

Agenda

Brownfield Redevelopment Authority

Board of Directors

City of Kalamazoo



Thursday, November 16, 2023

7:45 AM

CPED Main Conference Room - 245 N. Rose Street, Suite 100

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of minutes from the BRA meeting on October 19, 2023

D. PUBLIC COMMENTS

E. DIRECTORS' COMMENTS

F. NEW BUSINESS

1. Approval of the Third Amendment to the Purchase and Sale Agreement with River Caddis Development LLC, extending the Closing Date to March 31, 2024 and requiring an additional depositor \$10,000 for a total deposit of \$50,000 and to authorize the Chair to sign the Third Amendment to the Purchase and Sale Agreement with such other provisions not materially adverse to the BRA approved as to form by legal counsel and as to content by the Department Director serving as Attorney-in-Fact.

(ACTION: Motion to approve the Third Amendment to the Purchase and Sale Agreement with River Caddis Development LLC, extending the Closing Date to March 31, 2024 and requiring an additional depositor \$10,000 for a total deposit of \$50,000 and to authorize the Chair to sign the Third Amendment to the Purchase and Sale Agreement with such other provisions not materially adverse to the BRA approved as to form by legal counsel and as to content by the Department Director serving as Attorney-in-Fact).

2. Adoption of a Resolution Approving the First Amendment to 530 S Rose Grant Agreement and Authorizing the Chair to Sign
(ACTION: Motion to adopt a resolution approving the First Amendment to 530

S Rose Grant Agreement and authorize the chair to sign)

3. Approval of the BRA Board of Directors 2024 Meeting Schedule.
(ACTION: Motion to approve the BRA Board of Directors 2024 Meeting Schedule as presented).
4. Approval of a Consent to Enter Agreement with the Michigan Department of Environment, Great Lakes, and Energy allowing EGLE and contractors access to property located at 125 E. North Street.
(ACTION: Motion to approve the Consent to Enter Agreement with EGLE allow EGLE and contractors access to the property located at 125 E. North Street).

G. UNFINISHED BUSINESS

H. COMMUNICATIONS AND ANNOUNCEMENTS

I. STAFF REPORTS AND UPDATES

J. ADJOURNMENT

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY BOARD MEETING
Thursday, October 19, 2023
Community Planning and Economic Development
245 N. Rose Street, Kalamazoo, MI 49007**

MEMBERS PRESENT: Sharon Ferraro; Lucas Middleton; Rachel Bair; Kevan Hess; Kyle Gulau; Jason Novotny; Nathan Bolton; Qianna Decker; Michael Gurnee

MEMBERS ABSENT: Andrew Schipper; Torean Greeley

CITY COMMISSIONERS/CITY STAFF PRESENT: John Weiss (Attorney, Dickinson Wright); Jamie McCarthy (Sustainable Development Coordinator); PJ Thuringer (Economic Development Supervisor); Logan Mulholland (Fishbeck, Consultant); Jared Chambers (Business Specialist); Heidi Gartley (Brownfield Project Assistant)

Meeting was called to order at 8:19 AM by Chair Hess.

MOTION TO EXCUSE ABSENT MEMBERS: Director Gurnee moved to excuse absent members; seconded by Director Middleton. Motion approved by voice vote unanimously.

APPROVAL OF AGENDA: Director Bolton moved the approval of the agenda as amended; seconded by Director Bair. Motion approved by voice vote unanimously.

APPROVAL OF MINUTES: Director Ferraro moved approval of minutes from the meeting of September 21, 2023 as presented; seconded by Director Gurnee. Motion approved by voice vote unanimously.

PUBLIC COMMENTS

None.

DIRECTOR'S COMMENTS

Director Gulau shared he attended the Bogan Development ribbon cutting ceremony for the YMCA childcare facility. He said it is a good project and great to see the Brownfield dollars at work.

Director Ferraro asked about brownfield properties being used as short-term rentals. She noticed there are two units listed at 615 W Kalamazoo on VRBO. She suggested looking at BRA agreements in the future to address this issue, especially as housing is something the board continues to focus on.

NEW BUSINESS

1. Adoption of the 2024 Proposed Budget for Fund 243 – Brownfield Redevelopment Authority.

Ms. McCarthy shared the proposed 2024 Budget for Fund 243 – Brownfield Redevelopment Authority, as found in the agenda packet.

Director Bolton asked where the increase in Interest on Investments came from. Ms. McCarthy clarified she was advised by Management Services staff to use a conservative 3% estimate and that the past proposed number does not reflect the actual year-to-date revenue for this line item in 2023.

Director Novotny asked if there is an advertising or public outreach component the board should be thinking about and where will that be pulled from. Ms. McCarthy said staff is working to organize and print resources to give developers upon initially meeting with them. This will be pulled from the Promotions and Advertising budget line.

Director Gulau suggested it is worth looking into creating a website rather than printing. He said this could be easily updated and shared, as well as save on printing costs. He suggested thinking about this for the 2025 budget.

Ms. McCarthy explained the process for budget adjustments and that changes can be made mid-year; they just have to be brought to the board for approval.

Director Gulau is interested in having a staff member from Management Services speak to the board about account interest and options. Director Hess and Director Middleton also expressed interest.

Ms. McCarthy will invite Management Services to attend a meeting to answer the board's questions.

Director Middleton asked for clarification on the Sale of Property Held for Resale line item. Ms. McCarthy shared the two grants below this account are separate line items and require separate project accounting. Any proceeds the board gets for closing on a property go into the Sale of Property Held for Resale account as a revenue source for each year. She clarified Rivers Edge and 530 Rose do not comprise the entire balance shown on the proposed budget.

Ms. McCarthy shared she took about 50% of total properties the BRA currently has under contract to determine the \$300,000 proposed revenue for Sale of Property Held for Resale line item.

Director Gulau asked if we can break down the Grounds and Maintenance costs to see if there are properties that require more maintenance than others. Ms. McCarthy said this should be broken down on the invoices by property.

Chair Hess seconded the thought of identifying properties with higher maintenance needs, so they can prioritize these to make them more marketable and beautify neighborhoods at the same time.

Director Gulau moved adoption of the 2024 Proposed Budget for Fund 243 – Brownfield Redevelopment Authority; seconded by Director Bair.

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

2. Adoption of the 2024 Proposed Budget for Fund 242 – Local Brownfield Revolving Fund.

Ms. McCarthy shared the proposed 2024 Budget for Fund 242 – Local Brownfield Revolving Fund, as found in the agenda packet.

Attorney Weiss suggested changing some of the language to reflect the new legislation, citing that revolving fund dollars are not required to only be used for approved brownfield plans. The LBRF funds can be utilized as grant money for other eligible activities.

Ms. McCarthy shared that as a new policy is drafted by the board following legislation updates, they will need to discuss if they are comfortable with granting out dollars that may not revolve back in. They could consider creating a line item for funding projects that may not be part of an approved brownfield plan.

Attorney Weiss stated that the projects they fund would still need to meet the requirements of eligible activities. One example could be housing, which is now an eligible activity.

Chair Hess stated in regard to housing this could be a very interesting possibility to consider when moving forward and that clearly the board is under-spending.

Attorney Weiss said as the amount of projects increase, the board will see more LBRF coming in.

Chair Hess stated that best practice would be to communicate with other brownfield authorities and discuss how they are approaching the change in legislation.

Director Gulau said it is an opportunity for the community to be a leader. He noted the board had discussed spending 1.5 million into their community, as noted in the Adopted 2023 Budget, but they only spent 10% of those funds. He stated this as a missed opportunity to deploy money to build critical infrastructure. Going forward, he said it is important to have the budgets in front of them to see if they are investing in the community the way they have planned to. He said he recognizes there are more tools available to the board than they may have originally thought and he is excited for the next couple of board meetings to talk about how they intend to use these resources in the community.

Chair Hess stated the change in the law will allow the board more opportunities to invest in the community.

Director Novotny said he is in favor of creating another account line item.

Attorney Weiss explained another line item may not have to be created, as it will fall under Other Brownfield Eligible Activities.

Ms. McCarthy shared that it can be tracked differently and remain as one line item. There could be some separate metrics that can be pulled in reports to share with the board. The board could determine criteria or investment priorities to work into a policy. Staff wants to bring forward an LBRF policy to the board that helps guide the board on an annual basis. She asked if they want to currently increase the current proposed 2024 amount for line-item Other Brownfield Eligible Activities and then try to match up a policy at the beginning of the year.

Commissioner Decker said if they do increase the amount and then initiate more advertising, they might get more interest. They can be aware that the funds are available for the increased interest.

Director Middleton said he does not have an issue increasing the fund, but if the board is going to consider spending money in a way that is not going to revolve into the fund, then he wants to have a more comprehensive conversation on what that means long term for the fund and the strategy. He wants a better understanding of what that means long term from a fiscal perspective and make sure they are managing the fund responsibly, while also understanding they have more ability to implement the money.

Director Gulau said they need to be thoughtful of when they are using those money for non-brownfield projects that will not revolve back.

Director Novotny stated this topic is the inverse to their earlier conversation of interest on their accounts. They should not be in the business of making money nor should they be in the interest of not trying to find other uses for that interest that maybe go beyond something that revolves back in, if it is an activity that falls within eligible lines.

Ms. McCarthy suggested seeking Management Services' input on a recommendation for the amount of reserves that the board should consider holding within their account.

Director Middleton re-iterated having a better long-term strategy so they can think about how to spend their money over a five or ten year period.

Attorney Weiss said it may be useful to do a five- or ten-year pushout of what to expect in the LBRF. It can be dependent on what plans are outstanding or which ones are completed. It would be helpful to see the ten-year period because a dramatic shift of what is coming in can occur based on that status of plans.

Director Bair asked if a project spreadsheet exists with future projections. McCarthy said this spreadsheet does not exist. Director Bair asked if it could.

Ms. McCarthy shared there has been hesitancy from Assessing and Management Services to provide this information, as there are a multitude of factors that can make the future projections difficult to predict. Tax appeals can take place. Properties may go tax exempt if someone were to sell to a nonprofit. She shared they can give the board a timescale of when projects are coming on and off. They could also use the projection in addition to actual TIF capture from the year prior, as these are real revenues.

Chair Hess asked if the board wanted to amend the 2024 Proposed Budget before adopting.

Director Bair said it sounds like they want to do more strategic planning and make an amendment mid-year.

Director Gulau seconded this comment.

Director Gulau moved adoption of the 2024 Proposed Budget for Fund 242 – Local Brownfield Revolving Fund, seconded by Director Bolton.

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

UNFINISHED BUSINESS

None.

COMMUNICATIONS AND ANNOUNCEMENTS

None.

STAFF REPORTS AND UPDATES

Ms. McCarthy sent an email to directors with materials for the Kalamazoo County Housing training event taking place October 20, 2023.

Ms. McCarthy shared that staff is wrapping up their internal workshops on properties owned by the BRA and CPED. The next step will be a workshop with the P&F committee in November. She hopes to get a strategy before the board at the beginning of 2024.

ADJOURNMENT: The meeting was adjourned at 9:09 A.M. by Chair Hess.

Heidi Gartley
Recording Clerk

Chair Signature

Printed Name/Title



BRA Board of Directors Staff Report

City of Kalamazoo

TO: Brownfield Redevelopment Authority Board of Directors

FROM: Antonio Mitchell, Director of Community Planning and Economic Development
Prepared by: Jamie McCarthy, BRA Staff Liaison

DATE: November 16, 2023

SUBJECT: Approval of the Third Amendment to the Purchase and Sale Agreement with River Caddis Development LLC, extending the Closing Date to March 31, 2024 and requiring an additional depositor \$10,000 for a total deposit of \$50,000 and to authorize the Chair to sign the Third Amendment to the Purchase and Sale Agreement with such other provisions not materially adverse to the BRA approved as to form by legal counsel and as to content by the Department Director serving as Attorney-in-Fact.

SUMMARY:

On October 27, 2023 the BRA received a written request to extend the closing date in the Second Amendment to the Purchase and Sale Agreement for Rivers Edge Project, related to the sale of property at 508 Harrison. The development team indicated closing on financing will not happen prior to the current closing deadline of December 31, 2023.

The letter requested an extension of the closing date to May 31, 2024, with the expectation that financing is likely to close within the first quarter of 2024. Staff is recommending the BRA grant an extension to the end of the quarter on March 31, 2024. There is an outstanding request to the City for a Payment In Lieu of Taxes (PILOT) that requires a deviation in the City's current policy and a vote by the City Commission. If the project is unable to close by March 31, 2024 for any reason, the developer may appear before the board to provide an update on the PILOT and any other outstanding items, and provide a new assessment of the time needed for closing.

BACKGROUND:

On September 23, 2022, the BRA signed the Second Amendment to the Purchase and Sale Agreement for 508 Harrison. This amendment extended the closing date to December 31, 2023 and required an additional deposit of \$10,000, for a total of \$40,000 deposited toward the sale. If purchaser terminates the Agreement prior to the expiration of the Investigation Period, then half of the deposit will be retained by seller.

FISCAL IMPACT:

RECOMMENDATION:

It is recommended the BRA authorize legal counsel and staff to work on behalf of the BRA on the Third Amendment to the Purchase and Sale Agreement for the Rivers Edge Project to extend the closing date to March 31, 2024.

From: [Rypma, Steven J.](#)
To: [McCarthy, Jamie](#)
Subject: [External Email] River's Edge - Requested Amendment to BRA Purchase Agreement
Date: Friday, October 27, 2023 10:37:25 AM
Attachments: [River Caddis - River s Edge, Third Amendment to Purchase Agreement \(BRA\)\(49693170 1\).DOCX](#)

Hi Jamie – hope you are doing well. As you know, we continue to work away at the River's Edge project and while we were hopeful for a December closing it is now apparent that doing so will not be feasible with MSHDA and our tax credit investor. However, we do believe we are well on track for a closing in the first quarter of 2024. We will need to seek an extension to the closing date under the BRA purchase agreement. Please see attached for a proposed amendment. This contemplates an outside closing date of May 31, but again we are fairly confident that a closing in the first quarter is achievable. Let me know if you would like to discuss, or if we should plan to attend a meeting to discuss our progress with the BRA.

Thanks,

Steve

Steven J. Rypma

HONIGMAN LLP

O 269.337.7842

M 317.504.5740

srypma@honigman.com

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1948 - 2023**

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BRA Board of Directors Staff Report

City of Kalamazoo

TO: Brownfield Redevelopment Authority Board of Directors

FROM: Antonio Mitchell, Director of Community Planning and Economic Development
Prepared by: Jamie McCarthy, BRA Staff Liaison

DATE: November 16, 2023

SUBJECT: Adoption of a Resolution Approving the First Amendment to 530 S Rose Grant Agreement and Authorizing the Chair to Sign

SUMMARY:

On June 19, 2023 the BRA signed an agreement with the Developer, 530 Rose Limited Dividend Housing Association Limited Partnership for an EGLE Brownfield Grant. The grant included \$330,200 to cover brownfield-eligible costs for due care planning and contaminated fill removal and disposal for the new affordable senior living project located in the Vine neighborhood.

On August 21, 2023 the BRA signed the grant agreement with EGLE. The award included additional funding not originally anticipated by the agreement between BRA and Developer, for a total of \$350,000. This includes \$10,500 to the BRA for administrative costs. The First Amendment to 530 S Rose Grant Agreement is before the BRA board to amend the agreement to reflect the terms of the EGLE grant agreement.

BACKGROUND:

The 530 Rose Senior Housing Project broke ground in September 2023. They worked to finalize a grant work plan that was approved by EGLE in early September. The project continues to make good progress through the excavation phase and foundation construction. They are documenting soil removal and disposal with appropriate records. Due to higher than expected contaminated soil volumes, the project has been granted a budget revision to assign other due care and contingency funding to soil removal and disposal.

FISCAL IMPACT:

The funding for this grant will come directly from EGLE. Administrative costs to the BRA are also provided by the EGLE grant up to \$10,500.

RECOMMENDATION:

It is recommended the BRA adopt a resolution approving the First Amendment to 530 S Rose Grant Agreement and authorize the chair to sign.

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY**

**A RESOLUTION APPROVING FIRST AMENDMENT TO
530 S ROSE GRANT AGREEMENT FOR A PROJECT AT
530 S ROSE STREET, KALAMAZOO, MICHIGAN**

Minutes of a regular meeting of the Board of Directors of the City of Kalamazoo Brownfield Redevelopment Authority, held on November 16, 2023, at 7:45 a.m., local time at 245 N. Rose Street, Ste. 100 in Kalamazoo, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____.

RECITALS:

- A. The City of Kalamazoo Brownfield Redevelopment Authority ("AUTHORITY") submitted an application to receive a Brownfield Redevelopment Grant ("Grant") from the Michigan Department of Environment, Great Lakes, and Energy ("EGLE") to support 530 S ROSE LDHA LP (Developer) in the development of a new affordable senior housing project. The vacant 0.5 acre parcel is identified as Parcel No. 06-22-114-030.
- B. The Authority anticipated the award from EGLE in the amount of \$338,540, including an administration cost of \$8,340, to facilitate due care planning and contaminated fill removal and disposal and to address other environmental conditions associated with the redevelopment of a former residential property located at 530 S. Rose St., Kalamazoo, MI 49007, within the Vine Neighborhood (the "Property").
- C. On June 19, 2023 the Authority signed a grant agreement with Developer to pass through funding up to \$330,200 for reimbursement of eligible costs in order to further the redevelopment the Property.
- D. On August 21, 2023, the Authority actually entered into the EGLE Grant, which included an award of additional grant funding not originally anticipated by the Parties.
- E. The Authority and the Developer have agreed to amend the Agreement to reflect the terms of the EGLE Grant as awarded, which reflects a total of \$350,000 in grant funding include \$10,500 in administrative funding to the Authority.

THEREFORE, IT IS RESOLVED:

1. The BRA Board of Directors authorizes its Chairperson to sign the First Amendment to 530 S. Rose Grant Agreement.
2. BRA staff is directed to administer and oversee the work undertaken in all EGLE-approved grant work plans - subject to the provisions of the Agreement and EGLE Agreement and in compliance with EGLE rules and regulations – to ensure such Grant funds are properly allocated for the purposes set forth in the EGLE-approved work plans.

AYES, Directors _____

NAYS, Directors _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I certify that (i) the above is a true and complete copy of a resolution adopted by the Board of Directors of the City of Kalamazoo Brownfield Redevelopment Authority at a regular meeting held on November 16, 2023; the meeting was conducted and public notice of it was given to and in full compliance with the Michigan Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976); and minutes of the meeting were kept will be available as required by the Act.

Heidi Gartley
Recording Secretary

FIRST AMENDMENT TO 530 S. ROSE GRANT AGREEMENT

THIS FIRST AMENDMENT TO 530 S. ROSE GRANT AGREEMENT (the “First Amendment”) is entered into by and between the **City of Kalamazoo Brownfield Redevelopment Authority**, a Michigan public body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended, MCL 125.2651 *et seq.*, whose address is 245 N. Rose Street, Suite 100, Kalamazoo, MI 49007 (the “Authority”), and **530 Rose Limited Dividend Housing Association Limited Partnership**, a Michigan limited partnership whose address is 102 S. Main Street, Mount Pleasant, MI 48858 (“Developer”) (collectively, the “Parties”).

RECITALS

A. The Authority and the Developer entered into a binding agreement dated June 19, 2023 (the “Agreement”) concerning the use of anticipated grant proceeds received by the Authority pursuant to an EGLE Brownfield Grant Agreement between the Michigan Department of Environment, Great Lakes, and Energy and the Authority to facilitate due care planning and contaminated fill removal and disposal associated with the development of a property located at 530 S. Rose Street, Kalamazoo, MI 49007 (the “EGLE Grant”).

B. On August 21, 2023, the Authority actually entered into the EGLE Grant, which included an award of additional grant funding not originally anticipated by the Parties.

C. The Authority and the Developer have agreed to amend the Agreement to reflect the terms of the EGLE Grant as awarded.

NOW, THEREFORE, in consideration of the terms and conditions contained in the Agreement and this First Amendment and the benefits to be derived therefrom, receipt of which is severally acknowledged, the Authority and the Developer hereby agree as follows:

Section 1. Amendment to “Recitals” of Agreement. Recital B is amended in its entirety to read as follows:

The Authority received the award of a grant from EGLE (the “EGLE Grant”) in the amount of \$350,000 including an administration cost of \$10,500, to facilitate due care planning and contaminated fill removal and disposal and to address other environmental conditions associated with the redevelopment of a property located at 530 S. Rose St., Kalamazoo, MI 49007, along the Kalamazoo River near downtown Kalamazoo (the “Property”).

Section 2. Amendment to “Recitals” of Agreement. Recital C is amended in its entirety to read as follows:

The Authority is a party to an EGLE Brownfield Grant Agreement dated August 21, 2023 (the “EGLE Grant Agreement”), which

outlines the terms and conditions of the EGLE Grant and which is incorporated herein by reference.

Section 3. Amendment to “Recitals” of Agreement. Recital D is amended in its entirety to read as follows:

The Authority will, in turn, award up to \$339,500 of the EGLE Grant proceeds (the “Grant Proceeds”) to Developer for reimbursement of eligible costs in order to further the redevelopment the Property, which is currently a surface parking lot, into a five-story affordable senior housing project, all as further detailed in the Project Details and Project Budget (the “Project”). The administration cost is payable to the Authority, which will act as Grant Administrator, as permitted by the EGLE Grant Agreement.

Section 4. Ratification. The Agreement is in all other respects hereby ratified and confirmed.

The signatories below warrant that they are empowered to enter into this First Amendment.

Dated: _____

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

By: _____

Kevan Hess

Its: Chair

Dated: 10/9/2023

**530 ROSE LIMITED DIVIDEND HOUSING
ASSOCIATION LIMITED PARTNERSHIP**

By: PGJ Development LLC

Its: General Partner

By:  _____

Garrett Seybert

Its: Authorized Representative



BRA Board of Directors Staff Report

City of Kalamazoo

TO: Brownfield Redevelopment Authority Board of Directors

FROM: Antonio Mitchell, Director of Community Planning and Economic Development
Prepared by: Jamie McCarthy, BRA Staff Liaison

DATE: November 16, 2023

SUBJECT: Approval of the BRA Board of Directors 2024 Meeting Schedule

SUMMARY:

The proposed 2024 Meeting Schedule for the BRA Board of Directors continues regular monthly meetings on the third Thursday of each month starting at 7:45 am. Meetings will be scheduled in-person at the City of Kalamazoo Community Planning & Economic Development Office, located at 245 N. Rose Street, Suite 100, Kalamazoo, MI 49007. New for 2024, there will be no regularly scheduled meeting of the board in July. If the board has essential business to conduct in July, a special meeting can be scheduled with 18-hours notice to the public or more.

BACKGROUND:

N/A

FISCAL IMPACT:

This item is not anticipated to have a fiscal impact on the BRA.

RECOMMENDATION:

It is recommended the BRA approve the Board of Director's 2024 Meeting Schedule.

2024 Proposed EDC-BRA Meeting Schedule

**** 7:45 AM Start Time ****

January 18

February 15

March 21

April 18

May 16

June 20

August 15

September 19

October 17

November 21

December 19



BRA Board of Directors Staff Report

City of Kalamazoo

TO: Brownfield Redevelopment Authority Board of Directors

FROM: Antonio Mitchell, Director of Community Planning and Economic Development
Prepared by: Jamie McCarthy, BRA Staff Liaison

DATE: November 16, 2023

SUBJECT: Approval of a Consent to Enter Agreement with the Michigan Department of Environment, Great Lakes, and Energy allowing EGLE and contractors access to property located at 125 E. North Street.

SUMMARY:

The Developer of the Legacy Senior Living Project located in the Northside Neighborhood at 730 N. Burdick approached the BRA for funding support for environmental due care activities at the property. After meeting with EGLE, the State extended an opportunity for support of additional site characterization. Using EPA Assessment Program funding, EGLE will cover costs for additional environmental assessment investigation(s) at the site. EGLE has requested this Consent to Enter Agreement to all staff and contractors to access the site for investigation work.

BACKGROUND:

The larger property at 730 N. Burdick includes parcels known as the former Mastenbrook Services Site located along N. Burdick Street. There was a historic release at the site due to leaking underground storage tank. This and other contamination found in soil samples on the larger property classify it as a facility. Further environmental assessment will help developer understand the full extent of contamination and the necessary due care activities needed for redevelopment.

FISCAL IMPACT:

There is not anticipated fiscal impact to the BRA.

RECOMMENDATION:

It is recommended the BRA approve the Consent to Enter Agreement for 125 E. North Street.

PART 201 CONSENT TO ENTER PRIVATE PROPERTY FORM

Location Information for source property (as found in RIDE)

Location Name: Mastenbrook Services Site	Location ID: 00004458
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Signer information (sufficient to identify who is signing the CTE, their relationship to the property, and how to contact them).

Name of Individual Signing this Document: Kevan Hess	☐ Signer is the/an owner of the property ☒ Signer is an authorized representative of the owner.	
Title: Chair, Board of Directors	Business Name: City of Kalamazoo Brownfield Redevelopment Authority	
Mailing Address: 245 N. Rose Street		
City: Kalamazoo	State: MI	Zip: 49007
Telephone Number: 269-337-8789	Email: khess@jaquarealtors.com	

Information on the Property being accessed:

Owner Name: City of Kalamazoo Brownfield Redevelopment Authority	Assessor's Property Tax ID Number: 06-15-182-208	
Street Address: 125 E North Street		
City: Kalamazoo	State: MI	Zip: 49007
Other: [REDACTED]		

I, Kevan Hess owner of (or representative authorized by the owner to grant access to) the property described in Attachment A (Property), having been informed of the request by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to conduct response activities on the Property, hereby voluntarily permit and authorize EGLE, its employees, contractors, or authorized representatives to enter, and if necessary re-enter, the Property to undertake response activities including, but not limited to, conducting inspections, installing soil borings, installing monitoring wells, installing soil gas monitoring points, and taking soil, sediment, groundwater, surface water, soil gas, air and/or suspected regulated substance samples. This

authorization permits photography, videography, and data collection from ground level and/or by a small unmanned aerial vehicle.

I understand that EGLE has the authority pursuant to Section 20117 of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), to enter public or private property at all reasonable times for purposes that include, but are not limited to, investigating the existence, origin, nature, or extent of a release or threatened release of a hazardous substance into the environment.

The due care provisions in Section 20107a(1) of the NREPA, in part provide that a person who owns or operates Property that they have knowledge is a facility shall provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response activity at the facility. I understand that the access granted herein covers a portion of the due care obligations that I, as an owner (or representative authorized by the owner to act on their behalf for this access) have pursuant to Section 20107a(1) of the NREPA.

I understand that I am entitled to accompany EGLE, its employees, contractors, or authorized representatives during these activities; to participate in the collection of any split samples taken as part of these activities; and, if I so request, to receive a copy of any sample analysis results, photographs, or video taken as part of these activities.

I agree and understand that all information collected by EGLE is subject to disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

I agree to comply with the requirements of any EGLE health and safety plan while on the Property during these sampling activities.

I agree that the duration of this entry authorization shall be of such reasonable length to enable EGLE, its employees, contractors, or authorized representatives to satisfactorily complete the activities described above. If I choose to revoke this entry authorization, I agree that I will provide a revocation of entry in writing to the Brownfield Assessment and Redevelopment Section, Remediation and Redevelopment Division, EGLE, via email: egle-brownfields@michigan.gov at least thirty (30) days prior to the effective date of the revocation of entry authorization. I agree that the duration of this entry authorization shall continue until either I revoke it, or the activities described above are completed. I also agree that as long as this entry authorization remains in force, I will not interfere with, interrupt, change, or otherwise disturb any systems or equipment installed or utilized by EGLE, its employees, contractors, or authorized representatives.

Upon completion of the response activities performed pursuant to this Part 201 Consent to Enter Private Property Form, EGLE will undertake reasonable efforts to restore the Property to the conditions that existed at the time this access was granted including any property, vegetation, and structures damaged by EGLE. EGLE will properly abandon

any monitor wells installed by EGLE or its contactors on the Property within a reasonable time following completion of the other response activities to be performed. I understand that EGLE contractors are required through their contract with the State of Michigan to carry certain insurance coverages with respect to their activities.

I understand that granting access to the Property or taking other actions to comply with my obligations pursuant to Section 20107a of the NREPA, does not satisfy my obligation, if any, to perform response activities as otherwise required under the Part 201.

This voluntary written permission is granted to EGLE by:

Signature of Property Owner or Authorized Representative

Date

Business Name **[if applicable]**

Attachment A

Legal Description of the Property

38356 T. C. SHELDON'S ADDITION The West 1/2 of Lot 8 in Block 44

Commonly known as: 125 E. North Street, Kalamazoo, Michigan