



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, July 20, 2020

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Pradip Sagdeo
2. Introduction of Guests
3. Proclamations
 - a. League of Women Voters of the Kalamazoo Area 100th Anniversary
 - b. National Summer Learning Day

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITIZEN COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-7” and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of the purchase of video conferencing equipment from TRACE3 through the MIDeal cooperative purchasing program in the amount of \$121,890.65.

2. Adoption of a RESOLUTION designating the polling facility location for Precincts 1 and 3 to be used during the election on August 4, 2020 and at each election thereafter.
3. Approval and acceptance of a permanent easement with Oakland Ridge Estates for the consideration amount of \$4,592; and a Temporary Grading Permit for the consideration amount of \$1,674.
4. Approval and acceptance of a permanent easement from Phi Nguyen at 2108 E. Cork Street (parcel #06-35-227-002) for the consideration amount of \$1,026.
5. Approval and acceptance of a public easement from Jerome Jr. and Donna M. Wilinski at 2122 E. Cork Street (parcel #06-35-227-001) for the consideration amount of \$1,026.
6. Approval and acceptance of a permanent easement from Kalamazoo Valley Non-Profit Housing Corporation at 2208 E. Cork Street (parcel #06-35-228-003) for the consideration amount of \$1,539.
7. Approval of the following appointment and reappointment to the Environmental Concerns Committee:
 - the appointment of **Wayne Bond** for a term expiring on January 1, 2023.
 - the reappointment of **Aaron Wright** for a term beginning on January 1, 2020 and expiring on January 1, 2023.

H. REGULAR AGENDA

I. REPORTS AND LEGISLATION

1. City Manager's Report

J. UNFINISHED BUSINESS

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

Get news, information, and alerts from the City of Kalamazoo. Sign up at www.kalamazoocity.org/connect, follow @KalamazooCity on Twitter, and search for The City of Kalamazoo on Facebook.

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Karianne Thomas, Public Safety Chief
Prepared by: Ryan Tibbets-Assistant Chief

DATE: July 20, 2020

SUBJECT: Cooperative MIDEAL purchase of Video Conferencing Equipment (Bid Ref# 00000-019.62)

RECOMMENDATION:

It is recommended that the City Commission approve a cooperative MIDEAL purchase of video conferencing equipment from TRACE3, 5555 Corporate Exchange Ct., Grand Rapids, MI 49512, in the amount of \$121,890.65.

BACKGROUND:

The City of Kalamazoo was awarded \$225,950 from the 2020 Bureau of Justice Assistance Coronavirus Supplemental Funding Program to respond to the COVID-19 pandemic. City staff evaluated what equipment and supplies were needed and identified a gap in technology relative to video conferencing.

City staff is proposing the purchase of thirty (30) Cisco Video Conferencing Kits in the amount \$121,890.65 through the MiDeal purchasing program, contract #071B4300130. The equipment will be installed in various offices and conference rooms in City of Kalamazoo's facilities. The proposed equipment is compatible with the existing equipment owned by the City of Kalamazoo.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Internal and External Communications

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing



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.

FISCAL IMPACT:

The best pricing for the proposed Video Conferencing Kits was from TRACE3, through the State of Michigan MiDeal Purchasing Program in the amount of \$121,890.65. There is no grant match associated with the proposed purchase.



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: July 20, 2020

SUBJECT: Resolution Designating Polling Facility Location

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION designating the polling facility location for Precincts 1 and 3 to be used during the election on August 4, 2020 and at each election thereafter.

BACKGROUND:

Michigan Election Law (MCL 168.662) requires the legislative body of each city to designate and prescribe the places for holding an election in the city and to provide suitable polling places for each precinct located in the city for use at each election. The statute prohibits the legislative body from moving polling locations within 60 days of an election, "unless necessary because a polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place." At this time there is a polling facility that has been rendered unusable by the the COVID19 pandemic and must be moved.

Because of the COVID19 pandemic many businesses and non-profit organizations have been forced to close or have closed voluntarily due to safety concerns. Even when facilities have reopened to the public it has been with limited hours and a focus on core services and the safety of the organization's members, customers, and constituents. In support of this focus and to limit risk, some organizations and businesses are not allowing outside organizations to use their facilities. This is the case with First United Methodist Church on South Park Street, the current polling facility for Precincts 1 and 3.

The current polling facility for Precincts 1 and 3 is First United Methodist Church at 212 S. Park Street. The City Clerk's Office has been in conversation with the church regarding use of their facility as a polling location for the August and November elections. Because of the COVID19 pandemic the church is not having in-person services for its members and is not allowing outside organizations to use its facilities. The only activity taking place at the church is a

daycare that has continued to operate through the pandemic to serve essential workers and their families. Although the church recognizes the important role polling facilities play in our electoral process, their first commitment is to the safety of the children receiving daycare services. Due to concerns about putting those children and their families at risk, First United Methodist Church has told the City its facility cannot be used as a polling location for the remaining elections in 2020. As a result, staff has been looking for a new location.

As Election Division staff considered various facilities and locations, the following factors were taken into consideration: the size and layout of the voting areas; the availability of parking spaces; the proximity of polling facilities to the voters being served; and accessibility of the voting areas within the facilities, especially for individuals with disabilities. Based on these criteria, staff have found a suitable new location for Precincts 1 and 3 at the Faith Temple Church of God, located at 402 South Westnedge Avenue. This site has ample parking, a suitable interior space, and is located in a prominent location on a bus line (the corner of S. Westnedge Avenue and W. Lovell Street). Faith Temple Church of God has agreed to the use of its facility as a polling location.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

715 Election Administration - Administering all federal, state, and local elections for residents of the City of Kalamazoo; includes hiring poll workers, testing voting equipment, processing absentee ballot requests; packing precinct supplies, managing precinct activities on Election Day, and delivering results.

Strategic Goal Impact:



Strength Through Diversity- an inclusive city where everyone feels at home

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: Michigan Election Law places requirements on polling facilities that greatly limit the types of facilities that can be considered. In addition, the administrative and practical requirements for polling facilities (adequate parking and interior space, enough working electrical outlets, etc.) result in few options for many precincts - and this is before any consideration of property owners' willingness to host a voting precinct. In short, the legal and administrative requirements for polling facilities result in too few options to give the community a choice in the matter.

Engagement/Communication Tools

This change will be communicated to affected voters in the following ways. First, the Election Division will send each affected voter a new Voter Identification Card that highlights the polling location change. Second, for the August 4th election, signs will be posted at First United Methodist Church directing voters to their new polling facility. Finally, the City's website will be updated so that precinct maps, driving directions, and street guides contain current information.

FISCAL IMPACT:

Noticing Costs

If the changes to polling facilities are approved, the voters in Precincts 1 and 3 will be sent new Voter ID Cards, at a cost of approximately \$2,000. The funds for this expense are available in the Election Division's FY2020 Budget.

Future Costs

None

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 20-

**A RESOLUTION DESIGNATING THE POLLING FACILITY LOCATION FOR
PRECINCTS 1 AND 3 TO BE USED DURING THE AUGUST 4, 2020 ELECTION AND
FOR ALL ELECTIONS HELD IN THE CITY OF KALAMAZOO THEREAFTER**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on July 20, 2020, at 7:00 o'clock p.m., local time, and conducted electronically in conformity with Governor Whitmer's Executive Order No. 2020-129 (COVID-19).

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the COVID19 pandemic has rendered the polling location for Precincts 1 and 3, First United Methodist Church, unusable as a polling location for the foreseeable future,

THEREFORE, BE IT RESOLVED, that the Kalamazoo City Commission hereby designates Faith Temple Church of God, located at 402 South Westnedge Avenue, as the polling facility for voting precincts 1 and 3 for the election to be held August 4, 2020 and at each election held in the City thereafter.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on July 20, 2020. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as temporarily modified by Governor Whitmer's Executive Order No. 2020-129 (COVID-19). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE Public Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Acting Public Works Division Manager

DATE: July 20, 2020

SUBJECT: Public Easement at Oakland Ridge Estates

RECOMMENDATION:

It is recommended that the City Commission approve and accept both the permanent easement in the amount of \$4,592.00 and Temporary Grading permit in the amount of \$1,674.00 with Oakland Ridge Estates; and, authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

As part of the Oakland Drive Stormwater project, the City shall use the easement for the purpose of constructing, operating, maintaining, repairing, improving or replacing pipelines, connections, lead and all other components of the City's storm water system, other public utilities systems placed within the easement area.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Records Management Tracking, review, and oversight of department records.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

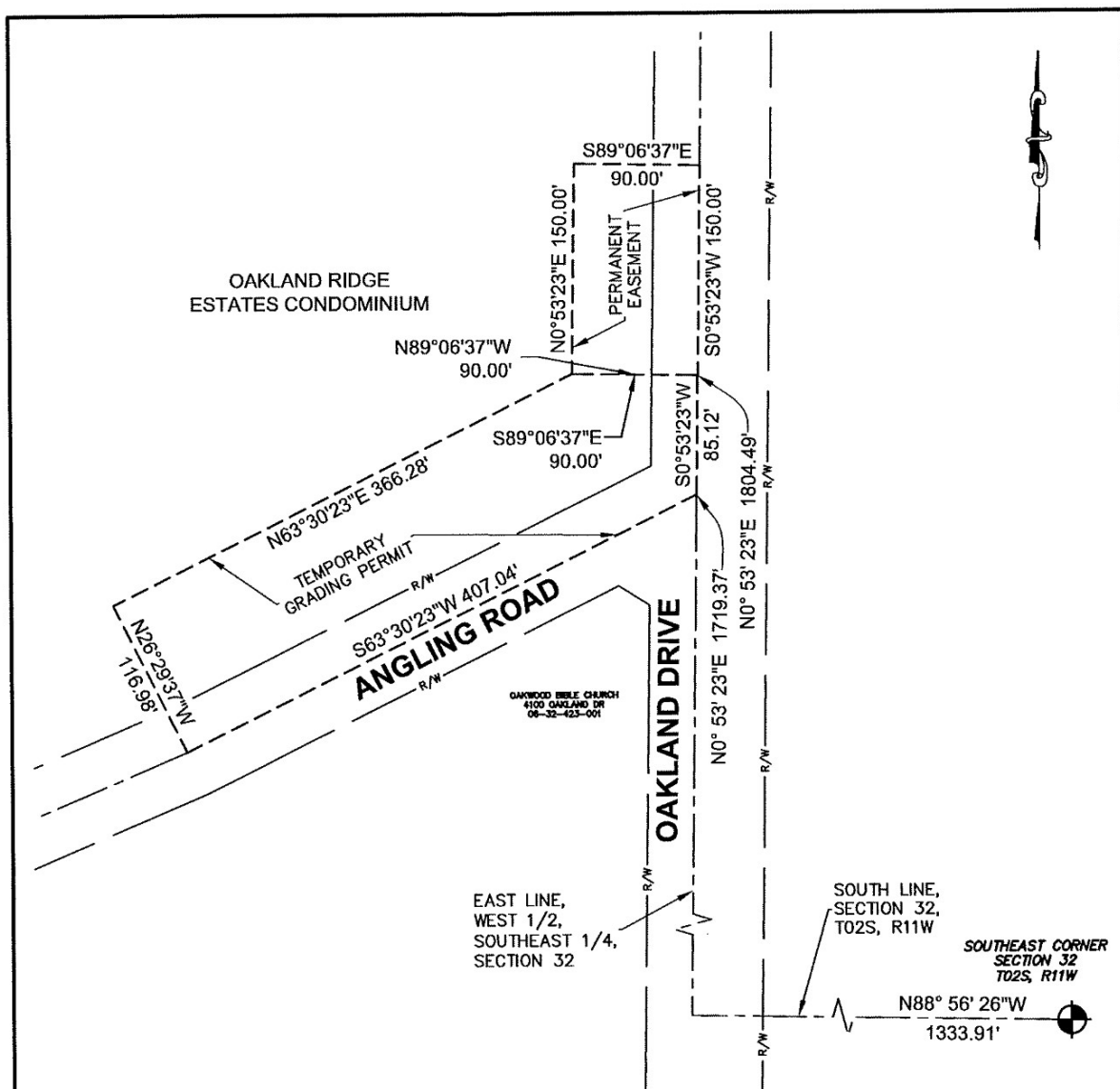
COMMUNITY ENGAGEMENT:

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.

FISCAL IMPACT:

The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register for the easement.



PERMANENT EASEMENT

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO; THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 88° 56' 26" WEST 1333.91 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 32; THENCE ALONG SAID EAST LINE, NORTH 00° 53' 23" EAST 1804.49 FEET TO THE POINT OF BEGINNING; THENCE PERPENDICULAR TO SAID EAST LINE, NORTH 89° 06' 37" WEST 90.00 FEET; THENCE PARALLEL TO SAID EAST LINE, NORTH 00° 53' 23" EAST 150.00 FEET; THENCE PERPENDICULAR TO SAID EAST LINE, SOUTH 89° 06' 37" EAST 90.00 FEET TO SAID EAST LINE; THENCE ALONG SAID EAST LINE, SOUTH 00° 53' 23" WEST 150.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.31 ACRES OF LAND MORE OR LESS.

TEMPORARY GRADING PERMIT

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO; THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 88° 56' 26" WEST 1333.91 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 32; THENCE ALONG SAID EAST LINE, NORTH 00° 53' 23" EAST 1719.37 FEET TO THE CENTERLINE OF ANGLING ROAD AND THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE, SOUTH 63° 30' 23" WEST 407.04 FEET; THENCE PERPENDICULAR TO SAID CENTERLINE, NORTH 26° 29' 37" WEST; THENCE NORTH 63° 30' 23" EAST 366.28 FEET; THENCE PERPENDICULAR TO SAID EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4, SOUTH 89° 06' 37" EAST 90.00 FEET TO SAID EAST LINE; THENCE ALONG SAID EAST LINE, SOUTH 00° 53' 23" WEST 85.12 FEET TO THE POINT OF BEGINNING. CONTAINING 1.13 ACRES OF LAND MORE OR LESS.



CITY OF KALAMAZOO

Department Of Public Services

Engineering Division 415 STOCKBRIDGE AVE.
KALAMAZOO, MICHIGAN 49001

OAKLAND DRIVE STORM
GRADING PERMIT &
PERMANENT EASEMENT

DATE:
06/25/2020

DRAWN BY: WEE

PUBLIC PERMANENT EASEMENT

THIS AGREEMENT dated June 25, 2020 between **Oakland Ridge Estates, Kalamazoo County Condominium Subdivision Plan No. 64**, whose address is 2140 Oakland Ridge Drive, Kalamazoo, MI 49008("Grantor") and the **City of Kalamazoo, a Michigan municipal corporation**, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

A. Grantor owns certain parcels (28) of real estate:

2118, Tax ID #06-32-418-001;	2234, Tax ID #06-32-415-004;
2122, Tax ID #06-32-418-002;	2238, Tax ID #06-32-415-005;
2126, Tax ID #06-32-418-003;	2242, Tax ID #06-32-415-006;
2130, Tax ID #06-32-418-004;	2246, Tax ID #06-32-415-007;
2140, Tax ID #06-32-418-005;	2250, Tax ID #06-32-415-008;
2144, Tax ID #06-32-418-006;	2254, Tax ID #06-32-415-009;
2148, Tax ID #06-32-418-007;	2306, Tax ID #06-32-415-010;
2150, Tax ID #06-32-418-008;	2310, Tax ID #06-32-415-011;
2204, Tax ID #06-32-418-009;	2314, Tax ID #06-32-415-012;
2208, Tax ID #06-32-418-010;	2318, Tax ID #06-32-415-013;
2212, Tax ID #06-32-418-011;	2322, Tax ID #06-32-415-014;
2216, Tax ID #06-32-418-012;	2326, Tax ID #06-32-415-015;
2226, Tax ID #06-32-415-002;	2330, Tax ID #06-32-415-016;
2230, Tax ID #06-32-415-003;	2334, Tax ID #06-32-415-017;

Oakland Ridge Drive, in the City of Kalamazoo and County of Kalamazoo, Michigan, ("Property").

B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Oakland Drive Stormwater Project.

C. Grantor agrees to grant to the City a permanent easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

1. Grant of Easement. In consideration of *Four Thousand Five Hundred Ninety-Two Dollars (\$4,592.00)*. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 13,503.60 - *square foot* (0.31 Acres) portion of the Property as described in the attached Exhibit ("Sketch")
2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")
3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary, through the Property, in order to carry out the Infrastructure Activities, subject to the following conditions:
 - a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.

7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

[Signature Pages to Follow]

Oakland Ridge Estates, Kalamazoo County Condominium Subdivision Plan No. 64:

Dale VanderLinden

By: Dale VanderLinden
Its: President, Oakland Ridge Estates Condominium
Association

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on June 25, 2020, by **Dale VanderLinden, President, Oakland Ridge Estates Condominium Association**, on behalf of the Grantor, **Oakland Ridge Estates, Kalamazoo County Condominium Subdivision Plan No. 64.**

Gail Morton

GAIL MORTON Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2024
Acting in Kalamazoo County



CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
 }
COUNTY OF KALAMAZOO } ss.
 }

The foregoing instrument was acknowledged before me on _____,
2020 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County

Prepared By:
Michiana Land Services, Inc.
505 Pleasant Street, Suite 400
St. Joseph, MI 49085
Gail Morton
269-350-1574

After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007: (269) 337-8185

Permanent Easement and Temporary Grading Permit Agreement

Parcel: 1

I/We the undersigned, hereby agree to grant a 13,503.60-square feet Permanent Easement (0.31 acres) and a 49,222.80-square foot (1.13-acre) Temporary Grading Permit to the City of Kalamazoo, for the Cork Street Improvement Project for the total payment of \$6,266.00.

I/We, owner of Common Area – Oakland Ridge Estates, Kalamazoo, MI 49008, agree to allow the City of Kalamazoo, its agents and contractors to enter the property in the designated area to perform earthwork and grading activities, as designed, and to properly restore impacted surfaces to like conditions.

I/We understand that the contractor will make every effort to reasonably minimize their impacts to my property and their limits of disturbance shall be within the areas as designed.

Improvements and restoration are without cost to the owners.

OAKLAND RIDGE ESTATES CONDOMINIUM:

Dale VanderLinden

By: Dale VanderLinden

Its: President, Oakland Ridge Estates Condominium Association

June 25, 2020

Date

**NOMINAL PAYMENT PARCEL – WAIVER OF APPRAISAL
RECOMMENDATION and APPROVAL**

This information is required by the Michigan Department of Transportation
in order to waive appraisal rights.

OWNER: Oakland Ridge Estates Condominium	ACQUISITION OF: 0.31 Acres (13,503.60 – SFT)		
INTEREST REQUIRED: Permanent Easement	Parcel #: 1		
<i>PARCELS:</i> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;">2118, Tax ID #06-32-418-001; 2122, Tax ID #06-32-418-002; 2126, Tax ID #06-32-418-003; 2130, Tax ID #06-32-418-004; 2140, Tax ID #06-32-418-005; 2144, Tax ID #06-32-418-006; 2148, Tax ID #06-32-418-007; 2150, Tax ID #06-32-418-008; 2204, Tax ID #06-32-418-009; 2208, Tax ID #06-32-418-010; 2212, Tax ID #06-32-418-011; 2216, Tax ID #06-32-418-012; 2226, Tax ID #06-32-415-002; 2230, Tax ID #06-32-415-003;</td><td style="width: 50%; vertical-align: top;">2234, Tax ID #06-32-415-004; 2238, Tax ID #06-32-415-005; 2242, Tax ID #06-32-415-006; 2246, Tax ID #06-32-415-007; 2250, Tax ID #06-32-415-008; 2254, Tax ID #06-32-415-009; 2306, Tax ID #06-32-415-010; 2310, Tax ID #06-32-415-011; 2314, Tax ID #06-32-415-012; 2318, Tax ID #06-32-415-013; 2322, Tax ID #06-32-415-014; 2326, Tax ID #06-32-415-015; 2330, Tax ID #06-32-415-016; 2334, Tax ID #06-32-415-017;</td></tr></table> <i>COMMONLY KNOWN AS: COMMON AREA - OAKLAND RIDGE ESTATES CONDOMINIUM, KALAMAZOO, MI 49008</i> AS DESCRIBED AND SHOWN ON THE 'SKETCH' FROM CITY OF KALAMAZOO DATED 1-14-2020. CONTAINING 0.31 Acres (13,503.60 SQUARE FEET), MORE OR LESS This conveyance also includes the consent of the grantors to the alteration of existing grade, the removal of such trees, shrubs and vegetation as in the judgment of the City of Kalamazoo is necessary in the aforementioned construction, further notice of such removal being hereby expressly waived; provided, that all desirable trees, shrubs and vegetation which do not interfere with the aforementioned construction or use of said highway are to be preserved and not removed or disturbed; and provided further, that all timber, logs and parts of trees suitable for firewood resulting from removal of any trees be reserved for the grantors. The undersigned owner(s) of the above lands designated as <i>Parcel 1</i> of the <i>Oakland Drive Stormwater Project</i> agree to grant the easement stated for the total payment of <u>Four Thousand Five Hundred Ninety-Two Dollars and No/100's (\$4,592.00)</u>, subject to approval of the City of Kalamazoo. The undersigned owner(s), having been fully informed of the right to have the property appraised and to receive just compensation based upon an appraisal, have decided to waive the right to an appraisal and related property inspection in company with the appraiser. The undersigned owner(s) further state that the decision to enter into this agreement was made without undue influences or coercive action of any nature.		2118, Tax ID #06-32-418-001; 2122, Tax ID #06-32-418-002; 2126, Tax ID #06-32-418-003; 2130, Tax ID #06-32-418-004; 2140, Tax ID #06-32-418-005; 2144, Tax ID #06-32-418-006; 2148, Tax ID #06-32-418-007; 2150, Tax ID #06-32-418-008; 2204, Tax ID #06-32-418-009; 2208, Tax ID #06-32-418-010; 2212, Tax ID #06-32-418-011; 2216, Tax ID #06-32-418-012; 2226, Tax ID #06-32-415-002; 2230, Tax ID #06-32-415-003;	2234, Tax ID #06-32-415-004; 2238, Tax ID #06-32-415-005; 2242, Tax ID #06-32-415-006; 2246, Tax ID #06-32-415-007; 2250, Tax ID #06-32-415-008; 2254, Tax ID #06-32-415-009; 2306, Tax ID #06-32-415-010; 2310, Tax ID #06-32-415-011; 2314, Tax ID #06-32-415-012; 2318, Tax ID #06-32-415-013; 2322, Tax ID #06-32-415-014; 2326, Tax ID #06-32-415-015; 2330, Tax ID #06-32-415-016; 2334, Tax ID #06-32-415-017;
2118, Tax ID #06-32-418-001; 2122, Tax ID #06-32-418-002; 2126, Tax ID #06-32-418-003; 2130, Tax ID #06-32-418-004; 2140, Tax ID #06-32-418-005; 2144, Tax ID #06-32-418-006; 2148, Tax ID #06-32-418-007; 2150, Tax ID #06-32-418-008; 2204, Tax ID #06-32-418-009; 2208, Tax ID #06-32-418-010; 2212, Tax ID #06-32-418-011; 2216, Tax ID #06-32-418-012; 2226, Tax ID #06-32-415-002; 2230, Tax ID #06-32-415-003;	2234, Tax ID #06-32-415-004; 2238, Tax ID #06-32-415-005; 2242, Tax ID #06-32-415-006; 2246, Tax ID #06-32-415-007; 2250, Tax ID #06-32-415-008; 2254, Tax ID #06-32-415-009; 2306, Tax ID #06-32-415-010; 2310, Tax ID #06-32-415-011; 2314, Tax ID #06-32-415-012; 2318, Tax ID #06-32-415-013; 2322, Tax ID #06-32-415-014; 2326, Tax ID #06-32-415-015; 2330, Tax ID #06-32-415-016; 2334, Tax ID #06-32-415-017;		
Oakland Ridge Estates Condominium:			
OWNER: <i>Dale VanderLinden</i>	DATE: <i>June 25, 2020</i>		
<i>*By: Dale VanderLinden, President of the Oakland Ridge Estates Condominium Association</i>			

**NOMINAL PAYMENT PARCEL – WAIVER OF APPRAISAL
RECOMMENDATION and APPROVAL**

This information is required by the Michigan Department of Transportation
in order to waive appraisal rights.

OWNER: Oakland Ridge Estates Condominium	ACQUISITION OF: 1.13 Acres (49,222.80 – SFT)																												
INTEREST REQUIRED: Temporary Grading Permit	Parcel #: 1																												
<i>PARCELS:</i> <table style="width: 100%; border: none;"><tr><td style="width: 50%;">2118, Tax ID #06-32-418-001;</td><td style="width: 50%;">2234, Tax ID #06-32-415-004;</td></tr><tr><td>2122, Tax ID #06-32-418-002;</td><td>2238, Tax ID #06-32-415-005;</td></tr><tr><td>2126, Tax ID #06-32-418-003;</td><td>2242, Tax ID #06-32-415-006;</td></tr><tr><td>2130, Tax ID #06-32-418-004;</td><td>2246, Tax ID #06-32-415-007;</td></tr><tr><td>2140, Tax ID #06-32-418-005;</td><td>2250, Tax ID #06-32-415-008;</td></tr><tr><td>2144, Tax ID #06-32-418-006;</td><td>2254, Tax ID #06-32-415-009;</td></tr><tr><td>2148, Tax ID #06-32-418-007;</td><td>2306, Tax ID #06-32-415-010;</td></tr><tr><td>2150, Tax ID #06-32-418-008;</td><td>2310, Tax ID #06-32-415-011;</td></tr><tr><td>2204, Tax ID #06-32-418-009;</td><td>2314, Tax ID #06-32-415-012;</td></tr><tr><td>2208, Tax ID #06-32-418-010;</td><td>2318, Tax ID #06-32-415-013;</td></tr><tr><td>2212, Tax ID #06-32-418-011;</td><td>2322, Tax ID #06-32-415-014;</td></tr><tr><td>2216, Tax ID #06-32-418-012;</td><td>2326, Tax ID #06-32-415-015;</td></tr><tr><td>2226, Tax ID #06-32-415-002;</td><td>2330, Tax ID #06-32-415-016;</td></tr><tr><td>2230, Tax ID #06-32-415-003;</td><td>2334, Tax ID #06-32-415-017;</td></tr></table> <i>COMMONLY KNOWN AS: COMMON AREA - OAKLAND RIDGE ESTATES CONDOMINIUM, KALAMAZOO, MI 49008</i> AS DESCRIBED AND SHOWN ON THE 'SKETCH' FROM CITY OF KALAMAZOO DATED 1-14-2020. CONTAINING 1.13 Acres (49,222.80 SQUARE FEET), MORE OR LESS This conveyance also includes the consent of the grantors to the alteration of existing grade, the removal of such trees, shrubs and vegetation as in the judgment of the City of Kalamazoo is necessary in the aforementioned construction, further notice of such removal being hereby expressly waived; provided, that all desirable trees, shrubs and vegetation which do not interfere with the aforementioned construction or use of said highway are to be preserved and not removed or disturbed; and provided further, that all timber, logs and parts of trees suitable for firewood resulting from removal of any trees be reserved for the grantors. The undersigned owner(s) of the above lands designated as <u>Parcel 1</u> of the <u>Oakland Drive Stormwater Project</u> agree to grant the easement stated for the total payment of <u>One Thousand Six Hundred Seventy-Four Dollars and No/100's (\$1,674.00)</u>, subject to approval of the City of Kalamazoo. The undersigned owner(s), having been fully informed of the right to have the property appraised and to receive just compensation based upon an appraisal, have decided to waive the right to an appraisal and related property inspection in company with the appraiser. The undersigned owner(s) further state that the decision to enter into this agreement was made without undue influences or coercive action of any nature.		2118, Tax ID #06-32-418-001;	2234, Tax ID #06-32-415-004;	2122, Tax ID #06-32-418-002;	2238, Tax ID #06-32-415-005;	2126, Tax ID #06-32-418-003;	2242, Tax ID #06-32-415-006;	2130, Tax ID #06-32-418-004;	2246, Tax ID #06-32-415-007;	2140, Tax ID #06-32-418-005;	2250, Tax ID #06-32-415-008;	2144, Tax ID #06-32-418-006;	2254, Tax ID #06-32-415-009;	2148, Tax ID #06-32-418-007;	2306, Tax ID #06-32-415-010;	2150, Tax ID #06-32-418-008;	2310, Tax ID #06-32-415-011;	2204, Tax ID #06-32-418-009;	2314, Tax ID #06-32-415-012;	2208, Tax ID #06-32-418-010;	2318, Tax ID #06-32-415-013;	2212, Tax ID #06-32-418-011;	2322, Tax ID #06-32-415-014;	2216, Tax ID #06-32-418-012;	2326, Tax ID #06-32-415-015;	2226, Tax ID #06-32-415-002;	2330, Tax ID #06-32-415-016;	2230, Tax ID #06-32-415-003;	2334, Tax ID #06-32-415-017;
2118, Tax ID #06-32-418-001;	2234, Tax ID #06-32-415-004;																												
2122, Tax ID #06-32-418-002;	2238, Tax ID #06-32-415-005;																												
2126, Tax ID #06-32-418-003;	2242, Tax ID #06-32-415-006;																												
2130, Tax ID #06-32-418-004;	2246, Tax ID #06-32-415-007;																												
2140, Tax ID #06-32-418-005;	2250, Tax ID #06-32-415-008;																												
2144, Tax ID #06-32-418-006;	2254, Tax ID #06-32-415-009;																												
2148, Tax ID #06-32-418-007;	2306, Tax ID #06-32-415-010;																												
2150, Tax ID #06-32-418-008;	2310, Tax ID #06-32-415-011;																												
2204, Tax ID #06-32-418-009;	2314, Tax ID #06-32-415-012;																												
2208, Tax ID #06-32-418-010;	2318, Tax ID #06-32-415-013;																												
2212, Tax ID #06-32-418-011;	2322, Tax ID #06-32-415-014;																												
2216, Tax ID #06-32-418-012;	2326, Tax ID #06-32-415-015;																												
2226, Tax ID #06-32-415-002;	2330, Tax ID #06-32-415-016;																												
2230, Tax ID #06-32-415-003;	2334, Tax ID #06-32-415-017;																												
Oakland Ridge Estates Condominium:																													
OWNER: Dale VanderLinden	DATE: June 25, 2020																												
*By: Dale VanderLinden, President of the Oakland Ridge Estates Condominium Association																													



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.4.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Acting Public Works Division Manager

DATE: July 20, 2020

SUBJECT: Public Easement at 2108 E. Cork Street (parcel #06-35-227-002)

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easement with Phi Nguyen for Parcel #06-35-227-002 for the amount of \$1,026.00; and, authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

As part of the Cork Street Construction project, the City shall use the easement for the purpose of constructing, operating, maintaining, repairing, improving or replacing pipelines, connections, lead and all other components of the City's storm water system, other public utilities systems and sidewalk placed within the easement area.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Records Management Tracking, review, and oversight of department records.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

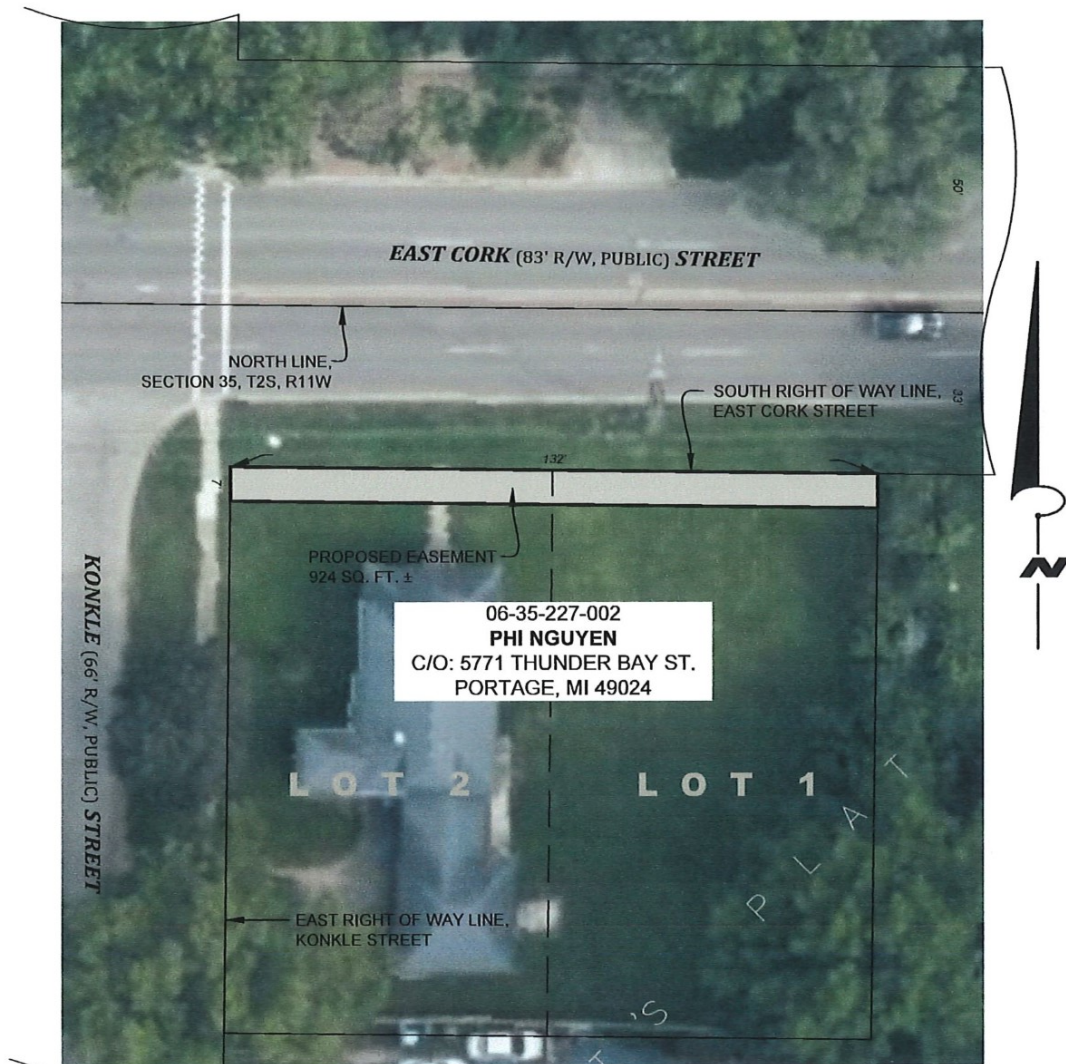
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register for the easement.

**NOTE: THIS IS NOT A
BOUNDARY SURVEY.**

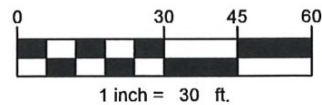
SKETCH



EASEMENT DESCRIPTION:

THE NORTH 7 FEET OF LOTS 1 & 2 OF THE ASSESSORS PLAT OF SMARTS PLAT, BEING A SUBDIVISION PLAT IN THE CITY OF KALAMAZOO, SECTION 35, TOWN 2 SOUTH, RANGE 11 WEST, KALAMAZOO COUNTY, MICHIGAN, CONTAINING 924 SQ. FT, MORE OR LESS.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.



W+ WIGHTMAN

2303 Pipestone Road, Benton Harbor, MI 49022
9835 Portage Road, Portage, MI 49002
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO

JOB No: 182017

DATE: DECEMBER 11, 2018

SCALE: 1" = 30'

DRAWN BY: JDM

CHECKED BY: KDM

JOHN E. MACKENZIE

06-35-227-002

CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 35, T 2 S, R 11 W

182017 ESMT-14

PUBLIC PERMANENT EASEMENT

THIS AGREEMENT dated June 18th, 2020 between **Phi Nguyen**, whose address is 2108 E. Cork Street, Kalamazoo, MI 49001 ("Grantor") and the **City of Kalamazoo, a Michigan municipal corporation**, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 2108 E. Cork Street, in the City of Kalamazoo and County of Kalamazoo, which is more specifically identified by tax ID# 06-35-227-002 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Cork Street Improvements Project.
- C. Grantor agrees to grant to the City a permanent easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

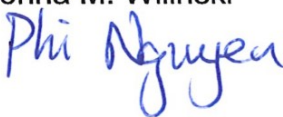
- 1. Grant of Easement. In consideration of *One Thousand Twenty-Six Dollars (\$1,026.00)*. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 924 - *square foot* portion of the Property as described in the attached Exhibit ("Sketch")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary, through the

Property, in order to carry out the Infrastructure Activities, subject to the following conditions:

- a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
 5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
 6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
 7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
 8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

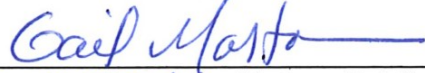
[Signature Page to Follow]

Grantors:


By: Donna M. Wilinski


STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on June 18,
2020, by NA, on behalf of the Grantor, Phi Nguyen.


GAIL MORTON Notary Public
Kalamazoo County, Michigan
My commission expires: 3-2020, 15
Acting in Kalamazoo County

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on _____,
2019 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007: (269) 337-8185



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.5.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Acting Public Works Division Manager

DATE: July 20, 2020

SUBJECT: Public Easement at 2122 E. Cork Street (parcel #06-35-227-001)

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easement with Jerome Jr. and Donna M. Wilinski for Parcel #06-35-227-001 for the amount of \$1,026.00; and, authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

As part of the Cork Street Construction project, the City shall use the easement for the purpose of constructing, operating, maintaining, repairing, improving or replacing pipelines, connections, lead and all other components of the City's storm water system, other public utilities systems and sidewalk placed within the easement area.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Records Management Tracking, review, and oversight of department records.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

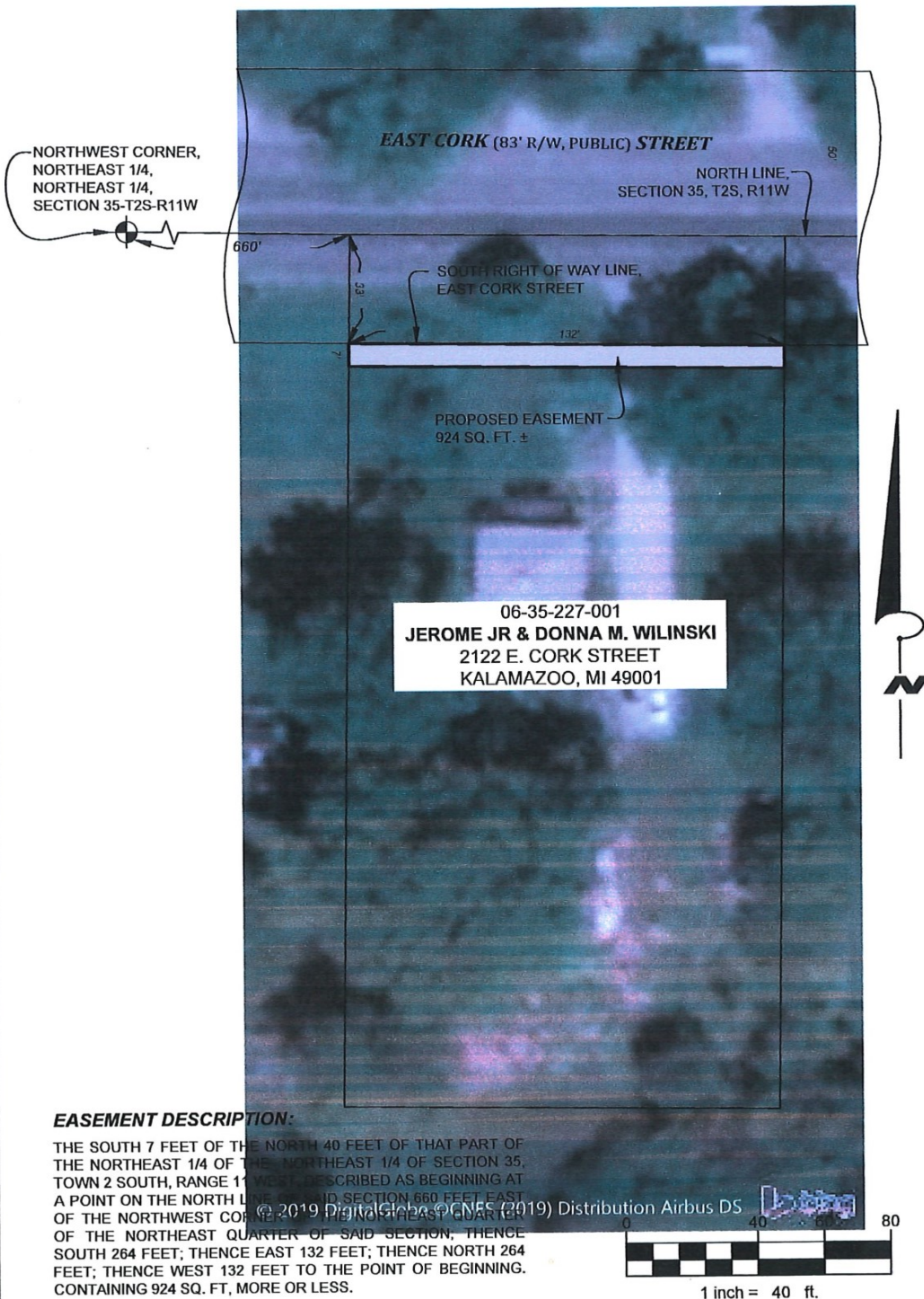
Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register for the easement.

**NOTE: THIS IS NOT A
BOUNDARY SURVEY.**

SKETCH



CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 35, T 2, S, R 11 W

182017 ESMT-15

W+ WIGHTMAN

2303 Pipestone Road, Benton Harbor, MI 49022
9835 Portage Road, Portage, MI 49002
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO

JOB No: 182017

DATE: DECEMBER 11, 2018

SCALE: 1" = 40'

DRAWN BY: JDM

CHECKED BY: KDM

**JEROME JR & DONNA M
WILINSKI**

06-35-227-001

PUBLIC PERMANENT EASEMENT

THIS AGREEMENT dated June 18, 2020 between Donna M. Wilinski and Jerome Wilinski, Jr., whose address is 2122 E. Cork Street, Kalamazoo, MI 49001 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 2122 E. Cork Street, in the City of Kalamazoo and County of Kalamazoo, which is more specifically identified by tax ID# 06-35-227-001 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Cork Street Improvements Project.
- C. Grantor agrees to grant to the City a permanent easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of *One Thousand Twenty-Six Dollars (\$1,026.00)*. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 924 - *square foot* portion of the Property as described in the attached Exhibit ("Sketch")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary, through the

Property, in order to carry out the Infrastructure Activities, subject to the following conditions:

- a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
 5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
 6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
 7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
 8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

[Signature Page to Follow]

Grantors:

Donna M. Wilinski
By: Donna M. Wilinski

Jerome Wilinski, Jr.
By: Jerome Wilinski, Jr.

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on 18 June,
2020, by NA, on behalf of the Grantors, Donna M. Wilinski and
Jerome Wilinski, Jr.

Gail Martin
Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2024
Acting in Kalamazoo County

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on _____,
2019 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007: (269) 337-8185



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.6.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Acting Public Works Division Manager

DATE: July 20, 2020

SUBJECT: Public Easement at 2208 E. Cork Street (parcel #06-35-228-003)

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easement with Kalamazoo Valley Non-Profit Housing for Parcel #06-35-228-003 for the amount of \$1,539.00; and, authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easement.

BACKGROUND:

As part of the Cork Street Construction project, the City shall use the easement for the purpose of constructing, operating, maintaining, repairing, improving or replacing pipelines, connections, lead and all other components of the City's storm water system, other public utilities systems and sidewalk placed within the easement area.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Records Management Tracking, review, and oversight of department records.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

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.

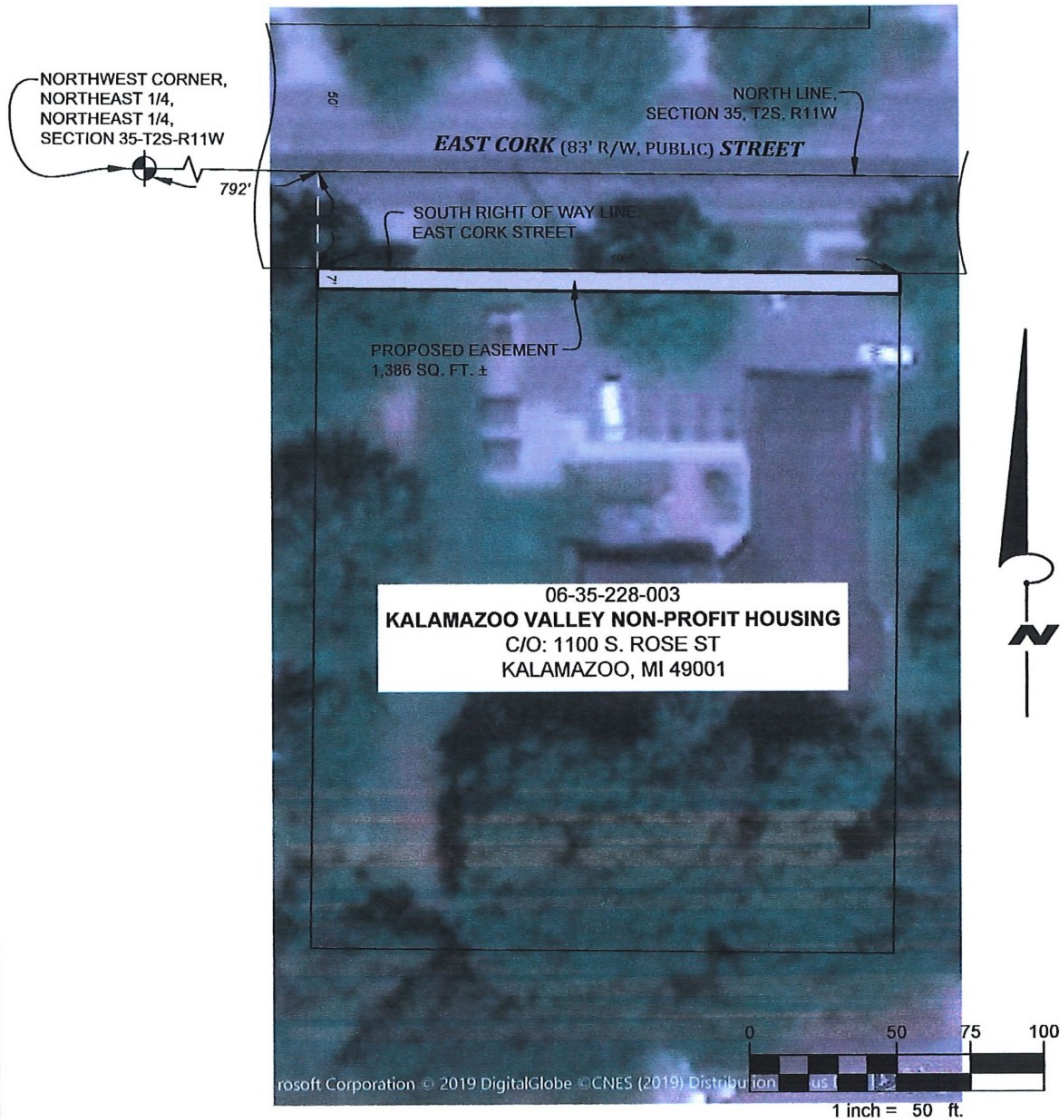
FISCAL IMPACT:

The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register for the easement.

#3

**NOTE: THIS IS NOT A
BOUNDARY SURVEY.**

SKETCH



CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 35, T 2 S, R 11 W

182017 ESMT-16

EASEMENT DESCRIPTION:

THE SOUTH 7 FEET OF THE NORTH 40 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWN 2 SOUTH, RANGE 11 WEST, DESCRIBED AS BEGINNING AT A POINT 792 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OR THE NORTHEAST QUARTER OF SAID SECTION; THENCE EAST 198 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35; THENCE SOUTH 264 FEET; THENCE WEST 198 FEET; THENCE NORTH 264 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.



2303 Pipestone Road, Benton Harbor, MI 49022
9835 Portage Road, Portage, MI 49002
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO

JOB No: 182017

DATE: DECEMBER 11, 2018

SCALE: 1" = 50'

DRAWN BY: JDM

CHECKED BY: KDM

**KALAMAZOO VALLEY
NON-PROFIT HOUSING**

06-35-228-003

PUBLIC PERMANENT EASEMENT

THIS AGREEMENT dated June 23, 2020, 2020 between **Kalamazoo Valley Nonprofit Housing Corporation, a Michigan non-profit corporation**, whose address is 1100 S. Rose Street, Kalamazoo, MI 49001("Grantor") and the **City of Kalamazoo, a Michigan municipal corporation**, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 2208 E. Cork Street, in the City of Kalamazoo and County of Kalamazoo, which is more specifically identified by tax ID# 06-35-228-003 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Cork Street Improvements Project.
- C. Grantor agrees to grant to the City a permanent easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

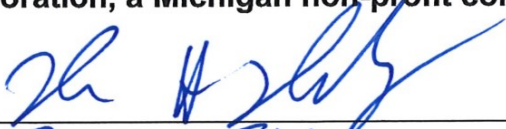
- 1. Grant of Easement. In consideration of *One Thousand Five Hundred Thirty-Nine Dollars (\$1,539.00)*. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 1,386 - *square foot* portion of the Property as described in the attached Exhibit ("Sketch")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary, through the

Property, in order to carry out the Infrastructure Activities, subject to the following conditions:

- a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
 5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
 6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
 7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
 8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

[Signature Page to Follow]

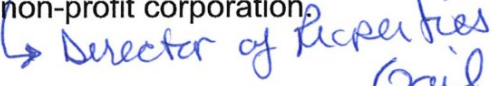
Kalamazoo Valley Nonprofit Corporation, a Michigan non-profit corporation:


By: Thomas Inling
Its: Director of Properties

By:
Its:

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on June 23, 2020, by Thomas Inling, on behalf of the Grantor, Kalamazoo Valley Nonprofit Corporation, a Michigan non-profit corporation.


GAIL MORTON Notary Public
Kalamazoo County, Michigan
My commission expires: 3-24-2024
Acting in Kalamazoo County

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on _____, 2019 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007: (269) 337-8185



City Commission Agenda Report

City of Kalamazoo

Date: **7/20/2020**

Item: **G.7.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: July 20, 2020

SUBJECT: Appointment and Reappointment to the Environmental Concerns Committee

RECOMMENDATION:

It is recommended that the City Commission approve the following appointment and reappointment to the Environmental Concerns Committee:

- the appointment of **Wayne Bond** for a term expiring on January 1, 2023.
- the reappointment of **Aaron Wright** for a term beginning on January 1, 2020 and expiring on January 1, 2023.

BACKGROUND:

City ordinance establishes that the City Commission appoints and reappoints members to the Environmental Concerns Committee (ECC). The ECC has recommended Wayne Bond for appointment. In addition, Aaron Wright is being recommended for reappointment. The attached Nomination Report describes Mr. Bond's qualifications. The report also describes other actions taken by the ECC, including the election of Mr. Wright as Chair of the committee, which do not require City Commission approval.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program:

Board and Commission Support - The City Clerk's Office maintains the official meeting minutes, organizational documents, and membership records of the citizen boards, committees and commissions established by the City Commission. the Clerk's Office coordinates the process for appointing members to these boards.

This program/project has a high degree of impact on the following Strategic Goal(s):



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.

Discussion

Ensuring that City boards and commissions have qualified members who are duly appointed has a significant impact on the "Insights and Analysis" and "Organizational Principles" subgoals under the Good Governance strategic goal.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Consult (two-way conversation) – the community will have a chance to react to the project/recommendation through two-way conversation.

Discussion: applicants for appointment to City boards and commissions are nominated by the respective boards and commissions, with the approval of those nominations taking place at open meetings where the public has a chance to give input.

FISCAL IMPACT:

There is no fiscal impact associated with this appointment and reappointment.



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Environmental Concerns Committee (ECC) recommends that the City Commission approve the following:

- The appointment of Mr. Wayne Bond from associate member to an active member with a three-year term expiring March 1, 2023.
- The appointment of Mr. Aaron Wright to his second term starting January 1, 2020 and ending January 1, 2023.
- The appointment of Mr. Aaron Wright to ECC Chair starting January 1, 2020 until his term is up in January 2023.
- The appointment of Ms. Mary Clare Griffith from active member to associate member.

SPECIAL REQUIREMENTS FOR THIS POSITION

No ECC positions require special qualifications.

SELECTION PROCESS

Applicants Considered

Mr. Bond has been an associate member awaiting a committee seat to open up. Ms. Griffith volunteered to step down as an active member due to scheduling conflicts for upcoming meetings. Mr. Bond is to fill Ms. Griffiths position.

Mr. Wright has been voted by ECC members to replace Mr. Manstom as Environmental Concerns Committee chair until his term ends in January 2023.

Interview Process and Final Recommendation

The ECC voted to recommend Mr. Bond to fill the vacant committee seat and Mr. Wright to continued membership and active committee chair.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Neither Mr. Bond nor Mr. Wright serve on any other boards.

Residency

Both Mr. Bond and Mr. Wright are residents of the City of Kalamazoo.

Term Limits

Mr. Bond will fill three of the current vacancy and therefore are eligible to be appointed to a full three-year term ending March 2023; he would then be eligible for re-appointment to a second three-year term.

Mr. Wright just completed his first full term. If reappointed, he would be serving his second full term and would be ineligible for reappointment in 2023.

Training, Experience, Education and Skills

Mr. Bond is a student at Western Michigan University completing his Masters in Sociology and has been actively engaged in the environmental movement, spreading awareness and education.

Contribution to Diversity

NOMINATION RATIONALE

The qualifications and experience of this new appointees should make him an excellent ECC member.

CITY CLERK'S CERTIFICATION

The nominees' qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk