

Agenda

Brownfield Redevelopment Authority

Board of Directors

City of Kalamazoo



Thursday, January 18, 2024

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 December 21, 2023

D. PUBLIC COMMENTS

E. DIRECTOR COMMENTS

F. NEW BUSINESS

1. Adoption of a Resolution Approving and Authorizing Execution of a First Amendment to Brownfield Plan Development Agreement with 266 Michigan Ave Kalamazoo LLC
(ACTION: Motion to adopt a Resolution approving and authorizing execution of a First Amendment to Brownfield Plan Development Agreement with 266 Michigan Ave Kalamazoo LLC).
2. Adoption of a Resolution Accepting the Second and Final TIF Reimbursement Request for 615 W Kalamazoo Avenue and Authorizing Reimbursement Payments Consistent with the Development Agreement.
(ACTION: Motion to adopt a Resolution accepting the second and final TIF reimbursement request for 615 W Kalamazoo Avenue and authorizing reimbursement payments consistent iwth the development agreement).
3. Adoption of a Resolution Accepting the TIF Reimbursement Request for 400 Rose Phase 2 and Authorizing Reimbursement Payments Consistent with the Development Agreement.
(ACTION: Motion to adopt the Resolution accepting the TIF reimbursement request for 400 Rose Phase 2 and authorizing reimbursement payments

consistent with the development agreement).

4. Adoption of a Resolution Accepting the TIF Reimbursement Request for 315 E Frank Street and Authorizing Reimbursement Payments Consistent with the Development Agreement.
(ACTION: Motion to adopt a Resolution accepting the TIF Reimbursement Request for 315 E. Frank Street and authorizing reimbursement payments consistent with the development agreement).

G. UNFINISHED BUSINESS

H. COMMUNICATIONS AND ANNOUNCEMENTS

I. STAFF REPORTS AND UPDATES

J. ADJOURNMENT

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY BOARD MEETING
Thursday, December 21, 2023
Community Planning and Economic Development
245 N. Rose Street, Kalamazoo, MI 49007**

MEMBERS PRESENT: Sharon Ferraro; Lucas Middleton; Kevan Hess; Kyle Gulau; Michael Gurnee; Andrew Schipper; Torean Greeley; Rachel Bair

MEMBERS ABSENT: Qianna Decker; Jason Novotny; Nathan Bolton

CITY COMMISSIONERS/CITY STAFF PRESENT: Jessica Wood (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 8:05 AM by Chair Hess.

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

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

APPROVAL OF MINUTES: Director Ferraro moved approval of minutes from the meeting of November 16, 2023 as presented; seconded by Director Gulau. Motion approved by voice vote unanimously.

PUBLIC COMMENTS

Mr. Curt Aardema, representative of AVB, shared about their continued due diligence work at 116 W Cedar St, as the project is New Business Item 6 on the meeting agenda.

Mr. James Pitts, representative of EPG Security, shared they are waiting on the site plan so they can move forward with final closing on 501 N. Westnedge.

Ms. Mattie Jordan-Woods introduced herself as the recently retired director of the Northside Association for Community Development, a property owner, and a business owner. She explained she was present at the meeting because she thought the approval and sale of 501 N. Westnedge was going to be on the agenda. They understand it will be in January. She shared she is also Chair of the Northside Cultural Business District committee and said she is looking forward to that first building going up. In her retirement she hopes to attend more BRA meetings to help keep residents informed about what is going on.

DIRECTOR'S COMMENTS

Director Gulau shared he will be abstaining from New Business Item 3 on the agenda. He also thanked Ms. McCarthy and Ms. Gartley for their work and contributions throughout the year. He thinks the BRA has had a great year with a lot of firsts, including: attendance at the Brownfields Conference, a collective property inventory to figure out how to possibly impact the community, a lot of upcoming projects which will transform the community,

and further opportunities to impact the community with Senate Bill 129.

NEW BUSINESS

1. Public Hearing on the First Amendment to the Brownfield Plan for 266 E Michigan Avenue.

Public Hearing was formally opened at 8:11 AM by Chair Hess.

Ms. McCarthy shared information on the Brownfield Plan, as found in the agenda packet.

Ms. Rachel Foster, of Warner Norcross and Judd, introduced herself as the project's attorney. Other members of the project were sick and unable to attend.

Public Comments: None.

Board Discussion: None.

Public Hearing was closed at 8:17 AM by Chair Hess.

2. Adoption of a Resolution to Implement the First Amendment to the Brownfield Plan for 266 E. Michigan Avenue and Recommend Approval by the City Commission.

Director Bair moved approval of a Resolution to Implement the First Amendment to the Brownfield Plan for 266 E. Michigan Avenue and Recommend Approval by the City Commission; seconded by Director Schipper. A roll call vote was taken, and the motion passed unanimously.

3. Adoption of a Resolution Accepting the First Amendment to the Brownfield Plan Development Agreement with Zoo North, LLC and Authorizing the Chair to Sign.

Ms. McCarthy presented information on the project, as found in the agenda packet. The developer is requesting to extend the required completion date from December 2023 to December 2025.

Director Ferraro moved adoption of a Resolution Accepting the First Amendment to the Brownfield Plan Development Agreement with Zoo North, LLC and Authorizing the Chair to Sign; seconded by Director Gurnee.

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

4. Adoption of a Resolution Accepting the Amended and Restated Brownfield Plan Development Agreement for Arcadia Lofts and Authorize the Chair to Sign.

Ms. McCarthy presented information on the project, as found in the agenda packet.

Ms. Trisha Kidd, representative of Plazacorp, shared their NEZ certificates were recently passed. They are happy to take directors on a tour of the building.

Director Middleton moved adoption of a Resolution Accepting the Amended and Restated Brownfield Plan Development Agreement for Arcadia Lofts and Authorize the Chair to Sign; seconded by Director Schipper. A roll call vote was taken, and the motion passed unanimously.

5. Approval of a Letter of Intent with Davis Creek Land Development Co. to Purchase Property at Davis Creek Business Park and Authorize the Department Director to Sign.

Ms. McCarthy presented information on the project, as found in the agenda packet.

Mr. Kyle Barker, representative of Seven Point Supply, said he is thankful for the opportunity, and he really wants to get started on the project.

Director Bair said she is excited to see a developer stepping up and investing in solar. She thanked the developer.

Director Gulau moved approval of a Letter of Intent with Davis Creek Land Development Co. to Purchase Property at Davis Creek Business Park and Authorize the Department Director to Sign; seconded by Director Bair.

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

6. Approval of a License Agreement with 116 West Cedar LLC and BURDICK@CEDAR LLC to Allow Soil Disturbance and Testing at 116 W. Cedar Street and Authorize the Chair to Sign.

Ms. McCarthy presented information on the project, as found in the agenda packet.

Director Middleton referenced a previous conversation about a Transformational Brownfield. Ms. McCarthy shared that those talks are still happening.

Mr. Aardema shared this is part of the design phase. He explained they worked with Lynn Houghton at the WMU archives to find photos of an adjacent building being constructed. This is to figure out if there is anything under the ground in this area that they need to be aware of. Mr. Aardema said he appreciated the board's consideration.

Director Gulau moved approval of a License Agreement with 116 West Cedar LLC and BURDICK@CEDAR LLC to Allow Soil Disturbance and Testing at 116 W. Cedar Street and Authorize the Chair to Sign; seconded by Director Gurnee.

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

7. Nomination and Approval of New Officer Positions for Chair, Vice Chair, and Treasurer/Secretary Effective January 1, 2024.

Chair Hess shared the nominations are Jason Novotny as Chair, Lucas Middleton as Vice Chair, and Kyle Gulau as Treasurer/Secretary.

Director Ferraro moved nomination and approval of new officer positions for Chair, Vice Chair, and Treasurer/Secretary effective January 1, 2024; seconded by Director Bair.

A voice vote was taken, and the motion passed unanimously.

UNFINISHED BUSINESS

None.

COMMUNICATIONS AND ANNOUNCEMENTS

None.

STAFF REPORTS AND UPDATES

Ms. McCarthy said she does not predict things will slow down in 2024. She anticipates staff will bring policy

updates forward in the first or second quarter. She also thanked the Project and Finance Committee for putting in the extra time and effort to work on the property re-use strategy.

ADJOURNMENT: The meeting was adjourned at 8:41 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: January 18, 2024

SUBJECT: Adoption of a Resolution Approving and Authorizing Execution of a First Amendment to Brownfield Plan Development Agreement with 266 Michigan Ave Kalamazoo LLC

RECOMMENDATION:

It is recommended the BRA adopt a Resolution approving and authorizing execution of the First Amendment to the Brownfield Plan Development Agreement with 266 Michigan Ave Kalamazoo LLC.

BACKGROUND:

The rehabilitation project at 266 E. Michigan Avenue involves a \$4.6 million investment to improve two commercial spaces on the first floor and add 13 new apartment units to the second and third floors. The Brownfield Redevelopment Authority (BRA) and 266 Michigan Ave Kalamazoo LLC ("Developer") entered into an agreement on November 19, 2020 for reimbursement of Tax Increment Revenues through an adopted Brownfield Plan. On December 21, 2023 the BRA approved a resolution recommending the City Commission adopt the First Amendment to the Brownfield Plan. Staff anticipate this plan will be approved by the City Commission at an upcoming meeting on February 5, 2024. Conditioned upon this approval from City Commission, the attached amended agreement provides terms and conditions for the reimbursement of certain eligible costs set forth in the Amended Brownfield Plan.

FISCAL IMPACT:

Over approximately 16 years, the BRA will capture up to \$303,875 in Tax Increment Revenues (TIR) reimbursable to Developer, \$34,127 in administrative fees to BRA, and \$126,589 to the Local Brownfield Revolving Fund. The cost to implement the plan will be covered through administrative fees captured by the BRA.

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST
AMENDMENT TO BROWNFIELD PLAN DEVELOPMENT AGREEMENT
WITH 266 MICHIGAN AVE KALAMAZOO LLC**

Boardmember _____, supported by Boardmember _____,
moved the adoption of the following resolution:

WHEREAS:

1. The Authority and 266 Michigan Ave Kalamazoo LLC (the “Developer”) entered into a binding agreement dated November 19, 2020 (the “Agreement”) concerning the procedure and requirements for the reimbursement of tax increment revenues for certain eligible expenses related to the redevelopment of qualifying eligible property located at 266 E. Michigan Avenue, all pursuant to an Act 381 Brownfield Plan for 266 E. Michigan Avenue; and
2. On December 21, 2023, following a public hearing, the Authority approved a resolution recommending the City of Kalamazoo City Commission adopt the Act 381 Brownfield Plan Amendment #1 for 266 E. Michigan Avenue (the “Amended Plan”); and
3. The Authority anticipates that the City of Kalamazoo City Commission will approve the Amended Plan on or about February 5, 2024, and the Authority and Developer have agreed to amend the Agreement contingent on such final approval to include certain terms and conditions for the reimbursement of certain eligible costs as set forth in Amended Plan (the “First Amendment to Brownfield Plan Development Agreement”).

RESOLVED:

1. That the First Amendment to Brownfield Plan Development Agreement between the Authority and the Developer substantially in the form presented at this meeting is approved with such modifications not materially adverse to the Authority, approved as to content by the Authority’s Executive Director and as to form by the Authority’s legal counsel; and
2. That the Chairperson of the Board of Directors of the Authority is authorized and directed to execute the approved Agreement for and on behalf of the Authority; and
3. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

YEAS: Boardmembers _____

NAYS: Boardmembers _____

ABSTAIN: Boardmembers _____

ABSENT: Boardmembers _____

RESOLUTION DECLARED ADOPTED.

Dated: January 18, 2024

_____, Secretary

CERTIFICATION

I, the undersigned duly qualified and acting Secretary of the City of Kalamazoo Brownfield Redevelopment Authority, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of the Brownfield Redevelopment Authority at a meeting held on January 18, 2024, and that public notice of said meeting was given pursuant to, and in accordance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: January 18, 2024

_____, Secretary

FIRST AMENDMENT TO BROWNFIELD PLAN DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO BROWNFIELD PLAN DEVELOPMENT AGREEMENT (the “First Amendment”) is entered into on [REDACTED] 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 **266 MICHIGAN AVE KALAMAZOO LLC**, a Michigan limited liability company whose address is 1000 Front Ave. NW, Grand Rapids, Michigan 49504 (“Developer”) (collectively, the “Parties”).

RECITALS

A. The Authority and Developer entered into a binding agreement dated November 19, 2020 (the “Agreement”) concerning the procedure and requirements for the reimbursement of tax increment revenues for certain eligible expenses related to the redevelopment of qualifying eligible property located at 266 E. Michigan Avenue, all pursuant to an Act 381 Brownfield Plan for 266 E. Michigan Avenue and as further described in the Agreement and incorporated herein by reference.

B. On December 21, 2023, following a public hearing, the Authority approved a resolution recommending the City of Kalamazoo City Commission adopt the Act 381 Brownfield Plan Amendment #1 for 266 E. Michigan Avenue.

C. The Authority anticipates that the City of Kalamazoo City Commission will approve the Act 381 Brownfield Plan Amendment #1 for 266 E. Michigan Avenue on or about February 1, 2024, and the Authority and Developer have agreed to amend the Agreement contingent on such final approval to include the following terms and conditions for the reimbursement of Eligible Costs.

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

Section 1. Amendment to First Two Sentences of Recital G. The first two sentences of Recital G of the Agreement is hereby amended in their entirety to read as follows:

Developer intends to redevelop the existing four-story building located at the Property into first floor restaurant space with thirteen (13) residential mixed-rate apartments on the upper floors (the “Project”). The Project is expected to generate a total capital investment of approximately \$4.6 million.

Section 2. Amendment to Second Sentence of Recital H. The second sentence of Recital H of the Agreement is hereby amended in its entirety to read as follows:

The Developer’s Eligible Costs shall not exceed \$303,875.00.

Section 3. Amendment to Section 3.2. Section 3.2 of the Agreement is hereby amended in its entirety to read as follows:

16 years. With five of the 16 years designated for Local Brownfield Revolving Fund (LBRF) only.

Section 4. Amendment to Section 9.1. Section 9.1 of the Agreement is hereby amended in its entirety to read as follows:

At its sole expense, Developer shall use its best efforts to conduct the activities described in the Plan and to rehabilitate the existing building on the Property and complete the Project. The Developer intends to transform the property into first floor restaurant space with thirteen (13) residential mixed-rate apartments on the upper floors. The Project is expected to generate a total capital investment of approximately \$4.6 million. The redevelopment of the Property shall be completed no later than April 30, 2025. Under no circumstances shall the Authority have any responsibility or liability for remediation or redevelopment of the Property, or for conducting any “Eligible Activities” at the Property, except for its obligations under this Agreement to provide funds to the extent available as permitted in Paragraph 7 hereof with respect to payments from Tax Incremental Revenues.

Section 5. Amendment to Section 17. Section 17 is hereby amended in part to specify that notice to Developer shall instead be sent to:

Attn: Matt O’Connor
266 MICHIGAN AVE KALAMAZOO LLC
6317 Copper Valley Ct NE
Ada, MI 49301

Section 6. Substitution of Exhibit B. Exhibit B of the Agreement is hereby substituted in its entirety with the Act 381 Brownfield Plan Amendment #1 for 266 E. Michigan Avenue as finally approved by the City of Kalamazoo City Commission.

Section 7. Definitions. All capitalized terms used in this First Amendment and not defined shall have such definitions as defined in the Agreement.

Section 8. Ratification. The Agreement is in all other respects hereby ratified and confirmed. If the City of Kalamazoo City Commission does not finally approve the Act 381 Brownfield Plan Amendment #1 for 266 E. Michigan Avenue on or before April 1, 2024 in the form recommended by the Authority, this First Amendment will be of no force or legal effect.

[Signatures on Following Page]

[Signature Page to First Amendment to Brownfield Plan Development Reimbursement Agreement for 266 E. Michigan]

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

Dated: _____

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

By: _____
Jason Novotny

Its: Chair

Dated: _____

266 MICHIGAN AVE KALAMAZOO LLC

By: _____

Name:

Its:

November 20, 2023
Project No. E220108

Jamie McCarthy
City of Kalamazoo Brownfield Redevelopment Authority
245 N. Rose Street, Suite 100
Kalamazoo, MI 49007

Request for Reimbursement #2
Westgate Apartments, 615 West Kalamazoo Avenue, Kalamazoo, Michigan

By my signature below, I certify that the expenses described in this Request for Reimbursement for the above-referenced property represent eligible expenses under the Brownfield Redevelopment Financing Act (1996 PA 381), as amended, and that the activities have been performed on the eligible property.

All activities described in the reimbursement request have been completed as described in the Brownfield Plan adopted by the City of Kalamazoo on October 1, 2018. The project involved the construction of two new mixed-use buildings. Previously, a reimbursement request for \$281,722.25 was submitted and approved by the City of Kalamazoo Brownfield Redevelopment Authority.

The Developer completed additional eligible activities from 2019-2022 that were inadvertently missed in Reimbursement Package #1 or were missing proper documentation that has since been obtained. These activities include public infrastructure improvements and site preparation activities. The total amount being requested is \$29,982.75. A description of the work activities completed is shown in the enclosed table. Invoices for the eligible activities detailing the work completed are provided. Proof of payment for each invoice is also enclosed.

Reimbursements should be forwarded to:

615 Holdings, LLC
c/o William K. Murphy, Member
615 W. Kalamazoo
Kalamazoo, Michigan 49007

If you have any questions or require additional information, please contact me at 269.544.6966 or lmulholland@fishbeck.com.

Sincerely,



Logan Mulholland
Brownfield Project Analyst

By email

PROJECT TITLE:615 W Kalamazoo Development (Westgate Apartments)

PROJECT ADDRESS:615 W. Kalamazoo, Kalamazoo, MI

DATE OF BROWNFIELD PLAN:10/1/2018 (6th Amendment)

PREPARED BY:City of Kalamazoo

DATE PREPARED:2/1/2023, 11/20/2023

CONTINGENCY:15% (not to exceed 15%)

Brownfield Plan Approved Estimated Costs

				Category Total	Total	Comments
3.00	Additional Response Activities					
	3.06	Excavation, Treatment, Transport, Disposal or Contaminated Soil		\$80,000.00	\$80,000.00	
	3.10	Engineering Controls (SSDS, barriers, etc.)		\$50,000.00	\$50,000.00	
	3.13	Container Removal		\$2,500.00	\$2,500.00	EGLE Grant Activity
	3.15	Disposal of Solid Waste Remaining on site		\$2,500.00	\$2,500.00	EGLE Grant Activity
	Sub-Total			\$135,000.00	\$135,000.00	
	Contingency	0%		\$0.00	\$0.00	
				\$135,000.00	\$135,000.00	
				Category Total	Total	Comments
5.00	Public Infrastructure Improvements					
	5.01	Streets, roads		\$15,000.00	\$15,000.00	
	5.02	Sidewalks		\$5,000.00	\$5,000.00	
	5.09	Curb and gutter		\$1,000.00	\$1,000.00	
	5.10	Sanitary sewer mains		\$0.00	\$0.00	
	5.11	Landscaping		\$8,000.00	\$8,000.00	
	5.17	Urban Storm Water Management Systems (Traditional)		\$53,000.00	\$53,000.00	
	5.18	Urban Storm Water Management Systems (Low Impact Design)		\$0.00	\$0.00	
	5.19	Publicly Owned Utilities		\$0.00	\$0.00	Fire Hydrant
	5.20	Transit-Oriented Development or Property		\$0.00	\$0.00	
	5.21	Soft Costs (Engineering, Design, Survey, Legal, other Professional)		\$4,500.00	\$4,500.00	Bosch
	Sub-Total			\$86,500.00	\$86,500.00	
	Contingency	15%		\$12,975.00	\$12,975.00	
				\$99,475.00	\$99,475.00	
				Category Total	Total	Comments
6.00	Lead and Asbestos Abatement					
	Sub-Total			\$15,000.00	\$15,000.00	EGLE Grant Activity
	Contingency	15%		\$2,250.00	\$2,250.00	
				\$17,250.00	\$17,250.00	
				Category Total	Total	Comments
7.00	Building Demolition					
	7.01	Pre-Demolition Audit or Survey		\$0.00	\$0.00	
	7.02	Building Demolition/Deconstruction		\$38,000.00	\$38,000.00	EGLE Grant Activity
	Sub-Total			\$38,000.00	\$38,000.00	
	Contingency	15%		\$5,700.00	\$5,700.00	
				\$43,700.00	\$43,700.00	
				Category Total	Total	Comments
9.00	Site Preparation					
	9.01	Clearing and Grubbing		\$15,000.00	\$15,000.00	Tree Removals
	9.02	Compaction & Sub-base Preparation		\$0.00	\$0.00	
	9.03	Cut & Fill Operations		\$0.00	\$0.00	
	9.04	Dewatering		\$0.00	\$0.00	
	9.05	Dredging in Waterways		\$0.00	\$0.00	
	9.06	Excavation for Unstable Material		\$0.00	\$0.00	
	9.07	Fill		\$0.00	\$0.00	
	9.08	Foundation Work to address Special Soil Concerns		\$0.00	\$0.00	
	9.09	Geotechnical Engineering		\$7,700.00	\$7,700.00	
	9.10	Grading		\$0.00	\$0.00	
	9.11	Land Balancing		\$0.00	\$0.00	
	9.12	Relocation of Active Utilities		\$4,000.00	\$4,000.00	Move two power poles
	9.13	Retaining Walls		\$0.00	\$0.00	
	9.14	Solid Waste Disposal		\$0.00	\$0.00	
	9.15	Staking		\$10,000.00	\$10,000.00	
	9.16	Temporary Construction Access and/or Roads		\$5,000.00	\$5,000.00	Stone approach - two locations
	9.17	Temporary Erosion Control		\$1,000.00	\$1,000.00	
	9.18	Temporary Facility		\$15,000.00	\$15,000.00	
	9.19	Temporary Sheetpiling/Shoring		\$0.00	\$0.00	
	9.20	Temporary Site Control		\$2,500.00	\$2,500.00	fencing barricades
	9.21	Temporary Traffic Control		\$5,000.00	\$5,000.00	Lane Closures and barricades
	9.22	Specific and Unique Activities		\$0.00	\$0.00	
	9.23	Soft Costs (Engineering, Design, Survey, Legal, other Professional)		\$10,000.00	\$10,000.00	Bosch/Spectra
	Sub-Total			\$75,200.00	\$75,200.00	
	Contingency	15%		\$11,280.00	\$11,280.00	
				\$86,480.00	\$86,480.00	
				Category Total	Total	Comments
10.00	Development of Brownfield Plan and/or Work Plan					
	10.01	Development of Brownfield Plan		\$0.00	\$0.00	Work Plans, Brownfield Plan support, Reimbursement support
	10.02	Development of Act 381 Work Plan		\$10,000.00	\$10,000.00	
	10.03	Work Plan and/or Brownfield Plan Implementation		\$0.00	\$0.00	
	Sub-Total			\$10,000.00	\$10,000.00	
	Contingency	0%		\$0.00	\$0.00	
				\$10,000.00	\$10,000.00	
Total Potential Brownfield Plan Eligible Costs					\$417,035.00	

Actual Costs Incurred

Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
3.06	\$83,123.07	4869	Caparossi	\$39,346.50	Trucking nonhazardous spoils, engineered fill sands, bf activity (soil disposal)	X	Patial Liens for \$291,773.69
3.10	\$95,280.53	various	Envirologic	\$0.00	Invoice 9349, 9505, 9840	X	
3.10	\$11,150.00	4869	Caparossi	\$11,150.00		VIS	Patial Liens for \$291,773.69
3.10	\$13,475.00	4869	Caparossi	\$13,475.00	BF Surface Requirement	X	Patial Liens for \$291,773.69
\$203,028.60				\$63,971.50			
Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
5.17	\$93,160.00	4869	Caparossi	\$93,160.00	Stormsewer	X	Patial Liens for \$291,773.69
5.17	\$2,350.00	4869	Caparossi	\$2,350.00	Replace C Basin	X	Patial Liens for \$291,773.69
5.19	\$23,488.00	44160	City of Kalamazoo	\$23,488.00	Water Main	X	Check 18603
5.19	\$11,000.00	5098	Caparossi	\$11,000.00	Fire Hydrant	X	Patial Liens for \$14,600
\$129,998.00				\$129,998.00			
Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
\$0.00				\$0.00			
Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
\$0.00				\$0.00			
Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
9.01	\$7,960.00	4869	Caparossi	\$7,960.00	Clearing and Grubbing	X	Patial Liens for \$291,773.69
9.01	\$12,700.00	4869	Caparossi	12700	Site Removals	X	Patial Liens for \$291,773.69
9.01	\$7,830.96	18114, 32202, 34	Best Way Disposal	\$7,830.96	30 Yd Service and Rerr	X	Full Lien
9.01	\$6,730.12	AIA	Best Way Disposal	\$6,730.12	Waste Removal	X	Full Lien
9.10	\$1,800.00	39926	Lakeland Asphalt Co	\$1,800.00	Fine Grade	X	\$13,675 Partial Lien
9.10	\$7,950.00	4869	Caparossi	\$7,950.00	Site Grading	X	Patial Liens for \$291,773.69
9.10	\$14,650.00	4869	Caparossi	\$14,650.00	Earth work	X	Patial Liens for \$291,773.69
9.15	\$676.80	21461	Driesenga	\$676.80	Staking		Partial Liens for \$13,470
9.15	\$465.20	AIA	Driesenga	\$465.20	Staking	X	Patial Liens for \$13,470
	\$15,350.79	4869	Caparossi	\$15,350.79	22Agg Base, Salvaged	X	Patial Liens for \$291,773.69
9.17	\$3,400.00	4869	Caparossi	\$3,400.00	SESC Controls	X	Patial Liens for \$291,773.69
9.18	\$1,649.70	50, 16117, 12109	Best Way Disposal	\$1,649.70	Porta Potty Jan, Feb, A	X	Full Lien
9.18	\$200.00	AIA	Best Way Disposal	\$200.00	Temp. Facility / Porta P	X	Full Lien
9.20	\$5,848.68	Final AIA	Consumers Energy,	\$5,848.68	Temp. Lighting	X	Final AIA
9.20	\$960.00	1181	Justice Fencing	\$960.00	Temp Fence	X	Lien Waiver
9.23	\$12,900.00	1070	Bosch	\$12,900.00	Survey/Legal	X	Check 1187
9.22	\$90.00	Policy 0036732		\$90.00	Pollutant Insurance	X	Check 5542 / Deposit 018612312
9.23	\$5,738.75	AIA	Driesenga	\$5,738.75	Material Testing	X	Patial Liens for \$13,471
9.23	\$137.75	21791	Driesenga	\$137.75	Materials Testing	X	Patial Liens for \$13,471
9.23	\$2,682.50	20920	Driesenga	\$2,682.50	Materials Testing	X	Patial Liens for \$13,471
9.23	\$3,769.25	21517	Driesenga	\$3,769.25	Materials Testing	X	Patial Liens for \$13,471
\$113,490.50				\$113,490.50			
Brownfield Plan \$	Invoiced Amt	Invoice #	Contractor	Remaining After EGLE Grant	Notes:	Local Only	Proof of Payment
10.02	\$2,307.50	4800	Envirologic	\$2,307.50		X	
10.02	\$312.50	5400	Envirologic	\$312.50		X	
10.02	\$195.00	4897	Envirologic	\$195.00		X	
10.02	\$1,105.00	5005	Envirologic	\$1,105.00		X	
10.02	\$292.50	5036	Envirologic	\$292.50		X	
10.02	\$32.50	5147	Envirologic	\$32.50		X	
\$4,245.00				\$4,245.00			
\$ 539,000.00				\$450,762.10			
				\$311,705.00			
				Approved Request #1			
				\$281,722.25			
				Request #2			
				\$29,982.75			

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

**RESOLUTION APPROVING AND AUTHORIZING REIMBURSEMENT OF
ELIGIBLE ACTIVITIES WITH AVAILABLE TAX INCREMENT REVENUES
PURSUANT TO DEVELOPMENT AND REIMBURSEMENT AGREEMENT**

Board member _____, supported by Board member _____,
moved the adoption of the following resolution:

WHEREAS:

1. The Authority and 615 HOLDINGS LLC (the "Developer") entered into a binding agreement dated November 15, 2018 (the "Agreement") concerning the procedure and requirements for the reimbursement of available tax increment revenues for certain eligible activities related to the redevelopment of qualifying eligible property located at 615 W. Kalamazoo Avenue, Kalamazoo, Michigan, all pursuant to an Act 381 Brownfield Plan; and
2. On November 21, 2023, as required by the Agreement, the Developer submitted a second and final request for reimbursement of eligible costs, along with a written statement, detailed invoices, and other documentation establishing that it has incurred costs eligible for reimbursement in the amount of \$29,982.75. This amount is in addition to a request previously approved by the Authority for \$281,722.25.
3. The Authority, with the assistance of its staff and brownfield consultant, and following a review procedure as set forth in the Agreement, have reviewed the Developer's request and supporting documentation and has determined that costs in a total amount not exceeding \$311,705.00 are eligible for reimbursement.

RESOLVED:

1. That the Department Director of Community Planning and Economic Development or his or her designee is hereby authorized and directed to reimburse eligible costs with available tax increment revenues generated from 615 W. Kalamazoo Avenue in an amount not to exceed \$311,705.00, all pursuant to the terms and conditions of the Agreement, and
2. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

YEAS: Board members _____

NAYS: Board members _____

ABSTAIN: Board members _____

ABSENT: Board members _____

RESOLUTION DECLARED ADOPTED.

Dated: January 18, 2024

[REDACTED], Secretary

CERTIFICATION

I, the undersigned duly qualified and acting Secretary of the City of Kalamazoo Brownfield Redevelopment Authority, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of the Brownfield Redevelopment Authority at a meeting held on January 18, 2024, and that public notice of said meeting was given pursuant to, and in accordance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: January 18, 2024

[REDACTED], Secretary

Memo

TO: Jamie McCarthy – City of Kalamazoo

FROM: Logan Mulholland

DATE: January 12, 2024

PROJECT NO.: 231677

RE: Review of Reimbursement Request, 400 Rose Phase 2

Fishbeck was requested to review the Reimbursement Request pertaining to the project located at 423, 427, & 429 South Park Street, and 234 and 314 West Cedar Street included in the 400 Rose Phase 2 Brownfield Plan adopted by the City of Kalamazoo City Commission on March 1, 2021.

The 400 Rose Phase 2 Brownfield Plan anticipated available tax increment revenues as early as the 2022 taxes. The Development and Reimbursement Agreement, dated January 8, 2021, allows for the capture of up to \$6,719,168.96. The Developer requested reimbursement of \$5,973,210.67 in eligible costs. This amount is within the limits of the Brownfield Plan.

Fishbeck finds that all the requested reimbursements are for eligible costs included in the Brownfield Plan. Further, the costs incurred and sought for reimbursement are within estimates of eligible costs identified in the Plan. All costs were incurred after the adoption of the Brownfield Plan, with the following exceptions:

- From June 2020 through April 2021 the Developer incurred costs including eligible soft costs, asbestos abatement, building demolition, and geotechnical engineering. These costs were incurred less than a year prior to the Brownfield Plan approval and can be considered for approval as local-only costs.

Fishbeck finds that documentation of the reimbursement request included invoices with dates and descriptions of the eligible activity and lien waivers or other forms of proof of payment. While lien waivers are favored, the other forms of demonstrating payments include a notarized sworn statement and copies of checks.

Based on our review, Fishbeck finds a total of \$5,973,210.67 to be eligible for reimbursement. We believe the absence of lien waivers from certain contractors is adequately compensated by other documentation and recommend that BRA Staff advise the BRA Board that the reimbursement request is approvable.

A spreadsheet detailing the reimbursement request is included in Appendix 1. If you have any questions or require additional information, please contact me at 269.544.6966 or lmulholland@fishbeck.com.

By email

Appendix 1

PROJECT TITLE: 400 Rose 2
PROJECT ADDRESS: 234 West Cedar St.
DATE OF BROWNFIELD PLAN: 12/1/2020, Approved 3/1/2021
PREPARED BY: Greg Dobson (AVB) with Fishbeck edits
DATE PREPARED: 7/28/2023
CONTINGENCY: 8 % (not to exceed 15%)



Brownfield Plan Approved Estimated Costs				
Category Total		Total	Comments	
1.00	Baseline Environmental Assessment (BEA) - Statutorily Approved			
1.01	Phase I and II Environmental Site Assessments	\$35,000	\$35,000	
1.02	Baseline Environmental Assessment	\$15,000	\$15,000	
1.03	Asbestos, Lead and Mold Surveys	\$0	\$0	
1.04	Pre-Demolition Survey	\$0	\$0	
	Sub-Total	\$50,000	\$50,000	
	Contingency 8%	\$3,750	\$3,750	
		\$53,750	\$53,750	
Category Total		Total	Comments	
2.00	Due Care			
2.01	Investigation and Assessments	\$5,000	\$5,000	
2.02	Development of a Plan for Response Activities or Due Care Documentation	\$7,500	\$7,500	
	Sub-Total	\$12,500	\$12,500	
	Contingency 8%	\$938	\$938	
		\$13,438	\$13,438	
Category Total		Total	Comments	
3.00	Additional Response Activities			
3.01	Evaluations and Investigations (beyond AAI or Due Care)	\$0	\$0	
3.02	Implementing LRUR	\$0	\$0	
3.03	Lead, mold, asbestos abatement (significant or imminent health hazard)	\$0	\$0	
3.04	Demolition that is response activity	\$0	\$0	
3.05	Site Demolition that is a response activity	\$0	\$0	
3.06	Excavation, Treatment, Transport, Disposal or Contaminated Soil	\$73,500	\$73,500	
3.07	Sheeting or Shoring for removals requiring 301, 303, 325 permits	\$0	\$0	
3.08	Fill (backfill of environmental removals)	\$0	\$0	
3.09	Pumping, treatment, transportation and disposal of contaminated groundwater	\$0	\$0	
3.10	Engineering Controls (SSDS, barriers, etc.)	\$7,875	\$7,875	
3.11	Interim Response	\$0	\$0	
3.12	Remedial Action	\$0	\$0	
3.13	Container Removal	\$0	\$0	
3.14	Industrial Cleaning	\$0	\$0	
3.15	Disposal of Solid Waste Remaining on site	\$0	\$0	
3.16	Dust Control related to Construction Activities	\$0	\$0	
3.17	Other DEQ-Specific Activities	\$0	\$0	
3.18	Specialized Foundations	\$0	\$0	
3.19	Removal and Closures of USTs	\$0	\$0	
3.20	Removal or Disposal of Contaminated Lake or River Sediments	\$0	\$0	
3.21	Unanticipated Response Activities	\$0	\$0	
3.22	Soft Costs	\$6,000	\$6,000	
	Sub-Total	\$87,375	\$87,375	
	Contingency 8%	\$6,553	\$6,553	
		\$93,928	\$93,928	
Category Total		Total	Comments	
4.00	Environmental Insurance			
4.01	Liability Insurance	\$5,000	\$5,000	
4.02	Other Insurance	\$0	\$0	
	Sub-Total	\$5,000	\$5,000	
	Contingency 8%	\$375	\$375	
		\$5,375	\$5,375	
Category Total		Total	Comments	
5.00	Public Infrastructure Improvements			
5.01	Streets, roads	\$61,150	\$61,150	
5.02	Sidewalks	\$181,146	\$181,146	Sidewalks and snowmelt
5.03	Bike paths	\$0	\$0	
5.04	Bridges	\$0	\$0	
5.05	Lighting	\$5,250	\$5,250	
5.06	Signage	\$2,625	\$2,625	
5.07	Storm sewers	\$0	\$0	
5.08	Water mains	\$21,000	\$21,000	
5.09	Curb and gutter	\$16,800	\$16,800	
5.10	Sanitary sewer mains	\$35,595	\$35,595	
5.11	Landscaping	\$15,750	\$15,750	
5.12	Marinas	\$0	\$0	
5.13	Boardwalks	\$0	\$0	
5.14	Park/Seating areas	\$5,250	\$5,250	Bike Racks
5.15	Public rail lines	\$0	\$0	
5.16	Vertical, Underground or Integrated Parking Structure	\$4,403,019	\$4,403,019	
5.17	Urban Storm Water Management Systems (Traditional)	\$228,722	\$228,722	Stormwater and Greenroof
5.18	Urban Storm Water Management Systems (Low Impact Design)	\$0	\$0	
5.19	Publicly Owned Utilities	\$0	\$0	
5.20	Transit-Oriented Development or Property	\$0	\$0	
5.21	Soft Costs (Engineering, Design, Survey, Legal, other Professional)	\$237,192	\$237,192	Oversight/PM

BF Category	Date of Invoice	Invoiced Amt	Invoice #	Contractor	Documentation Package	Note:	Local Only	Local and School	Proof of Payment
1.01	8/17/2021	\$2,300.00	8000	Envirologic	#1 Hinman	Phase I ESA		X	Check #1252, Full Lien Waiver
1.01	10/11/2021	\$4,550.00	8193	Envirologic	#1 Hinman	Phase II ESA		X	Full Lien Waiver
1.02	10/11/2021	\$3,650.00	8193	Envirologic	#1 Hinman	BEA / Due Care		X	Full Lien Waiver
1.03	6/1/2021	\$250.00	20-981-02	Stolz Environmental	#1 Hinman	Lead Analysis		X	Check #1220
1.04	8/27/2015	\$2,062.00	37311	DeLisle Associates	LT#1 Hinman	Asbestos Inspection		X	Check #1023
1.04	9/4/2015	\$2,591.00	37335	DeLisle Associates	LT#1 Hinman	Asbestos Inspection		X	Check #1028
1.04	10/8/2015	\$2,689.00	37440	DeLisle Associates	LT#1 Hinman	Asbestos Inspection		X	Check #1036
		\$18,092.00							
BF Category	Date of Invoice	Invoiced Amt	Invoice #	Contractor	Documentation Package	Note:	Local Only	Local and School	Proof of Payment
2.02	1/11/2021	\$2,500.00	20-981-01	Stolz Environmental	#1 Hinman	Due Care Plan		X	Check #1688
		\$2,500.00							
BF Category	Date of Invoice	Invoiced Amt	Invoice #	Contractor	Documentation Package	Note:	Local Only	Local and School	Proof of Payment
3.06	1/25/2023	\$84,700.00	AIA #8	AVB (H&K Excavating	#2 AVB	Excavate, transport, and disposal	X		Notarized Sworn Statement, Partial Lien Waiver for \$76,405.20
3.22		\$5,929.00	AVB	#2 AVB	Oversight: 7% applied for GCs (based on the overall project)		X		Full Unconditional Lien Waiver
3.22		\$3,176.25	AVB	#2 AVB	3.75% AVB OH&P		X		Full Unconditional Lien Waiver
		\$93,805.25							
BF Category	Date of Invoice	Invoiced Amt	Invoice #	Contractor	Documentation Package	Note:	Local Only	Local and School	Proof of Payment
		\$0.00							
BF Category	Date of Invoice	Invoiced Amt	Invoice #	Contractor	Documentation Package	Note:	Local Only	Local and School	Proof of Payment
5.01	Email 11/11/23	\$11,960.00	N/A	AVB (J. Allen & Co.)	#2 AVB	An invoice was not able to be provided, the vendor provided an email breakdown and lien wavier for this cost.		X	Full Lien Waiver
5.02	1/25/2023	\$8,800.00	AIA #8	AVB (H&K Excavating	#2 AVB	Concrete grades for sidewalk		X	Notarized Sworn Statement, Partial Lien Waiver for \$76,405.20
5.02	5/25/2023	\$81,940.00	AIA #20	AVB (Helmus Plumbir	#2 AVB	Snowmelt		X	Notarized Sworn Statement
5.02	12/31/2022	\$31,820.00	AIA #14	AVB (Kent Companie	#2 AVB	Sidewalks		X	Notarized Sworn Statement
5.05	7/4/2022	\$27,930.00	9323020602	AVB (Consumers)	#2 AVB	Streetlighting		X	Check #65327
5.07	1/25/2023	\$26,956.00	AIA #8	AVB (H&K Excavating	#2 AVB	Storm Sewer		X	Notarized Sworn Statement, Partial Lien Waiver for \$76,405.20
5.08	1/25/2023	\$41,620.00	AIA #8	AVB (H&K Excavating	#2 AVB	Watermain		X	Notarized Sworn Statement, Partial Lien Waiver for \$76,405.20
5.09	12/31/2022	\$16,100.00	AIA #14	AVB (Kent Companie	#2 AVB	Curb and Gutters		X	Notarized Sworn Statement
5.10	1/25/2023	\$19,000.00	AIA #8	AVB (H&K Excavating	#2 AVB	Sanitary Sewer		X	Notarized Sworn Statement, Partial Lien Waiver for \$76,405.20
5.11	5/8/2023	\$12,416.00	AIA #9	AVB (Twin Lakes)	#2 AVB	Landscaping in ROW		X	Full Lien Waiver
5.14	5/8/2023	\$7,690.00	AIA #9	AVB (Twin Lakes)	#2 AVB	Bike Racks, Benches. Public - See Drawing		X	Full Lien Waiver
5.16	12/31/2022	\$1,232,384.00	AIA #14	AVB (Kent Companie	#2 AVB	Lines 3-12		X	Notarized Sworn Statement
5.16	12/31/2021	\$2,245,174.00	3244789	AVB (Kerkstra Precas	#2 AVB	AIA, CO#1		X	Full Lien Waiver (Check 63597, 63874, 63889, 64076, 64363, 65533, & 67763).
5.16	4/30/2023	\$67,861.00	AIA #24	AVB (Esper Electric)	#2 AVB	Parking Garage Lighting		X	Notarized Sworn Statement, Partial Lien Waviers
5.16	2/27/2023	\$94,300.00	Draw #14	AVB (Vliem Heating a	#2 AVB	Ventilation for Underground Parking		X	Notarized Sworn Statement, Partial Lien Waiver for \$50,436
5.16	5/23/2023	\$49,600.00	App #17	AVB (Dependable Fir	#2 AVB	Parking Ramp Fire Protection		X	Notarized Sworn Statement, Partial Lien Waiver \$32,236.50
5.16	5/25/2023	\$102,600.00	AIA #20	AVB (Helmus Plumbir	#2 AVB	Plumbing for Parking Garage		X	Notarized Sworn Statement
5.16	6/30/2023	\$48,293.80	AIA #5	AVB (Schindler Elevat	#2 AVB	1/5 of total elevator cost: Elevator 5, Parking Garage 1 floor		X	Notarized Sworn Statement
5.16	12/1/2022	\$79,575.00	AIA #7	AVB (Integrated Exte	#2 AVB	Elevator Shaft per contractor		X	Full Lien Waiver
5.16	8/30/2022	\$404,395.00	AIA #3	AVB (The King Co.)	#2 AVB	SPWL TERS related to underground parking		X	Notarized Sworn Statement, Partial Lien Waiver for \$40,439.50
5.17	4/20/2022	\$46,356.99	1406	D AVB (LiveRoof)	#2 AVB	Green Roof		X	Full Lien Waiver (Checks 65194 & 66521)
5.21	6/25/2020	\$2,197.64	9812	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, grading, garage,	X		Partial Lien Waiver, Check #1444
5.21	8/4/2020	\$4,533.75	9875	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, grading, garage, site prep	X		Partial Lien Waiver, Check #1501
5.21	9/3/2020	\$1,343.34	9952	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities	X		Check #1535
5.21	10/9/2020	\$1,145.43	10026	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, easement,	X		Check #1553
5.21	12/21/2020	\$1,221.17	10197	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, grading, survey	X		Check #1635
5.21	12/31/2020	\$1,476.42	10279	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Utilities	X		Check #1663
5.21	1/1/2021	\$5,165.25	10123	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, grading, garage	X		Partial Lien Waiver, Check #1208
5.21	2/5/2021	\$3,089.90	10339	Hurley & Stewart, LLC	#1 Hinman	33% of Soft Costs: Stormwater, utilities, grading, garage	X		Partial Lien Waiver, Check #1208

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

**RESOLUTION APPROVING AND AUTHORIZING REIMBURSEMENT OF
ELIGIBLE ACTIVITIES WITH AVAILABLE TAX INCREMENT REVENUES
PURSUANT TO DEVELOPMENT AND REIMBURSEMENT AGREEMENT**

Boardmember _____, supported by Boardmember _____,
moved the adoption of the following resolution:

WHEREAS:

1. The Authority and 234 WEST CEDAR LLC and PARK@CEDAR LLC (the “Developer”) entered into a binding agreement dated January 8, 2021 (the “Agreement”) concerning the procedure and requirements for the reimbursement of available tax increment revenues for certain eligible activities related to the redevelopment of qualifying eligible property located at 423 S Park Street, 427 S Park Street, 429 S Park Street, 314 W Cedar Street, and 234 W Cedar Street, Kalamazoo, Michigan, all pursuant to an Act 381 Brownfield Plan; and
2. On November 27, 2023, as required by the Agreement, the Developer submitted a request for reimbursement of eligible costs, along with a written statement, detailed invoices, and other documentation establishing that it has incurred costs eligible for reimbursement.
3. The Authority, with the assistance of its staff and brownfield consultant, and following a review procedure as set forth in the Agreement, have reviewed the Developer’s request and supporting documentation and has determined that costs in an amount not exceeding \$5,973,210.67 are eligible for reimbursement.

RESOLVED:

1. That the Department Director of Community Planning and Economic Development or his or her designee is hereby authorized and directed to reimburse eligible costs with available tax increment revenues generated from 423 S Park Street, 427 S Park Street, 429 S Park Street, 314 W Cedar Street, and 234 W Cedar Street in an amount not to exceed \$5,973,210.67, all pursuant to the terms and conditions of the Agreement, and
2. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

YEAS: Boardmembers _____

NAYS: Boardmembers _____

ABSTAIN: Boardmembers _____

ABSENT: Boardmembers _____

RESOLUTION DECLARED ADOPTED.

Dated: January 18, 2024

[REDACTED], Secretary

CERTIFICATION

I, the undersigned duly qualified and acting Secretary of the City of Kalamazoo Brownfield Redevelopment Authority, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of the Brownfield Redevelopment Authority at a meeting held on January 18, 2024, and that public notice of said meeting was given pursuant to, and in accordance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: January 18, 2024

[REDACTED], Secretary

Memo

TO: Jamie McCarthy – City of Kalamazoo

FROM: David Stegink

DATE: January 11, 2024

PROJECT NO.: 230283

RE: Review of Reimbursement Request, Bogan Developments

Fishbeck was requested to review the Reimbursement Request pertaining to the project located at 315 E Frank Street included in the Bogan Developments Brownfield Plan adopted by the City of Kalamazoo on June 22, 2022.

The Bogan Developments Brownfield Plan anticipated available tax increment revenues as early as the 2024 taxes and allows for the capture of up to \$1,097,777. The Development and Reimbursement Agreement (the “Agreement”) further limits the capture to \$1,097,777 less any approved Michigan Department of Environment, Great Lakes, and Energy (EGLE) grant or loan. The project was awarded a \$630,000 EGLE grant to conduct assessment and investigation, vapor mitigation design and installation, and transport and disposal of soil activities. Therefore, the current Agreement limits tax capture to \$467,777. The Developer requested reimbursement of \$464,496.09 in eligible costs. This amount is within the limits of the Brownfield Plan and within the limits of the Development and Reimbursement Agreement (the “Agreement”).

In October 2020 and March 2021, Bogan Developments funded the completion of investigation and assessment activities. All other costs were incurred after the adoption of the Brownfield Plan.

Fishbeck finds that all the requested reimbursements are for eligible costs included in the Brownfield Plan. Further, the costs incurred and sought for reimbursement are within estimates of eligible costs identified in the Plan.

Fishbeck finds that documentation of the reimbursement request included invoices with dates and descriptions of the eligible activity and lien waivers or other forms of proof of payment. While lien waivers are favored, the other forms of demonstrating payments include a notarized AIA, a vendor email confirmation of payment, partial lien waivers, copies of electronic transfers, and copies of checks.

Based on our review, Fishbeck finds a total of \$464,496.09 to be eligible for reimbursement. We believe the absence of lien waivers from certain contractors is adequately compensated by other documentation and recommend that BRA Staff advise the BRA Board that the reimbursement request is approvable. The developer has indicated that the second reimbursement request is forthcoming. Unless the second request is less or equal to \$3,280.91, the second request will likely exceed the limits of the Agreement in combination with this current request.

A spreadsheet detailing the reimbursement request is included in Appendix 1. If you have any questions or require additional information, please contact me at 269.544.6977 or dstegink@fishbeck.com.

By email

**CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY**

**RESOLUTION APPROVING AND AUTHORIZING REIMBURSEMENT OF
ELIGIBLE ACTIVITIES WITH AVAILABLE TAX INCREMENT REVENUES
PURSUANT TO DEVELOPMENT AND REIMBURSEMENT AGREEMENT**

Boardmember _____, supported by Boardmember _____,
moved the adoption of the following resolution:

WHEREAS:

1. The Authority and Bogan Developments LLC (the "Developer") entered into a binding agreement dated May 19, 2022 (the "Agreement") concerning the procedure and requirements for the reimbursement of available tax increment revenues for certain eligible activities related to the redevelopment of qualifying eligible property located at 315 E. Frank Street, Kalamazoo, Michigan, all pursuant to an Act 381 Brownfield Plan; and
2. On December 15, 2023, as required by the Agreement, the Developer submitted a request for reimbursement of eligible costs, along with a written statement, detailed invoices, and other documentation establishing that it has incurred costs eligible for reimbursement.
3. The Authority, with the assistance of its staff and brownfield consultant, and following a review procedure as set forth in the Agreement, have reviewed the Developer's request and supporting documentation and has determined that costs in an amount not exceeding \$464,496.09 are eligible for reimbursement.

RESOLVED:

1. That the Department Director of Community Planning and Economic Development or his or her designee is hereby authorized and directed to reimburse eligible costs with available tax increment revenues generated from 315 E. Frank Street in an amount not to exceed \$464,496.09, all pursuant to the terms and conditions of the Agreement, and
2. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

YEAS: Boardmembers _____

NAYS: Boardmembers _____

ABSTAIN: Boardmembers _____

ABSENT: Boardmembers _____

RESOLUTION DECLARED ADOPTED.

Dated: January 18, 2024

Kyle Gulau, Secretary

CERTIFICATION

I, the undersigned duly qualified and acting Secretary of the City of Kalamazoo Brownfield Redevelopment Authority, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of the Brownfield Redevelopment Authority at a meeting held on January 18, 2024, and that public notice of said meeting was given pursuant to, and in accordance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: January 18, 2024

Kyle Gulau, Secretary