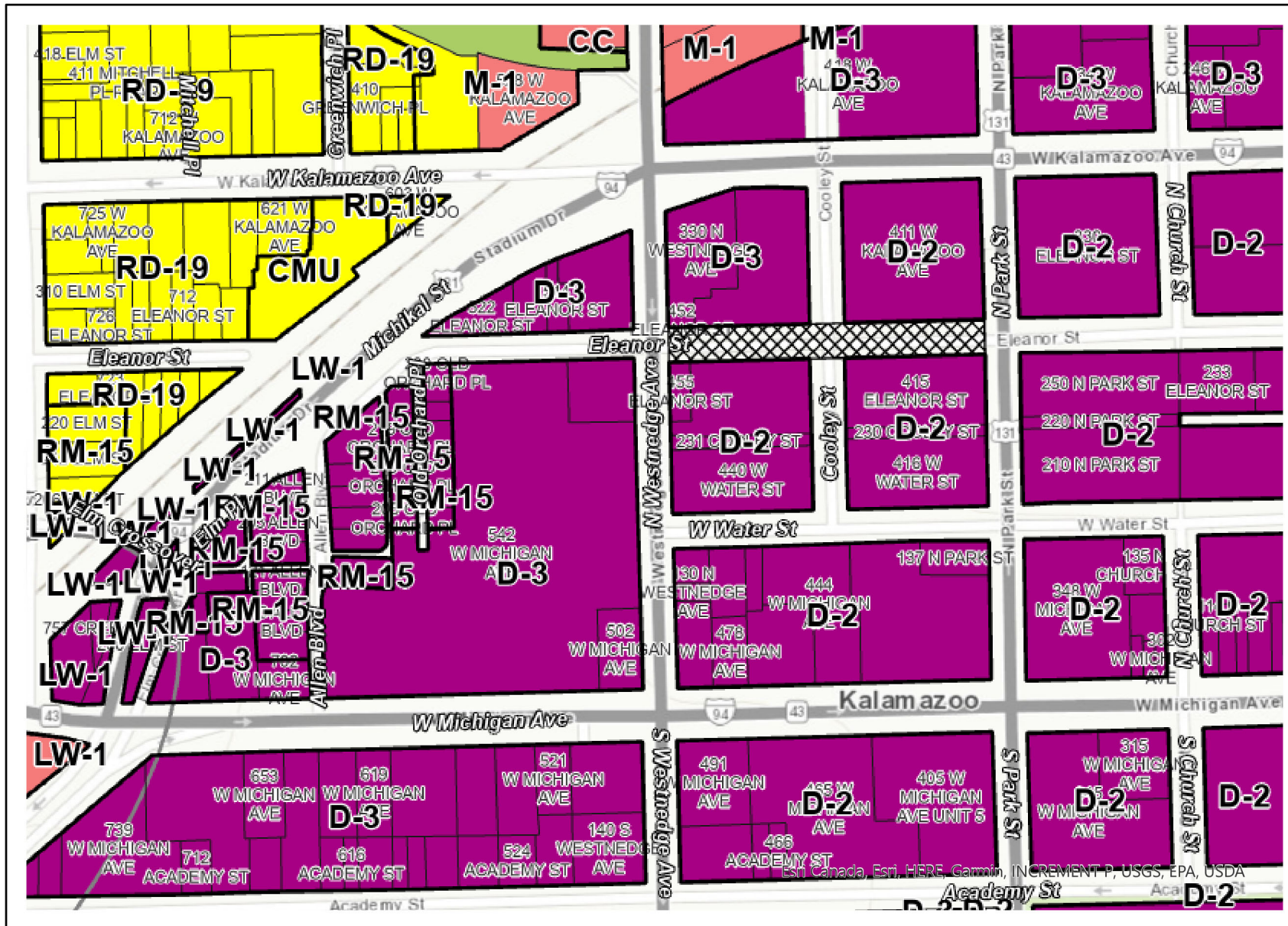
Property Class

- Commercial
- Residential
- Vacant
- Not Classified

0 0.03 0.06 0.12 mi



P.C. #2023.07 - Vacation of Eleanor Street (Between N. Westnedge Avenue & N. Park Street)



Future Land Use

- Zoning
- Subject Property
- Other Property
- Future Land Use**
- Node
- Commercial
- Downtown
- Open Space/Parks
- R1-Residential

0 0.03 0.06 0.12 mi



**CITY OF KALAMAZOO
SITE PLAN REVIEW PROJECT LIST**

Year 2023 Full Site Plan	Project Address	Project Description	Applicant	Property Owner	Pre-App. Received	Pre-App. Meeting	Pre-App. Approval Date	Date Site Plan Rec.	Fee	Committee Meet. Date	Design Review	Site Plan Review Status	Final Site Plan Approval Date	Final Inspect.	Process Issues
PSP23-001	2300 Glendenning Rd	Replace Modular Office Building	AR Engineering	T-M Asphalt	9/27/2022	10/5/2022	10/5/2022	12/21/2022	\$500	1/25/2023	NA	Site Plan Approved	5/3/2023		Lot line adjustment
PSP23-002	3921 Oakland Dr	Country Club Buildings and Golf Course	Hurley & Stewart	Oakland Finance Company	11/29/2022	12/14/2022	12/14/2022	1/3/2023	\$500	2/8/2023	NFP	Site Plan Approved	7/11/2023		
PSP23-003	1827 Reed Ave	New Trucking Warehouse & Distribution Building	Byce & Associates	Reed 1827, LLC	11/3/2022	11/16/2022	11/16/2022	1/11/2023	\$500	7/28/2023	NA	Project Under Review			Rail Spur Approval from RR
PSP23-004	5235 Portage Rd	Snow Equipment Storage Building	RS& H Michigan	Kalamazoo County Airport	11/29/2022	12/7/2022	12/7/2022	1/9/2023	\$500	2/15/2023	NA	Site Plan Approved	3/21/2023		
PSP23-005	3505 Emerald Dr	Cell Antenna Collocation	Celco Partnership	T-Mobile Central	NA	NA	NA	1/26/2023	\$250	2/22/2023	NA	Site Plan Approved	2/28/2023		
PSP23-006	710 Collins	Cell Antenna Collocation	T-Mobile	T-Mobile Central	NA	NA	NA	1/19/2023	\$250	2/22/2023	NA	Site Plan Approved	3/3/2023		
PSP23-007	2101 Fulford	Building (Truck Bay) Addition	Hurley & Stewart	Flowserve US Inc	12/2/2022	12/14/2022	12/14/2022	1/25/2023	\$500	2/22/2023	NA	Site Plan Approved	6/9/2023		
PSP23-008	215 E Michigan Ave	Change of Use to Restaurant	Terry Patterson & Fritz Brown	215 EM Partners, LLC	12/12/2022	1/4/2023	1/4/2023	1/31/2023	\$500	3/1/2023	DDRC	Site Plan Approved	4/6/2023		
PSP23-009	900 Hatfield	Cell Antenna Collocation	AT&T Mobility	SBA Towers II, LLC	NA	NA	NA	2/6/2023	\$250	3/8/2023	Na	Site Plan Approved	3/14/2023		
PSP23-010	3651 E Cork St	Lease Co & New Wash Bldg	Enterprise Leasing Co. of Detroit	Clark Logistics Group XLI, LLC	2/7/2023	2/15/2023	2/15/2023	3/2/2023	\$500	3/29/2023	NA	Site Plan Approved	5/10/2023		
PSP23-011	5225 Portage Rd	New storage building and building addition	Hurley & Stewart	5225, LLC	8/8/2022	8/24/2022	8/24/2022	3/8/2022	\$500	3/29/2022	NA	Site Plan Approved	4/27/2023		
PSP23-012	3915 Stadium Dr	Paving Expansion	Hurley & Stewart	Car L Shine, LLC	3/6/2023	3/22/2023	3/22/2023	3/31/2023	\$250	4/26/2023	NFP	Site Plan Approved	7/6/2023		
PSP23-013	1400 Harrison St	Site work and equipment building for clarifier	Hurley & Stewart	Graphic Packaging	2/22/2023	3/8/2023	3/8/2023	4/4/2023	\$500	5/17/2023	NFP	Project Under Review			
PSP23-014	2634 MT. Olivet Rd	Cell Antenna Collocation	Verizon Wireless	City of Kalamazoo	NA	NA	NA	5/10/2023	\$250	6/7/2023	NA	Site Plan Approved	7/6/2023		
PSP23-015	2536 S Sprinkle Road	Change of Use - Gas Station to Cannabis Retailer	2536 S Sprinkle Road LLC	C&H LLC	1/17/2023	1/20/2023	NA	6/12/2023	\$250.00	7/12/2023		Project Under Review			
PSP23-016	209 E Stockbridge Ave	Mixed-use Development	LIFT Foundation	Kalamazoo County Housing Choices	3/22/2023	4/26/2023	4/28/2023	6/22/2023	\$610.00	7/12/2023	NFP	Project Under Review			Applying for LIHTC from State
PSP23-017	128 E Frank St	Site work and residential building additions	Byce & Associates	Mt Zion Baptist Church	6/15/2022	7/28/2022	7/28/2022	6/29/2023	\$500.00	7/26/2023		Project Under Review			
PSP23-018	112/120 E Cork Street	Change of Use - Parking Lot for Kzoo Vet Hospital	Bosch Architecture	Moiles Properties LLC	6/30/2023	7/12/2023	7/14/2023	8/17/2023	\$610.00	9/13/2023	NFP	Project Under Review			
PSP23-019	918 Jasper Street	Site work and accessory building addition	Hurley & Stewart	Senior Services Inc.	2/9/2023	3/22/2023	3/24/2023	7/28/2023	\$500.00	8/23/2023	HDC	Project Under Review			
PSP23-020	2045 E Michigan Ave	Site work and new iron and PFAs water treatment plant.	Wightman	City of Kalamazoo	6/16/2023	6/28/2023	6/30/2023	8/11/2023	\$500.00	9/6/2023		Project Under Review			
							Total		\$8,720						